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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DENT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
July 25, 2006.

I hereby appoint the Honorable CHARLES W. DENT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The Book of Proverbs tells us, Lord: ''The fruit of virtue is a tree of life, but violence takes lives away.''

Lord, our God, let virtue triumph over violence.

If virtue were to find strength even in the war-torn parts of the world, violence would be rejected as the way to peace. Neither trees nor life survive on a battlefield.

So quickly, violent words can be tossed around a household, casting a cloud over a family, and expressions of violence can even find their way into the language of lawmakers and the courts of a land.

Drown all forms of violent behavior with virtue, Lord. The hand may reach for a weapon, a mind can plot vengeance, but violence springs from the heart. That is why the hearts of Americans, Lord, need so much virtue that there is no room for violence, on our streets, in our speech or our daily reactions to today, tomorrow, forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. STUPAK) come forward and lead the House in the Pledge of Allegiance.

Mr. STUPAK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LAW OFFICERS—VICTIMS OF ILLEGAL ENTRY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, more news from the second front. The battle for the border is continuing. When our government does not monitor illegal entry into our homeland, all types of bandits come through.

One was Ramon Ramos. He and his accomplice, Francisco Salcedo, were stopped by Texas State Trooper Steven Stone for speeding in Tyler, Texas, 400 miles from the border. They were wearing body armor and armed with knives, handguns and assault rifles, and they were looking for trouble.

Ramos showed Trooper Stone a forged driver's license, and then, at point blank range, started shooting. Trooper Stone was shot six times and left for dead. Ramos and Salcedo then led other law enforcement officers on a high speed chase.

Ramos was recently convicted and sentenced to 14 life sentences. Why 14? Well, he tried to kill 13 other people, including peace officers in his blazing gun battle with the law.

Salcedo will get his day in court later this week.

Trooper Steven Stone miraculously survived.

Mr. Speaker, these crimes against peace officers could have been avoided had the Federal Government done its sworn duty to protect the borders from illegal entry.

And that's just the way it is.

VIOLENCE IN THE MIDDLE EAST

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, at this historic moment, the United States is

failing in its moral obligation to bring a cessation to the violence in the Middle East. This policy of inaction will have great consequences for the region, the world, and for the safety of our Nation and our allies.

The United States stands alone in our ability to bring an end to the violence and relieve the humanitarian catastrophe which has engulfed the people of Lebanon, Palestine and Israel.

In the short-term, we must call for an end to the violence. Then, without pre-conditions, we must bring all parties in the region to a long term settlement which will be enforced by peacekeepers.

This is the purpose of House Concurrent Resolution 450. We should demonstrate concern about the plight of the Israelis, but we must not be indifferent to the plight of the Arabs, Muslims and Christians and all others who are suffering the destruction of their homes, their families, their hopes and their dreams.

As the violence continues with no end in sight and with civilian casualties on the rise, this is the moment to call for the end of fear and the beginning of hope. House Concurrent Resolution 450 does just that.

SUPPORT FOR ISRAEL

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, Hezbollah, Iran and Syria's armed militia of Islamic extremists attacked Israel, giving Israel every right to unleash fury on these terrorists.

Israel is not only fighting to protect themselves, but every other reasonable, freedom-loving person sharing this planet.

A Hezbollah spokesman said they are fully ready to send trained and armed volunteers to every corner of the earth to jeopardize Israeli and American interests.

The attacks of September 11, the bombings of London and Madrid, the terrorist roundup in Toronto and the present day insurgency in Iraq all forecast an unsettling but winnable trend, Mr. Speaker.

We are in a war against Islamic extremists, and the battle lines do not start and stop in the Middle East. They extend to the far reaches of the globe, and will do so until democracy replaces theocracy, freedom replaces tyranny, and equality replaces injustice.

Mr. Speaker, our Nation stands beside Israel as they protect their homeland and fight our common enemy, Islamic extremists.

TERRORISM

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, I rise today to tell the Nation this fact: Right now, the world is less safe than it was a year ago, or even before the terrible events of September 11.

We should be confronting violent extremism and people who want to destroy our life and our Nation. We should be chasing them around the world and giving them no rest or refuge.

Yet, after nearly 5 years of the war on terror, where are we?

The Taliban is growing stronger in Afghanistan. Al Qaeda is firmly entrenched in Iraq, where it never had been before. Hamas and Hezbollah are acting with impunity.

This country needs a new strategy in the struggle with extremists, not one that is hamstrung by the mess in Iraq, sidetracked by political finger-pointing, or beholden to special oil interests.

This country needs new leadership that will safeguard our children's future rather than send them to war without equipment that they need.

This country needs a new direction, a direction that will make tomorrow safer than today. The American people deserve nothing less.

HONORING FLOYD LANDIS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the U.S. domination of the Tour-de-France continues. For 7 consecutive years, Lance Armstrong dominated the event, but his departure last year left the cycling world wondering who would step up to claim his crown.

On Sunday we found out. His name is Floyd Landis. Floyd hails from Farmersville, Pennsylvania, just outside of Ephrata, in the heart of Lancaster County.

His parents were attending a service at Martindale Mennonite Church during their son's triumphant ride through the streets of Paris. His dad said, ''I was praying for him.''

Mr. Speaker, Floyd's performance was an inspiration. Though in need of a hip replacement, his determination and willpower was unwavering.

One writer who has been covering the event for 18 years called it, ''the best performance in the modern history of the tour.''

On behalf of the entire 16th Congressional District of Pennsylvania, as well as Lancaster, I extend my heartfelt congratulations to Floyd and his family.

He has represented his hometown and his country well, and I applaud his tremendous performance in cycling's most prestigious event.

HOUSE REPUBLICANS PREPARE TO LEAVE TOWN WITHOUT ADDRESSING RECORD GAS PRICES

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, gas prices are at a record high, at over $3 per gallon. Yet House Republicans plan to leave Washington at the end of this week for a 5-week recess without providing any relief at the gas pump.

My legislation, the PUMP Act, which would lower the cost of a barrel of oil by $20, has been stalled in committee.

Our constituents have been gouged at the pump for 4 months in a row now, and the only response we have heard from the other side of the aisle is the same old tired policies that will do nothing to reduce our dependence on foreign oil and will do nothing to provide real relief to the American consumer.

There is no excuse for Republican inaction. It is time that they break their cozy ties with oil companies so we can finally help the American consumer.

House Democrats want to repeal more than $20 billion in tax breaks and subsidies that Congressional Republicans and the Bush White House continue to protect. With Big Oil's record profits of $16 billion during the first quarter of this year, oil companies don't need more tax breaks from Washington. Democrats would invest this money, more than $20 billion, into energy resources of tomorrow so that we can begin to wean ourselves off foreign oil.

It is time to go in a new direction, America.

PLEASANT VALLEY SOUTH BAPTIST CHURCH

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Pleasant Valley South Baptist Church in Silver Creek, Georgia, which is celebrating its 150th anniversary this year.

For a century and a half, Pleasant Valley South has been fulfilling the spiritual and communal needs of its congregants, and I know it will continue this service for many years to come.

Pleasant Valley South Baptist Church was founded in 1856. At the time, it was housed in a log cabin that also served as the community school. In 1863, James McBride was named as the church's first pastor, and he preached to a congregation of 22 people.

Well, Pastor McBride would hardly recognize Pleasant Valley South today. In 2002, a 900-seat worship center was built to serve the church's 1,700 members. Pastor Philip May presides over services that regularly attract more than 700 congregants on Sunday morning.

Mr. Speaker, churches are one of the strongest foundations in our communities, and for 150 years, Pleasant Valley South Baptist has brought inspiration to Silver Creek and her residents.

I ask that you join me in congratulating the church on its historic 150th anniversary.

ADMINISTRATION'S ECONOMIC POLICIES FALL SHORT OF CLAIMS ACCORDING TO NEW REPORT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Bush Administration and Washington Republicans continue to tout the success of their economic policies. But their economic record actually falls far short of their rhetoric.

This week, the Democratic staffs of the House Budget Committee and the Joint Economic Committee released a report showing that employment growth is at its lowest levels since the Eisenhower administration, while inflation-adjusted wages have decreased by 1.3 percent since August of 2003, when the economy stopped losing jobs.

Today, the average American worker is spending more hours on the job for less pay. According to the report, median annual household income has decreased by $1,700 after accounting for inflation since President Bush took office back in 2001.

While the wealthiest have been rewarded with tax breaks, middle-class workers are really feeling the pinch. Stagnant wages are making it difficult for them to pay for rising housing, health care and gas bills.

SECURITY FIRST

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this past weekend I spent time traveling through my district and talking with people from all across the political spectrum. And I consistently heard quotes like this: ''Let's secure the border. Let's have security first. Let's stop illegal entry into this country.''

Mr. Speaker, I want all of these folks to know that we hear them. We hear them loud and clear. And this House majority is fighting those who would grant amnesty to individuals who have broken our laws.

Our majority leader, Mr. BOEHNER, has written an op-ed today in the Philadelphia Enquirer. I want to thank him for that.

He is absolutely right when he says, and I quote, ''Congress has compromised on this issue too long.''

We are standing firm for a security first bill, Mr. Speaker.

I look forward to the field hearings that we are going to have across this country in August. The hearings will show those opposed to a security first bill that the American people are on our side in this issue.

□ 1015

BUSH ADMINISTRATION STATUS QUO IS NO LONGER SUSTAINABLE IN IRAQ

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, when President Bush meets with Iraqi Prime Minister Maliki at the White House today, he needs to tell the Iraqi leader that the time has come for his government to shoulder more responsibility.

Congressional Democrats have said this year that we need to have a significant year of transition from U.S. to Iraqi forces. That is not happening. In fact, the violence there is getting worse. Over the last month alone, the number of Iraqis who have been killed has doubled from 1,500 in May to more than 3,000 in June. Imagine that. One hundred Iraqis are now being killed every day. The sectarian violence between the Sunnis and the Shiites is clearly getting worse, and the Iraqi Government simply cannot stop it.

For 3 years now, House Democrats have been demanding a serious debate on Iraq. Instead, last month House Republicans favored a partisan debate in the hopes that they would score political points.

Today Iraq is close to fighting a civil war, and we must see that this does not happen.

HEZBOLLAH'S ATTACK ON ISRAEL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, those who equate Israel's recent actions with the same barbarism as those of Hezbollah are sorely misinformed. Hezbollah is a self-proclaimed terrorist organization whose motives are to destroy the very principles of freedom and democracy that Israel, not to mention the United States, promotes in the Middle East. Israel is the only democracy in the region, and the survival of Israel needs to be guaranteed.

It is regrettable that the fighting has escalated to the level it has, but Israel has the right to defend itself. Israel has been bombarded continuously by hundreds of katyusha rockets on a daily basis for too long.

There is going to have to be European and international involvement and support to ensure that Hezbollah cannot reentrench itself in southern Lebanon next to the border of Israel, and it is time for Syria and Iran to act as responsible states and not as perpetrators and subsidizers of terrorism.

Of course, we all want peace in the Middle East, but let us not forget who started this and their motives.

I wish Secretary Rice the best in helping to bring a lasting peace to a highly intractable situation.

IT IS TIME FOR A NEW DIRECTION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The Republican do-nothing-of-substance Congress is unwilling to tackle issues of importance to the American people because they might upset their wealthy special interest campaign contributors in an election year. There is so much they could do and so little being done.

We could take care of the 7 million seniors who are about to fall in the doughnut hole of the so-called Medicare prescription drug benefit, getting no coverage, having to pay 2,600 bucks out of pocket. But that would upset the pharmaceutical industry.

We could increase the Federal minimum wage for the first time in 7 years. But tax cuts for millionaires take precedence.

And this week as every oil company announces record-breaking profits exceeding last year's record-breaking profits, what action is being taken to rein in the price gouging? None, because that would offend Big Oil.

Mr. Speaker, there is a lot the United States Congress can do. The problem is the Republican-run Congress is tied down by special interests.

It is time we take America in a new direction.

COMMENDING REACH OUT AND READ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this August during an annual district bus tour, I will have the opportunity to read aloud to children participating in the Reach Out and Read program.

Reach Out and Read is a nonprofit organization that partners with medical institutions to promote a partnership between early childhood literacy and pediatric care. The organization trains doctors and nurses in the importance of early literacy. During checkups, each child age 6 months to 5 years is given a new book, and parents are encouraged to read aloud to them. As of June 2006, there were nearly 3,000 Reach Out and Read programs nationwide, benefiting 2.5 million children annually.

As a member of the Education and the Workforce Committee, ably led by Chairman BUCK MCKEON, I am all too aware of the school readiness issues facing our Nation. Organizations such as Reach Out and Read are to be commended for their efforts to prepare better our Nation's children for success at school and in life.

In conclusion, God bless our troops, and we will never forget September 11.

REPUBLICANS BLOCK AN INCREASE WHILE WORKERS SUFFER

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, the Republican leadership of this body is preparing to adjourn the House for a 5-week vacation at the end of this week without meeting the needs of America's working families. Republicans continue to block an increase in the minimum wage that would benefit 6.6 million people in this country, three-quarters of whom are adults over the age of 20 trying to support their families.

This Republican Congress has refused to raise the minimum wage since 1997, causing it now to reach its lowest real value level in 50 years. The current pay of $5.15 per hour is simply not a fair or living wage in this economy. In fact, it now takes a minimum wage earner a full day's pay just to buy a tank of gas. What does that leave for housing and for food?

Democrats believe that it is simply unacceptable in this great and wealthy Nation for an American who works full time to live in poverty while the Republicans in this body give handouts to the wealthiest 1 percent.

Mr. Speaker, House Republicans have had numerous opportunities to vote for an increase in the minimum wage; yet they continue to stall this critical measure while millions of Americans suffer the consequences.

We should not leave this week without giving 6 million Americans a pay raise.

DEMOCRATS HAVE BEEN RIGHT ABOUT IRAQ ALL ALONG, WILLING TO ASK THE TOUGH QUESTIONS

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, tomorrow the Prime Minister of Iraq will address a joint session of Congress, and I hope that he levels with us about the current situation in his nation.

Over the past week, the violence in Iraq has been replaced on the front pages and the television screens by the violence in Lebanon and Israel. However, that does not mean that things are getting any better. In fact, last month more than 3,100 Iraqis were killed in sectarian violence. That is more than 100 killed every day.

While the situation in Iraq continues to spiral out of control, the Bush administration is just simply incapable of coming up with a strategy that provides a new direction. And for 3 years now, the House Republicans have refused to demand any answers from this administration about its failures in Iraq. They have allowed the incompetence to continue without holding anyone responsible.

Congress can no longer sit on the sidelines. It is time to recognize that our brave young men and women must come home. They must be brought home as quickly as possible. We must end this occupation of Iraq. We need to provide a new direction for this administration and for our country. The American people are insisting on that.

PRESCRIPTION DRUG IMPORTATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, when this House passed the Medicare prescription drug benefit, many of us said it was a boon for the drug companies.

The results are in. Drug companies are making billions in extra profits, $130 billion in additional profits, all subsidized by the taxpayer. This morning's New York Times reads: ''Eventually'' the prescription drug bill ''could fuel a political reaction if the drug prices continue to rise, but analysts expect that the industry's influence in Washington will delay any changes for years.''

Therein lies the problem. This Congress is too busy doing the bidding of the drug companies and the drug companies' business to do the people's business.

On numerous occasions the House and Senate have voted strongly in favor of importation of prescription drugs. Importation is a safe and effective way to help consumers and taxpayers save money. Just 2 weeks ago, the Senate voted to block Customs from seizing shipments of prescription drugs; yet the seizures continue. The administration has turned the Customs Service over to the drug companies, confiscating prescription drugs at a time when they should be securing our borders, screening cargo, and stemming the flow of dangerous narcotics. The intent of the House and the Senate is clear.

It is time for a new direction. It is time for a new policy that makes sense to the American people.

STRAIGHT TALK ON THE ECONOMY

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk about our economy.

In 1992 Bill Clinton ran for President with the slogan: ''It's the economy, stupid.'' Yesterday his wife, Hillary, reminded us of that slogan in her speech to the Democratic Leadership Council.

Well, our economy is very strong and growing. We have created 5.4 million new jobs in the last 3 years. Our unemployment rate is better than the average unemployment rate of the 1960s, 1970s, 1980s, and 1990s. We have had 18 straight quarters of economic growth. Homeownership is now at 69 percent, the largest in history. And our revenues are coming in so high that we will be able to meet our goal of cutting the deficit in half by 2008, a full year ahead of schedule.

This time let's take the Clintons at their word. If it is ''the economy, stupid,'' then let's be smart and reelect those Congressmen who gave us this strong economy in the first place by lowering the taxes.

SOME HOUSE REPUBLICANS FINALLY WILLING TO ADMIT MISTAKES ON IRAQ. WHAT TOOK THEM SO LONG?

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, after more than 3 years of fighting the war in Iraq, it now appears that some House Republicans are finally beginning to question the administration's competence in running the war and are finally beginning to question the rosy scenarios that continue to come from Vice President CHENEY and Defense Secretary Rumsfeld.

An article in last week's Washington Post, entitled ''GOP Lawmakers Edge Away from Optimism on Iraq,'' says that Republicans are having to reconsider their strategy on the war. With an average of over 100 Iraqis dying every day last month, one of my Republican colleagues admitted that they have to change their message so they don't look like they can't face reality.

And so now, after berating Democrats for the past 3 years and questioning the administration's failed policies in Iraq, some House Republicans are willing to admit that things are not going well in Iraq.

Now the question is, Is this a convenient message that they plan to use for the next couple of months between now and mid-term elections, or will my Republican colleagues actually take their oversight responsibilities responsibly? Only time will tell.

STEM CELL RESEARCH: HOUSE GOP REFUSES TO OVERRIDE VETO

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, last week House Republicans refused to override the President's veto of life-saving stem cell research. Their action will hurt our Nation's effort to find cures to diseases like Parkinson's, Alzheimer's, diabetes, and cancer.

The stem cell research bill could have directly benefited an estimated 100 million of our fellow Americans, those personally fighting these diseases and their family members who share their suffering and pain. The legislation would have expanded Federal funding for extremely promising embryonic stem cell research while at the

same time imposing strict ethical standards.

House Republicans refused to listen to our Nation's leading scientists, biomedical researchers, and health organizations who said this legislation can save lives. More importantly, they refused to listen to the pleas of their own constituents. Instead, they once again supported a President who has no interest in giving our researchers the tools they need to find cures to diseases like cancer, diabetes, and Alzheimer's. They were pandering to a very narrow part of their base. Shame on them.

RAISE THE MINIMUM WAGE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, today I speak for the least among us. And in speaking for them, I remind us that it is time for us to raise the minimum wage. That is ''raise'' as in r-a-i-s-e, not raze as in r-a-z-e, because there are people in this country who would raze, who would decimate, not elevate, who would decimate the minimum wage.

Mr. Speaker, these people are not among those 37 million who are living in poverty. They are not among the millions who make $5.15 an hour. They are not among those who suffer and languish in poverty with no way out.

Mr. Speaker, those who make $5.15 an hour work through Christmas. They work through Easter. They work through Thanksgiving. And they make, at the end of the year, $10,712.

Mr. Speaker, it is time to raise the minimum wage. I speak for the least, the last, and the lost.

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 motions 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.

Record votes on postponed questions will be taken later today.

CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3525) to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes, as amended.

The Clerk read as follows:

S. 3525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child and Family Services Improvement Act of 2006''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) For Federal fiscal year 2004, child protective services (CPS) staff nationwide reported investigating or assessing an estimated 3,000,000 allegations of child maltreatment, and determined that 872,000 children had been abused or neglected by their parents or other caregivers.

(2) Combined, the Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs provide States about $700,000,000 per year for services intended to ensure the safety, permanency, and well-being of children. These programs are considered the largest source of targeted Federal funding in the child protection system for prevention—that is, for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

(3) States have broad flexibility in directing CWS dollars to protect children from abuse and neglect. Under the PSSF program, States must invest significant portions of program funds in family preservation services, family support services, time-limited reunification services, and post-adoption support services.

(4) However, a 2003 report by the Government Accountability Office (GAO) reported that little research is available on the effectiveness of activities supported by CWS funds—evaluations of services supported by PSSF funds have generally shown little or no effect.

(5) Further, the Department of Health and Human Services recently completed initial Child and Family Service Reviews (CFSRs) in each State. No State was in full compliance with all measures of the CFSRs. The CFSRs also revealed that States need to work to prevent repeat abuse and neglect of children, improve services provided to families to reduce the risk of future harm (including by better monitoring the participation of families in services), and strengthen upfront services provided to families to prevent unnecessary family break-up and protect children who remain at home.

(6) Federal policy should ensure that States are appropriately targeting CWS and PSSF funds to assist at-risk families and protect abused and neglected children to address issues found in the CFSRs. Encouraging States to invest their CWS and PSSF funds in services that promote and protect the welfare of children, support strong, healthy families, and reduce the reliance on out-of-home care, will help ensure all children are raised in safe, loving families.

(7) CFSRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child well-being.

(8) However, a December 2005 report by the Department of Health and Human Services Office of Inspector General found that only 20 States were able to produce reports to show whether caseworkers actually visited children in foster care on at least a monthly basis, despite the fact that nearly all States had written standards suggesting monthly visits were State policy. In fact, 7 of these 20 States indicated that fewer than half of the children in foster care were visited on a monthly basis.

(9) The Deficit Reduction Act of 2005 provided $40,000,000 in fiscal year 2006 for the PSSF program which this Act ensures will be available and which the Congressional Budget Office estimates will increase mandatory budget authority by $40,000,000 each year from 2006 through 2015, for a total of $400,000,000.

(10) A 2003 GAO report found that the average tenure for a child welfare caseworker is less than 2 years and this level of turnover negatively affects safety and permanency for children.

(11) Targeting additional PSSF funds to ensure children in foster care are visited on at least a monthly basis will promote better outcomes for vulnerable children, including by preventing further abuse and neglect.

SEC. 3. REAUTHORIZATION OF THE SAFE AND STABLE FAMILIES PROGRAM.

(a) ELIMINATION OF FINDINGS.—Section 430 of the Social Security Act (42 U.S.C. 629) is amended by striking all through ''(b) PURPOSE.—The purpose'' and inserting the following:

''SEC. 430. PURPOSE.

''The purpose''.

(b) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—Section 434 of such Act (42 U.S.C. 629d) is amended—

(1) in subsection (a), by inserting '', subject to subsection (d),'' after ''shall''; and

(2) by adding at the end the following:

''(d) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—The Secretary shall not make a payment to a State under this section with respect to expenditures for administrative costs during a fiscal year, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year under the State plan approved under section 432.''.

(c) FUNDING OF MANDATORY GRANTS AT $345 MILLION PER FISCAL YEAR.—Section 436(a) of such Act (42 U.S.C. 629f(a)) is amended by striking ''for fiscal year 2006.'' and all that follows and inserting ''for each of fiscal years 2007 through 2011.''.

(d) FUNDING OF DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(e) INCREASE IN SET-ASIDES FOR INDIAN TRIBES.—

(1) MANDATORY GRANTS.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)) is amended by striking ''1'' and inserting ''3''.

(2) DISCRETIONARY GRANTS.—Section 437(b)(3) of such Act (42 U.S.C. 629g(b)(3)) is amended by striking ''2'' and inserting ''3''.

(f) COLLECTION OF DATA ON TRIBAL PROMOTING SAFE AND STABLE FAMILIES PLANS.—Section 432(b)(2) of such Act (42 U.S.C. 629b(b)(2)) is amended—

(1) by striking subparagraph (A); and

(2) in subparagraph (B), by striking ''Notwithstanding subparagraph (A) of this paragraph, the'' and inserting ''The''.

(g) AUTHORITY OF INTERTRIBAL CONSORTIA TO APPLY FOR GRANTS.—Section 432(b)(2) of such Act (42 U.S.C. 629(b)(b)(2)), as amended by subsection (f) of this section, is amended—

(1) by inserting before subparagraph (B) the following:

''(A) INTERTRIBAL CONSORTIA.—This subpart shall not be interpreted to preclude the development and submission of a single tribal plan under this subpart by the participating tribes of an intertribal consortium.''; and

(2) in subparagraph (B)—

(A) by inserting ''or tribal consortium'' after ''Indian tribe''; and

(B) by inserting ''and tribal consortia'' after ''Indian tribes''.

(h) TECHNICAL CORRECTION.—Section 431(a)(6) of such Act (42 U.S.C. 629a(a)(6)) is amended by striking ''1986'' and inserting ''1996''.

SEC. 4. TARGETING OF INCREASED SAFE AND STABLE FAMILIES PROGRAM RESOURCES TO SUPPORT MONTHLY CASEWORKER VISITS.

(a) RESERVATION AND USE OF FUNDS.—

(1) IN GENERAL.—Section 436(b) of the Social Security Act (42 U.S.C. 629f(b)) is amended by adding at the end the following:

''(4) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

''(A) RESERVATION.—In the case of each of fiscal years 2006 through 2011, the Secretary shall reserve $40,000,000 for allotment in accordance with section 433(e).

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—A State to which an amount is paid from amounts reserved under subparagraph (A) shall use the amount to support monthly caseworker visits with children who are in foster care under the responsibility of the State, with a primary emphasis on activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(ii) NONSUPPLANTATION.—A State to which an amount is paid from amounts reserved pursuant to subparagraph (A) shall not use the amount to supplant any Federal funds paid to the State under part E that could be used as described in clause (i).''.

(2) EFFECT ON AMOUNTS RESERVED FOR INDIAN TRIBES.—Section 436(b)(3) of such Act (42 U.S.C. 629b(b)(3)) is amended by striking ''The'' and inserting ''After applying paragraph (4) (but before applying paragraphs (1) or (2)), the''.

(b) ALLOTMENT OF FUNDS.—Section 433 of such Act (42 U.S.C. 629c) is amended—

(1) in subsection (d), by inserting ''subsection (a), (b), or (c) of'' before ''this section'' the 1st and 2nd places it appears; and

(2) by adding at the end the following:

''(e) SPECIAL RULES APPLICABLE TO FUNDS RESERVED TO SUPPORT MONTHLY CASEWORKER VISITS.—

''(1) ALLOTMENTS.—

''(A) TERRITORIES.—From the amount reserved pursuant to section 436(b)(4)(A) for fiscal year 2006 or any succeeding fiscal year, the Secretary shall allot to each jurisdiction specified in subsection (b) of this section that meets the requirements of paragraph (2) of this subsection for the fiscal year an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 423 (without regard to the initial allotment of $70,000 to each State).

''(B) OTHER STATES.—From the amount reserved pursuant to section 436(b)(4)(A) for fiscal year 2006 or any succeeding fiscal year that remains after applying subparagraph (A) of this paragraph for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) not specified in subsection (b) of this section that meets the requirements of paragraph (2) of this subsection for the fiscal year an amount equal to such remaining amount multiplied by the food stamp percentage of the State (as defined in subsection (c)(2) of this section) for the fiscal year, except that in applying subsection (c)(2)(A) of this section, 'subsection (e)(1)(B)' shall be substituted for 'such paragraph (1)'.

''(2) REQUIREMENTS.—The requirements of this paragraph are the following:

''(A) AMOUNTS ALLOTTED FOR FISCAL YEAR 2007.—In the case of amounts reserved pursuant to section 436(b)(4)(A) for fiscal year 2007, the State has provided to the Secretary data which shows, for the most recent fiscal year for which such information is available—

''(i) the percentage of children in foster care under the responsibility of the State who were visited by the caseworker handling the case of the child at least once each month while the child was in such care; and

''(ii) the percentage of the visits that occurred in the residence of the child.

''(B) AMOUNTS ALLOTTED FOR SUCCEEDING FISCAL YEARS.—In the case of amounts reserved pursuant to section 436(b)(4)(A) for fiscal year 2008 or any succeeding fiscal year:

''(i) DATA SHOWING FREQUENCY AND LOCATION OF CASEWORKER VISITS.—The State has provided to the Secretary data which shows, for the preceding fiscal year, that—

''(I) for at least 90 percent of the children in foster care under the responsibility of the State—

''(aa) the caseworker handling the case of the child visited the child at least once each month while the child was in such care; and

''(bb) the majority of the visits occurred in the residence of the child; or

''(II) the State made the requisite annual progress, as determined by the Secretary, to comply with subclause (I) by October 1, 2011.

''(ii) STATE ABILITY TO VERIFY FREQUENCY OF CASEWORKER VISITS.—The Secretary has verified that the State has in effect such policies and standards as may be necessary to enable the State to determine whether, for at least 90 percent of the children in foster care under the responsibility of the State, a caseworker visited the child at least once each month during the fiscal year.

''(iii) VERIFICATION OF NONSUPPLANTATION COMPLIANCE.—The State has provided to the Secretary such documentation as may be necessary to verify that the State has complied with section 436(b)(4)(B)(ii) during the fiscal year.''.

(c) PAYMENTS TO STATES.—Section 434(a) of such Act (42 U.S.C. 629d(a)), as amended by section 3(b)(1) of this Act, is amended by striking ''the lesser of—'' and all that follows and inserting the following: ''the sum of—

''(1) the lesser of—

''(A) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under subsection (a), (b), or (c) of section 433, whichever is applicable, for the fiscal year; and

''(2) the lesser of—

''(A) 75 percent of the total expenditures by the State in accordance with section 436(b)(4)(B) during the fiscal year or the immediately succeeding fiscal year; or

''(B) the allotment of the State under section 433(e) for the fiscal year.''.

SEC. 5. IMPROVEMENTS TO THE CHILD WELFARE SERVICES PROGRAM.

(a) FUNDING.—Subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620–628b) is amended by striking sections 420 and 425 and inserting after section 424 the following:

''LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

''SEC. 425. To carry out this subpart, there are authorized to be appropriated to the Secretary not more than $325,000,000 for each of fiscal years 2007 through 2011.''.

(b) PURPOSE OF PROGRAM.—Such subpart is further amended—

(1) by striking section 424;

(2) by redesignating sections 421 and 423 as sections 423 and 424, respectively, and by transferring section 423 (as so redesignated) so that it appears after section 422; and

(3) by inserting after the subpart heading the following:

''PURPOSE

''SEC. 421. The purpose of this subpart is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families, by—

''(1) protecting and promoting the welfare of all children;

''(2) preventing the neglect, abuse, or exploitation of children;

''(3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner;

''(4) promoting the safety, permanence, and well-being of children in foster care; and

''(5) providing training, professional development and support to ensure a well-qualified child welfare workforce.''.

(c) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 422 of such Act (42 U.S.C. 622) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (3) through (5) and inserting the following:

''(3) include a description of the services and activities which the State will fund under the State program carried out pursuant to this subpart, and how the services and activities will achieve the purpose of this subpart;'';

(B) by striking paragraph (6) and inserting after paragraph (3) (as added by subparagraph (A) of this paragraph) the following:

''(4) contain a description of—

''(A) the steps the State will take to provide child welfare services statewide and to expand and strengthen the range of existing services and develop and implement services to improve child outcomes; and

''(B) the child welfare services staff development and training plans of the State;'';

(C) by redesignating paragraphs (7) through (9) as paragraphs (5) through (7), respectively;

(D) in paragraph (10)—

(i) by striking subparagraph (A);

(ii) in subparagraph (B)(iii)(II), by inserting '', which may include a residential educational program'' after ''in some other planned, permanent living arrangement'';

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by striking subparagraph (C) and inserting after subparagraph (A) the following:

''(B) has in effect policies and administrative and judicial procedures for children abandoned at or shortly after birth which enable permanent decisions to be made expeditiously with respect to the placement of the children;'';

(E) in paragraph (14), by striking ''and'' at the end;

(F) in paragraph (15), by striking the period and inserting a semicolon;

(G) by redesignating paragraphs (10) through (15) as paragraphs (8) through (13), respectively; and

(H) by adding at the end the following:

''(14) include assurances that not more than 10 percent of the expenditures of the State with respect to activities funded from amounts provided under this subpart will be for administrative costs; and

''(15) outlines how the State will ensure that physicians or other appropriate medical professionals are actively consulted and involved in—

''(A) assessing the health and well-being of children in foster care under the responsibility of the State; and

''(B) determining appropriate medical treatment for the children.''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this subpart:

''(1) ADMINISTRATIVE COSTS.—The term 'administrative costs' means costs for the following, but only to the extent incurred in administering the State plan developed pursuant to this subpart: procurement, payroll management, personnel functions (other

than the portion of the salaries of supervisors attributable to time spent directly supervising the provision of services by caseworkers), management, maintenance and operation of space and property, data processing and computer services, accounting, budgeting, auditing, and travel expenses (except those related to the provision of services by caseworkers or the oversight of programs funded under this subpart).

''(2) OTHER TERMS.—For definitions of other terms used in this part, see section 475.''.

(d) PROVISIONS RELATING TO STATE ALLOTMENTS.—Section 423 of such Act, as so redesignated by subsection (b)(2) of this section, is amended—

(1) in subsection (a)—

(A) by inserting ''IN GENERAL.—'' after ''(a)'';

(B) by striking ''420'' and inserting ''425''; and

(C) by striking ''He'' and inserting ''The Secretary'';

(2) in subsection (b)—

(A) by inserting ''DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(b)''; and

(B) by striking ''per centum'' each place it appears and inserting ''percent'';

(3) in subsection (c), by inserting ''PROMULGATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(c)'';

(4) in subsection (d)—

(A) by inserting ''UNITED STATES DEFINED.—'' after ''(d)''; and

(B) by striking ''fifty'' and inserting ''50''; and

(5) by adding at the end the following:

''(e) REALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—The amount of any allotment to a State for a fiscal year under the preceding provisions of this section which the State certifies to the Secretary will not be required for carrying out the State plan developed as provided in section 422 shall be available for reallotment from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

''(A) need sums in excess of the amounts allotted to such other States under the preceding provisions of this section, in carrying out their State plans so developed; and

''(B) will be able to so use such excess sums during the fiscal year.

''(2) CONSIDERATIONS.—The Secretary shall make the reallotments on the basis of the State plans so developed, after taking into consideration—

''(A) the population under 21 years of age;

''(B) the per capita income of each of such other States as compared with the population under 21 years of age; and

''(C) the per capita income of all such other States with respect to which such a determination by the Secretary has been made.

''(3) AMOUNTS REALLOTTED TO A STATE AMOUNTS DEEMED PART OF STATE ALLOTMENT.—Any amount so reallotted to a State is deemed part of the allotment of the State under this section.''.

(e) PAYMENTS TO STATES.—

(1) EXCLUSION OF EXPENDITURES FOR CHILD DAY CARE, FOSTER CARE MAINTENANCE PAYMENTS, AND ADOPTION ASSISTANCE PAYMENTS FROM ALLOWABLE EXPENDITURES.—Section 424 of such Act, as so redesignated by subsection (b)(2) of this section, is amended—

(A) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''No'' and inserting ''Except as provided in paragraph (2), no'';

(II) by striking '', for any fiscal year beginning after September 30, 1979,'';

(III) in subparagraph (A), by striking ''necessary'' and all that follows through ''living''; and

(IV) in subparagraph (C), by striking '', to the extent'' and all that follows through ''1979''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) In the case of a State which demonstrates to the Secretary that the State made an expenditure described in paragraph (1) in fiscal year 2005, the Secretary shall not make a payment to the State under this part for any fiscal year beginning after September 30, 2006, with respect to the State expenditures so described, to the extent that the Federal payment with respect to the expenditures so described for the fiscal year exceeds the lesser of—

''(A) the total amount of the Federal payment under this part for fiscal year 1979; or

''(B) the total amount of the Federal payment with respect to the expenditures so described for fiscal year 2005.''; and

(B) in subsection (d)—

(i) by striking ''(excluding expenditures for activities specified in subsection (c)(1))''; and

(ii) by striking ''such activities'' and inserting ''activities specified in subsection (c)(1)''.

(2) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—Section 424 of such Act (42 U.S.C. 623), as so redesignated by subsection (b)(2) of this section, is amended by adding at the end the following:

''(e) LIMITATION ON REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—The Secretary shall not make a payment to a State under this section with respect to expenditures during a fiscal year for administrative costs, to the extent that the total amount of the expenditures exceeds 10 percent of the total expenditures of the State during the fiscal year for activities funded from amounts provided under this subpart.''.

(3) TECHNICAL AMENDMENT.—Section 424(a) of such Act, as so redesignated by subsection (b)(2) of this section, is amended by striking ''per centum'' and inserting ''percent''.

(f) ELIMINATION OF OBSOLETE PROVISION.—Section 426 of such Act (42 U.S.C. 626) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(g) CONFORMING AMENDMENTS.—

(1) Section 428(b) of such Act (42 U.S.C. 628(b)) is amended by striking ''421'' and inserting ''423''.

(2) Section 429 of such Act (42 U.S.C. 628a) is amended—

(A)(i) by striking the following:

''CHILD WELFARE TRAINEESHIPS

''SEC. 429. The Secretary''; and

(ii) inserting the following:

''(c) CHILD WELFARE TRAINEESHIPS.—The Secretary''; and

(B) by transferring the provision to the end of section 426 (as amended by subsection (f) of this section).

(3) Section 429A of such Act (42 U.S.C. 628b) is redesignated as section 429.

(4) Section 433(b) of such Act (42 U.S.C. 629c(b)) is amended by striking ''421'' and inserting ''423''.

(5) Section 437(c)(2) of such Act (42 U.S.C. 629g(c)(2)) is amended by striking ''421'' and inserting ''423''.

(6) Section 472(d) of such Act (42 U.S.C. 672(d)) is amended by striking ''422(b)(10)'' and inserting ''422(b)(8)''.

(7) Section 473A(f) of such Act (42 U.S.C. 673b(f)) is amended by striking ''423'' and inserting ''424''.

(8) Section 1130(b)(1) of such Act (42 U.S.C. 1320a–9(b)(1)) is amended to read as follows:.

''(1) any provision of section 422(b)(8), or section 479; or''.

(9) Section 104(b)(3) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914(b)(3)) is amended by striking ''422(b)(14) of the Social Security Act, as amended by section 205 of this Act'' and inserting ''422(b)(12) of the Social Security Act''.

SEC. 6. REAUTHORIZATION OF THE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1)(A) and (d) by striking ''2006'' and inserting ''2011''.

SEC. 7. REAUTHORIZATION OF PROGRAM FOR MENTORING CHILDREN OF PRISONERS.

Section 439 of the Social Security Act (42 U.S.C. 629i) is amended—

(1) in subsection (c), by striking ''2002 through 2006'' and inserting ''2007 through 2011''; and

(2) in subsection (h), by striking paragraph (1) and inserting the following:

''(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—To carry out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal years 2007 through 2011.''.

SEC. 8. AVAILABILITY OF ADDITIONAL PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.

(a) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services $40,000,000 for fiscal year 2006 to carry out section 436 of the Social Security Act, in addition to any amount otherwise made available for fiscal year 2006 to carry out such section.

(b) AVAILABILITY OF FUNDS.— Notwithstanding section 434(b)(2) of such Act, the amounts paid to States from the amount appropriated under subsection (a) of this section shall remain available for expenditure by the States through fiscal year 2008.

SEC. 9. REPORTS.

Section 435 of the Social Security Act (42 U.S.C. 629e) is amended by adding at the end the following:

''(e) REPORTS.—

''(1) CONTENT.—The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate biennial reports on—

''(A) the level of expenditures, and the programs and activities funded, under subpart 1 and this subpart by each State, territory, and Indian tribe to which funds are paid under this part;

''(B) the number of children and families served by each such State, territory, and Indian tribe under the programs; and

''(C) how spending under the programs has helped achieve the goals identified by each such State, territory, and Indian tribe as part of the annual planning process undertaken in developing plans pursuant to this part.

''(2) TIMING.—The Secretary shall submit the biennial reports required by paragraph (1) not later than July 1, 2008, and not later than July 1 of every other calendar year thereafter.''.

SEC. 10. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under part B of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a

State plan developed pursuant to subpart 1 of part B, or a State plan approved under subpart 2 of part B, of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(c) AVAILABILITY OF ADDITIONAL PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 8 shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

□ 1030

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 3525, as amended. As amended, this legislation reflects provisions as reported by the Committee on Ways and Means on June 29 and included in H.R. 5640, the Child and Family Services Improvement Act of 2006.

I am pleased to be here with the gentleman from Washington (Mr. MCDERMOTT) who is a cosponsor of this bipartisan legislation. I thank him for his work and leadership on this legislation. I would also like to thank the many Members from both sides of the aisle for their support.

Mr. Speaker, this legislation reauthorizes and improves numerous child protection programs that combined, would provide about $4 billion during the next 5 years to keep children safe and ensure they are raised in safe and loving families.

These programs are the Promoting Safe and Stable Families Program, the Child Welfare Services Program, the Court Improvement Program and the Mentoring Children of Prisoners Program.

This legislation supports State efforts to prevent child abuse and neglect by keeping families together and preventing, whenever possible, the unnecessary separation of children from their families.

For example, the Promoting Safe and Stable Families Program provides resources for family support services, family preservation services, time-limited reunification services and post-adoption services. We know that one of the best ways to give a child a chance of a bright future is to ensure that that child is raised in a safe, loving family. The services supported by this legislation are targeted where they are needed most, to help parents at risk of abusing or neglecting their children or to prevent repeated abuse and neglect.

On May 23, the Ways and Means Human Resources Subcommittee, which I chair, held a hearing on this legislation. We heard from a broad array of voices in support of the extension of these programs and in support of changes requiring States to focus resources more on services for children and at-risk families.

Earlier this year, the President signed the Deficit Reduction Act of 2005, which provided $200 million in new funds for services to better protect children over the next 5 years. I am very pleased that this legislation targets these increased resources so more foster children are visited on a monthly basis.

The Department of Health and Human Services Office of Inspector General recently reported that these visits were not occurring. Only 20 States could tell whether the caseworkers actually visited children in foster care on a monthly basis. In seven of these 20 States, the reports found that fewer than half of the children in foster care were visited on a monthly basis. Research shows that children who are visited on a more frequent basis are more quickly placed in permanent homes and experience other positive outcomes, compared to children not visited.

Newspapers are frequently reporting the horrors of children neglected by the very system charged to protect them. The increased monitoring promoting by this bill makes sense and would go a long way towards better protecting these vulnerable children.

Mr. Speaker, we still have more work to do to improve our Nation's foster care system. Time and time again, we hear of children lingering in foster care, bounced from home to home. In some cases, foster children have lived in more than 50 homes. This is unacceptable, and we will continue to work to improve this program so that all children can live with a family that loves them.

This legislation brings us one step closer to that important goal. It has widespread bipartisan support, and I urge all my colleagues to support it.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us today the Senate companion bill to the Herger-McDermott Child Family Services and Improvement Act. We have put the Senate version on the House calendar to facilitate action. The Senate version is slightly different than our bill, but we want to move ahead as quickly as possible, so we are going to strike the Senate language and insert the Herger-McDermott language in its entirety. I urge my colleagues to support this bill.

It is a pleasure to work with Mr. HERGER on this issue. In doing so, we will make America a little safer for vulnerable kids. Countless children across America need us to protect them from harm. In effect, the House today is fulfilling its obligation as first responders. For too many children, we are the first and the last line of defense.

Mr. HERGER and I have produced bipartisan legislation that takes a modest step forward in safeguarding vulnerable children. This bill is an attempt to find common ground so that together we can pursue the common good. I believe this can be a model for the future. Certainly more needs to be done, but every journey starts with the first step.

This legislation renews the program called Promoting Safe and Stable Families. This is a small but vital program that supports the States in their efforts to prevent child abuse from occurring or from reoccurring. We maintain the flexibility of the current program by allowing the States to use Federal money to provide a wide variety of family support, preservation, reunification and other services, and we provide greater support to Native American tribes for these purposes.

We also recognize and support the courageous caregivers serving on the front lines. For the first time in 7 years, the bill provides new Federal funding to the States, $40 million, to help them meet the challenges on two fronts. The first is having the resources to enable monthly caseworker visits for children in foster care. The second is investing more in the child welfare workforce.

We know that more frequent interaction between caseworkers and foster kids leads to better outcomes. We also know that difficulties in recruiting and retaining qualified caseworkers negatively affects the safety and permanency for at-risk kids. In fact, the Government Accounting Office warned us in 2003 report about the risks incurred by children when the average tenure of child care worker is less than 2 years. A lot of caring, dedicated caseworkers leave their job, not because they want to, but because they are forced to leave due to financial circumstances. We begin to address this issue in a bill with a $40 million downpayment. This shows, I think, that we mean business.

The legislation also makes changes in other child care support programs that have proven to be effective, and we want to keep them working to benefit kids and families. Despite naysayers, government can be an instrument for good. Today in this bill we can prove it.

Again, I thank my colleague Mr. HERGER for his work. Working together, I think we have produced a good piece of legislation.

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

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today will provide nearly $4 billion for up-front child abuse prevention activities over the next 5 years; it will hold States accountable for visiting children in foster care on at least a monthly basis; it will continue funding for programs that help State courts address child welfare issues; and it will continue funding for programs that provide mentors for children with a parent in prison.

Again, I would like to thank the gentleman from Washington (Mr. MCDERMOTT) and all my colleagues on both sides of the aisle for their work in crafting this legislation. I believe it will take an important step towards improving our Nation's child protection system.

Ms. HART. Mr. Speaker, I rise today in support of H.R. 5640, the Child and Family Services Improvement Act of 2006.

This bipartisan legislation improves Child and Family Services by reauthorizing and improving the Promoting Safe and Stable Families, PSSF, program.

The bill invests about $4 billion during the next five years into these programs, to help ensure children are protected from abuse and neglect.

Included in this investment is a targeting of a $40 million increase in PSSF Funds that were included in the Deficit Reduction Act.

The Deficit Reduction Act increased mandatory PSSF funds by $40 million per year ($305 to $345 million).

This important legislation targets this $40 million for State efforts to ensure children in foster care are visited on a monthly basis.

This responds to recent Department of Health and Human Services Inspector General concerns and other data indicating that monthly visits were not occurring, despite State policy.

Beginning with FY 2008, only States that show improvement in completing monthly visits of foster children would continue to receive these funds.

Holding States accountable on this is crucial since research has shown that frequent caseworker visits are strongly related to more timely permanence for kids as well as other outcomes the better.

This legislation will also make needed improvements to the Child Welfare Services, CWS, Program.

Under current law, the CWS program is permanently authorized at $325 million per year and was last updated significantly in 1980. CWS generally overlaps PSSF program purposes.

The legislation reorganizes and updates the CWS program, making important technical changes including a new State plan requirement for doctors to be actively involved in assessing the health and well-being of foster children.

The legislation ensures future Congressional review by authorizing the CWS program through FY 2011.

This legislation creates a new 10 percent limit on CWS spending for administrative expenses.

This legislation reauthorizes the Court Improvement Act.

The legislation reauthorizes through FY 2011 the current $10 million set-aside for general Court Improvement Program activities provided from PSSF funds. (Note: DRA also provided an additional $20 million for each of FYs 2006 through 2010 to improve data collection and increase training of court personnel.)

REAUTHORIZATION OF THE MENTORING CHILDREN OF PRISONERS PROGRAM

The legislation reauthorizes through FY 2011 such sums as may be necessary. (House Appropriations Committee FY2007 Labor HHS bill would provide $40 million for this program.)

With this legislation, we are encouraging states to invest Federal funds in services that effectively assist at-risk families, protect children from abuse and neglect, and prevent the unnecessary separation of children from their parents.

Mr. STARK. Mr. Speaker, I rise today in support of the House amendments to the Child and Family Services Improvement Act, which include reauthorization of the Promoting Safe and Stable Families Program. I would like to thank the gentleman from California, Mr. HERGER, the chairman of our Human Resources subcommittee, and the gentleman from Washington, Mr. MCDERMOTT, for their work on this important legislation.

This program does just what it says: it promotes safe and stable families. The amendments before you today guarantee $40 million in funding to ensure that States are able to recruit, retain, and train highly qualified and skilled child welfare caseworkers. This funding is critically important. These amendments are exactly the same as H.R. 5640, which the Ways and Means Committee reported last month. The funding included in these amendments is crucial to making sure that foster children are provided with high level services and safe and stable placements.

A 2003 GAO report highlighted the importance of child welfare agencies being staffed with the very best caseworkers. The GAO found that when caseworkers are well trained and have manageable caseloads they are able to conduct frequent home visits to assess a child's situation and ensure that child's safety. Skilled caseworkers are also able to make well-supported decisions that lead to permanent placements of foster children in nurturing homes. However, when caseworker turnover is high, agencies are not able to meet Federal safety and permanency goals. There is a very strong correlation between caseworker recruitment and retention and safety and permanency outcomes for children.

For Example, the GAO report found:

In Texas, due to caseworker turnover, an investigation into alleged abuse was delayed by 3 months. By the time the caseworker was able to make a home visit, the abuse could not be substantiated and the child remained in that placement. Similar occurrences took place in other states at which the GAO looked.

Caseloads should not exceed 18 per caseworker, however the American Public Human Services Association, APHSA, data showed that workers were handling an average of 24 to 31 children each.

The GAO's survey of caseworkers around the country indicated that a lack of home visits and inadequate documentation leads to permanency placement decisions being made without thorough evaluations of the adequacy and appropriateness of the placement.

The GAO reviewed the Department of Health and Human Services', HHS, Child and Family Services Reviews, CFSR. All of the 27 CFSRs reviewed showed that workforce deficiencies—high caseloads, training deficiencies, and staffing shortages—contributed greatly to the non-attainment of assessment measures, including timely investigation of child mistreatment and facilitation of permanent placements.

In addition, in their comments on the GAO report the Administration for Children and Families, ACF, agreed with the GAO and stated that ACF's own research showed a direct relationship between the consistency and quality of caseworker visits with the child and family and the achievement of positive case outcomes.

Unfortunately, State child welfare agencies face numerous challenges in retention and recruitment of caseworkers. Caseloads are high, salaries are low, and training is minimal. To overcome these challenges, it is vital for us to move to provide States with the means to hire and retain the very best caseworkers. The $40 million included in these amendments will go toward solving the problem of caseworker recruitment and retention. Although $40 million is not nearly enough to fully address the problem, it is vital that we at least provide that much. The money will go toward ensuring that foster children are visited at least monthly by a caseworker. If States are able to accomplish this goal they will then be able to access additional money to improve caseworker retention, recruitment and training. The money can only be used for that purpose.

We have over 800,000 children who spend time in foster care each year. This body has an obligation to make sure that these children are in safe and stable environments. I urge you to support the House amendments and the opportunity they provide to improve the lives of tens of thousands of children.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 3525, The Improving Outcomes for Children Affected by Methamphetamine Act of 2006. This legislation would amend the Social Security Act to better serve the special needs of children in families affected by methamphetamine abuse and addiction.

It is never cliché to reiterate the fact that children are our future. Children in our homes and in our families too often suffer the tragic ills of methamphetamine abuse. S. 3525 serves to protect children who suffer at the hands of methamphetamine abuse.

I believe that this legislation will improve the lives of at-risk children in our nation. This legislation will continue our nation's commitment to at-risk families through the reauthorization of the Promoting Safe and Stable Families Programs.

Moreover, this legislation notably improves support to children affected by methamphetamine within their families by placing increased emphasis on counseling and assistance to children affected by methamphetamine abuse, especially children placed into foster care.

The use of methamphetamine in the United States is increasing at an alarming rate. Methamphetamine abuse has attacked communities across America and has also affected our community on Guam. It is important that we continue our work to aggressively combat methamphetamine abuse and its terrible effects on American families and our children.

I strongly support S. 3525 because it aids our fight against methamphetamine abuse and because it also serves to protect our nation's greatest resource and one of most vulnerable communities, our children. I urge my colleagues' support for S. 3525.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the Senate bill, S. 3525, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: ''A bill to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes.''.

A motion to reconsider was laid on the table.

RETURNED AMERICANS PROTECTION ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5865) to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

The Clerk read as follows:

H.R. 5865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Returned Americans Protection Act of 2006''.

SEC. 2. TEMPORARY INCREASE IN FUNDING FOR THE PROGRAM OF TEMPORARY ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking ''2003'' and inserting ''2006''.

SEC. 3. REPORT BY THE INSPECTOR GENERAL.

Not later than March 1, 2007, the Inspector General of the Department of Health and Human Services, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report describing how funds made available to carry out section 1113 of the Social Security Act have been used to provide assistance to United States citizens returned to the United States on or after July 20, 2006, and before the most recent date covered by the report, after evacuation from Lebanon, including a breakdown of program costs incurred with regard to repatriating individuals from Lebanon, including for (1) direct assistance to individuals (such as costs of domestic travel and short-term lodging), and (2) administrative costs (such as for caseworkers, security, and related expenses).

SEC. 4. CONTINUATION OF REPATRIATION PROGRAM THROUGH FISCAL YEAR 2007.

Section 1113 of the Social Security Act (42 U.S.C. 1313) is amended by adding at the end the following:

''(f) The authorities provided by this section shall expire on September 30, 2007.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Returned Americans Protection Act, H.R. 5865. This legislation will help our Nation to continue to assist U.S. citizens fleeing the violence in Lebanon as they return home to the United States.

In recent days, thousands of Americans have fled the violence in Lebanon. Thousands already have landed in the United States, and thousands more will be arriving in the coming days. In all, as many as 15,000 U.S. citizens may be returning.

State workers are prepared to assist them, helping join them with family or friends, and even make arrangements for their connecting travel. If the arriving citizen has no other resources, provision will be made for a loan or, in exceptional circumstances, a grant to cover their continued travel expenses or temporary lodging costs, all of which costs money, including to reimburse States for caseworkers to offer this assistance.

In a program that is limited by a current $1 million cap on annual spending, experiencing this large influx of needy, especially at this time in the fiscal year, is a challenge. As the Secretary of Health and Human Services said in a letter to Speaker HASTERT dated just yesterday, ''We need your assistance in lifting this cap as soon as possible.''

Mr. Speaker, the legislation before us, H.R. 5865, provides that assistance. It temporarily lifts the program's current $1 million funding cap, allowing for continued assistance for Americans returning from Lebanon. It also improves oversight over this little known program by making two additional steps.

First, it requires the HHS Inspector General to review program spending on those repatriated from Lebanon. The report will break down administrative costs versus costs for travel and lodging. That way, Congress will have more information about what this program actually does.

The second thing this legislation does to improve oversight is to sunset the current repatriation program at the end of fiscal year 2007, more than 13 months from now. This will provide Congress sufficient time to review the program and decide where improvements are needed.

□ 1045

This change also is estimated by the Congressional Budget Office as saving $4 million, fully offsetting the cost of the additional assistance to those evacuating Lebanon. So we will cover short-term needs and get better data that we will use to improve this program for the long run. That is a win-win for everyone.

Mr. Speaker, this is a good bill which pays for additional services by improved oversight. We should approve it. I call on the U.S. Senate to do the same as soon as possible.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the good things the Federal Government does is provide a lifeline to American citizens who suddenly find themselves in grave danger. That is exactly what has happened to 25,000 American citizens in Beirut who had signed in at the embassy when the Middle East crisis erupted.

There were plenty of pictures on the evening news of Americans desperately trying to flee the conflict. Many were able to escape on chartered flights. When they arrive back in the United States, a government employee will meet them at the airport and ask whether they need any assistance, including help in securing and paying for connecting flights, temporary lodging, food, or medical assistance.

Many don't need much help, but some do. And an important, but little known, program of the Social Security Act enables us to help Americans who escape the conflict with their lives and little else.

This is government at its best: helping our citizens in a time of crisis, responding quickly and effectively to meet the needs of our people. We are doing more than watching a crisis unfold on television. We are actually helping American citizens. And the Republicans, for some strange reason, want to kill this program. So much for the common good.

Now, this program has worked effectively for a mere $1 million a year in funding. But the crisis in Lebanon has drained the fund, and the administration has requested a temporary increase to $6 million.

That is all it will take to make sure that Americans have a lifeline to reach our own citizens. But the Republicans

intend to cut the lifeline. They will support an increase of $6 million to help Americans trying to flee a war, but only if the House kills the program.

Americans remain trapped in the middle of a war zone, and the Republicans cannot bring themselves to help without extracting a pound of flesh from ordinary Americans. They want to kill a $1 million program. This is with trillions of dollars in debt out there. And they claim they are cutting the trillion-dollar deficit. They want to cut a lifeline to ordinary American citizens, because rich people won't need the help and the rest of the American people don't matter.

We saw that same response in Hurricane Katrina, and we are seeing it here today. The philosophy of the Republicans that we should not prepare for a disaster is what made those awful pictures on television about Katrina; and they create the same thing here today, deliberately, when they are using the program, they are saying, it is like the house is on fire, yes, we should give some gas to the fire truck, but after the fire is over, sell the truck, we don't need it any more, we'll never need it again.

Anybody who knows about what is going on in the world can imagine that we may need this program again. Americans are fleeing a war-torn nation, and it is perfectly all right for the Republicans with the notion that they are on their own. They intend to terminate the program at the end of it.

They terminated their concerns for Americans a long time ago. They are telling us the only way to save the program this year is to kill it next year. Exactly what American value are they addressing by cutting a lifeline to Americans trying to flee a war? Democrats are outraged by this Republican hostility to our own people.

With my colleagues SANDY LEVIN and BEN CARDIN, I introduced legislation yesterday that would simply provide a temporary increase in the repatriation program cap so that we can continue to help Americans leave Lebanon.

Now, there is no reason I can think of why that shouldn't be done. But it is just too easy for our friends on the other side of the aisle. They want to pretend they are fighting government spending. This is a million dollars, folks. That is not a rounding error. That is not drippings. That is practically nothing compared to what they have done in tax cuts for the rich.

Of course that zeal applies to the $5 million, but it doesn't apply to the $18.4 billion they gave to Halliburton, $5 billion of which nobody has any idea where it went. No oversight in this House on an issue like that. But on this, this $1 million, we can't have that program.

And we know we are going to need it. Now, the next time the problem happens, the program won't be there. We will have to come into the House in emergency session and create this program to help Americans get out of someplace that has become a war zone.

This sums up the values of the Republican leadership. Big bucks for the big donors and not even pennies for everyone else. We can do better than that in this House. I think the Senate will send us a better bill.

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

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5865, the Returned Americans Protection Act, provides emergency funding for the HHS repatriation program so it can assist U.S. citizens evacuating Lebanon after they return to the U.S.

That is exactly what HHS asked Congress to do in letters sent just yesterday to the Speaker and Senate majority leader. Instead of increasing the deficit, this legislation is fully paid for. It pays for this emergency assistance through increased program oversight, including by sunsetting the program after 2007.

It is totally appropriate for Congress to set a sunset date to ensure future program oversight. The 1996 welfare reform law did the same thing. It replaced the former AFDC program with the new TANF block grant program and only authorized the new program through fiscal year 2002.

The Child and Family Services Program Act of 2006, which the House agreed to just this morning, in bipartisan fashion, also does the same thing. It limits the authorization of the child welfare services program through only 2011, or for the next 5 years, instead of permanently, as under current law.

This was done and agreed to in bipartisan fashion by this House to ensure Congress reviews this program as it reviews the related Promoting Safe and Stable Families program, which also would authorize it through 2011.

Mr. Speaker, again I urge Members to join me in passing this legislation today. H.R. 5865 will ensure that those arriving in America from the strife and turmoil in Lebanon will continue to have service available to help them as they make their way home.

It also ensures Congress time and opportunity to review the repatriation program and consider ways to improve it to even better meet the needs of displaced Americans in the future.

In closing, I would like to thank the dedicated staff at the U.S. Department of Health and Human Services, State workers supported by this program, and especially the many volunteers who have pitched in to help Americans returning home from Lebanon in recent days.

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

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is sort of amusing to me that one minute Mr. HERGER and I can be working together, and the next minute we have little differences.

The Secretary of Health and Human Services, Mr. Leavitt, sent a letter up yesterday asking for this increase in financing. Nowhere in his letter does he say we ought to terminate it. They have a funding mechanism by which they think they have the money.

I am very seldom with the President, but sometimes I am when he is right. In this case I think we ought to keep the program. I really think that it is unusual that the theory gets out on the floor here that in order to have oversight over a program you have to kill it.

You don't have to have the body. I mean, it isn't like an autopsy. Sometimes you can do oversight on a living program, a program that is actually going on. Now maybe we need to kill the Halliburton program and just kill the whole $18 billion, then we can do oversight. But I think it would be much more reasonable to do oversight on a program that is going on.

I can't imagine how much abuse you could really have in a million dollars, in this sort of situation, given the kind of abuse that we have simply paid no attention to in the Halliburton situation.

So while I think that we can agree that we need some more money in this program, I don't think we want to just put ourselves in the situation of coming back one year from now and putting this program back in.

It may not be called the same thing. We will change the name. But the effectiveness of putting it in the law was that people anticipated that there would be situations like this before.

We have had situations in Rwanda, we have had situations in the Middle East, we have had situations in the Mediterranean, we have had all kinds of places where Americans get caught in a cross-fire and we have to extricate them, and we make available some money to take care of Americans.

That is why this is a good idea and shouldn't be ended simply as a way of saying we are controlling a national budget deficit of $5 trillion, or whatever it is. This is $1 million, guys. Come on.

Mr. THOMAS. Mr. Speaker, as sponsor of this bill, I support continuing to help the thousands of Americans fleeing the hostilities in Lebanon and returning to the safe confines of the United States.

As of Sunday, July 23, 20 flights had rescued 3,890 U.S. citizens from Beirut and the surrounding area. Of those rescued Americans, hundreds received aid from the Health and Human Services, HHS, repatriation program after they arrived in the U.S., including 25 unaccompanied minors and 21 special needs cases—of which 12 were medical cases.

However, under current law, there is a $1 million spending cap on this program, which is close to being reached. Without legislative action, the repatriation program will no longer be able to provide aid to Americans in need. There may be 10,000 more U.S. citizens repatriating from Lebanon in the coming days who might require assistance through this program.

To make this aid available to other Americans as they arrive from Lebanon, this bill temporarily lifts the $1 million annual spending cap on the current HHS repatriation program. The Congressional Budget Office predicts this will allow about $4 million in additional spending for the thousands of Americans evacuating Lebanon.

Additionally, today's action, while increasing aid, also increases program integrity and oversight. The bill requires that the HHS Inspector General report to Congress on how the money in the program is being spent and it requires congressional action for the continuation of this program beyond fiscal year 2007. Therefore, even with the one-time increase in the spending cap, CBO estimates that this bill will be cost neutral over the next 5 years and will achieve savings over 10 years.

Mr. Speaker, this bill is good policy that ensures the continuation of aid for Americans in need, while providing the opportunity to improve upon this program. It is timely and because of the ongoing situation in the Middle East, it is important that we act quickly.

I urge my colleagues to join me in supporting this legislation today and am hopeful that the Senate will consider this bill in short order so we can send it to the President for his signature.

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5865.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

21ST CENTURY EMERGENCY COMMUNICATIONS ACT OF 2006

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5852) to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes.

The Clerk read as follows:

H.R. 5852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Emergency Communications Act of 2006''.

SEC. 2. EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

''TITLE XVIII—EMERGENCY COMMUNICATIONS

''SEC. 1801. OFFICE OF EMERGENCY COMMUNICATIONS.

''(a) IN GENERAL.—There is in the Department an Office of Emergency Communications.

''(b) ASSISTANT SECRETARY.—The head of the office shall be the Assistant Secretary for Emergency Communications.

''(c) RESPONSIBILITIES.—The Assistant Secretary for Emergency Communications shall—

''(1) assist the Secretary in developing and implementing the program described in section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except as provided in section 314;

''(2) administer the Department's responsibilities and authorities relating to the SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards;

''(3) administer the Department's responsibilities and authorities relating to the Integrated Wireless Network program;

''(4) coordinate, as appropriate, regarding the administration of the National Communications System;

''(5) conduct extensive, nationwide outreach and foster the development of interoperable emergency communications capabilities by State, regional, local, and tribal governments and public safety agencies;

''(6) provide technical assistance to State, regional, local, and tribal officials with respect to use of interoperable emergency communications capabilities;

''(7) facilitate the creation of Regional Emergency Communications Coordination Working Groups under section 1805;

''(8) promote the development of best practices with respect to use of interoperable emergency communications capabilities for incident response and facilitate the sharing of information on such best practices (including from governments abroad) for achieving, maintaining, and enhancing interoperable emergency communications capabilities for such response;

''(9) coordinate the establishment of a national response capability with initial and ongoing planning, implementation, and training for the deployment of backup communications services in the event of a catastrophic loss of local and regional emergency communications services;

''(10) assist the President, the National Security Council, the Homeland Security Council, and the Director of the Office of Management and Budget in ensuring the operability of the telecommunications functions and responsibilities of the Federal Government, excluding spectrum management;

''(11) establish, in coordination with the Director of the Office of Interoperability and Compatibility, requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department;

''(12) review, in consultation with the Assistant Secretary for Grants and Training, all interoperable emergency communications plans of Federal, State, local, and tribal governments, including Statewide and tactical interoperability plans, developed pursuant to homeland security assistance administered by the Department, but excluding spectrum allocation and management related to such plans.

''(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—There is transferred to the Secretary the authority to administer, through the Assistant Secretary for Emergency Communications, the following:

''(1) The SAFECOM Program, excluding elements related to research, development, testing, and evaluation and standards.

''(2) The responsibilities of the Chief Information Officer related to the implementation of the Integrated Wireless Network.

''(3) The Interoperable Communications Technical Assistance Program.

''(e) COORDINATION.—The Assistant Secretary shall coordinate, as appropriate, with the Director of the Office for Interoperability and Compatibility with respect to the responsibilities described in section 314.

''(f) SUFFICIENCY OF RESOURCES PLAN.—

''(1) REPORT.—Not later than days 60 days after the enactment of this section, the Secretary shall submit to Congress a report on the resources and staff necessary to carry out the responsibilities under this subtitle.

''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the validity of the report submitted by the Secretary under paragraph (1). Not later than 30 days after the date on which such report is submitted, the Comptroller General shall submit to Congress a report containing the findings of such review.

''SEC. 1802. NATIONAL EMERGENCY COMMUNICATIONS REPORT.

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Emergency Communications, shall, not later than one year after the completion of the baseline assessment under section 1803, and in cooperation with State, local, and tribal governments, Federal departments and agencies, emergency response providers, emergency support responders, and the private sector, develop a National Emergency Communications Report to provide recommendations regarding how the United States can accelerate the deployment of interoperable emergency communications nationwide.

''(b) CONTENTS.—The report shall—

''(1) include a national interoperable emergency communications inventory to be completed by the Secretary of Homeland Security, the Secretary of Commerce, and the Chairman of the Federal Communications Commission that—

''(A) identifies for each Federal department and agency—

''(i) the channels and frequencies used;

''(ii) the nomenclature used to refer to each channel or frequency used; and

''(iii) the types of communications system and equipment used;

''(B) identifies the interoperable emergency communications systems in use for public safety systems in the United States; and

''(C) provides a listing of public safety mutual aid channels in operation and their ability to connect to an interoperable communications system;

''(2) recommend, in consultation with the Federal Communications Commission and the National Institute of Standards and Technology, a process for expediting national voluntary consensus-based emergency communications equipment standards for the purchase and use by public safety agencies of interoperable emergency communications equipment and technologies;

''(3) identify the appropriate interoperable emergency communications capabilities necessary for Federal, State, local, and tribal governments to operate at all threat levels;

''(4) recommend both short-term and long-term solutions for deploying Federal, State, local, and tribal interoperable emergency communications systems nationwide, including through the provision of existing and emerging technologies that facilitate operability, interoperability, coordination, and integration among existing emergency communications systems;

''(5) identify how Federal Government departments and agencies that respond to acts of terrorism, natural disasters, and other emergencies can work effectively with State, local, and tribal governments, in all States, and with other entities;

''(6) include recommendations to identify and overcome obstacles to deploying interoperable emergency communications nationwide; and

''(7) recommend goals and timeframes for the deployment of an emergency, command-level communications system based on new and existing equipment across the United

States and develop a timetable for deploying interoperable emergency communications systems nationwide.

"SEC. 1803. ASSESSMENTS AND REPORTS.

''(a) BASELINE OPERABILITY AND INTEROPERABILITY ASSESSMENT.—Not later than one year after the date of the enactment of this section and not less than every 5 years thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall conduct an assessment of Federal, State, local, and tribal governments, to—

''(1) define the range of operable and interoperable emergency communications capabilities needed for specific events;

''(2) assess the current capabilities to meet such communications needs; and

''(3) identify the gap between such current capabilities and defined requirements.

''(b) PROGRESS REPORTS.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, acting through the Assistant Secretary for Emergency Communications, shall submit to Congress a report on the progress of the Department in implementing and achieving the goals of this subtitle, including—

''(1) a description of the findings of the most recent baseline assessment conducted under subsection (a);

''(2) a determination of the degree to which interoperable emergency communications has been achieved to date and ascertain the gaps that remains for interoperability to be achieved;

''(3) an assessment of the ability of communities to provide and maintain interoperable emergency communications among emergency managers, emergency response providers, emergency support providers, and government officials in the event of acts of terrorism, natural disasters, or other emergencies, including Incidents of National Significance declared by the Secretary under the National Response Plan, and where there is substantial damage to communications infrastructure;

''(4) a list of best practices among communities for providing and maintaining interoperable emergency communications in the event of acts of terrorism, natural disasters, or other emergencies; and

''(5) an evaluation of the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of acts of terrorism, natural disasters, or other emergencies.

"SEC. 1804. COORDINATION OF DEPARTMENT EMERGENCY COMMUNICATIONS GRANT PROGRAMS.

''(a) COORDINATION OF GRANTS AND STANDARDS PROGRAMS.—The Secretary, acting through Assistant Secretary for Emergency Communications, shall ensure that grant guidelines for the use of homeland security assistance administered by the Department relating to interoperable emergency communications are coordinated and consistent with the goals and recommendations in the National Emergency Communications Report under section 1802.

''(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Planning, and in consultation with the Assistant Secretary for Emergency Communications, may prohibit any State, local, or tribal government from using homeland security assistance administered by the Department to achieve, maintain, or enhance interoperable emergency communications capabilities, if—

''(A) such government has not complied with the requirement to submit a Statewide Interoperable Communications Plan as required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f));

''(B) such government has proposed to upgrade or purchase new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards and has not provided a reasonable explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards; and

''(C) as of the date that is three years after the date of the enactment of this section, national voluntary consensus standards for interoperable emergency communications capabilities have not been developed and promulgated.

''(2) STANDARDS.—The Secretary, in coordination with the Federal Communications Commission, the National Institute of Standards and Technology, and other Federal departments and agencies with responsibility for standards, shall support the development, promulgation, and updating as necessary of national voluntary consensus standards for interoperable emergency communications with the goal of having such standards in place to satisfy the requirements of paragraph (1)(C).

"SEC. 1805. REGIONAL EMERGENCY COMMUNICATIONS COORDINATION.

''(a) IN GENERAL.—There is in each Regional Office a Regional Emergency Communications Coordination Working Group (in this section referred to as an 'RECC Working Group').

''(b) SUBJECT MATTER EXPERTS.—The RECC Working Group shall consist of the following:

''(1) NON-FEDERAL.—Organizations representing the interests of the following:

''(A) State officials.

''(B) Local officials, including sheriffs.

''(C) State police departments.

''(D) Local police departments.

''(E) Local fire departments.

''(F) Public safety answering points (9–1–1 services).

''(G) Communications equipment vendors (including broadband data service providers).

''(H) Hospitals.

''(I) Public utility services.

''(J) Local exchange carriers.

''(K) Local broadcast media.

''(L) Wireless carriers.

''(M) Satellite communications services.

''(N) Emergency evacuation transit services.

''(O) Ambulance services.

''(P) HAM and amateur radio operators.

''(Q) State emergency managers, homeland security directors, or representatives of State Administrative Agencies.

''(R) Local emergency managers or homeland security directors.

''(S) Cable operators.

''(T) Other emergency response providers or emergency support providers as deemed appropriate.

''(2) FEDERAL.—Representatives from the Department and other Federal departments and agencies with responsibility for coordinating interoperable emergency communications with or providing emergency support services to State, local, and tribal governments.

''(c) DUTIES.—The duties of each RECC Working Group shall include—

''(1) assessing the survivability, sustainability, and interoperability of local emergency communications systems to meet the goals of the National Emergency Communications Report;

''(2) reporting annually to the Assistant Secretary for Emergency Communications on the status of its region in building robust and sustainable interoperable voice and data emergency communications networks and on the progress of the region in meeting the goals of the National Emergency Communications Report under section 1802 when such Report is complete;

''(3) ensuring a process for the coordination of the establishment of effective multijurisdictional, multi-agency emergency communications networks for use during acts of terrorism, natural disasters, and other emergencies through the expanded use of emergency management and public safety communications mutual aid agreements; and

''(4) coordinating the establishment of Federal, State, local, and tribal support services and networks designed to address the immediate and critical human needs in responding to acts of terrorism, natural disasters, and other emergencies.

"SEC. 1806. EMERGENCY COMMUNICATIONS PREPAREDNESS CENTER.

''(a) ESTABLISHMENT.—There is established the Emergency Communications Preparedness Center (in this section referred to as the 'Center').

''(b) OPERATION.—

''(1) IN GENERAL.—The Secretary, the Chairman of the Federal Communications Commission, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other Federal departments and agencies or their designees shall jointly operate the Center in accordance with the Memorandum of Understanding entitled, 'Emergency Communications Preparedness Center (ECPC) Charter'.

''(2) CHAIR.—The Chair of the Center shall rotate every two years between the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the Chairman of the Federal Communications Commission.

''(c) FUNCTIONS.—The Center shall—

''(1) serve as the focal point for interagency efforts to address operable and interoperable communications;

''(2) serve as a clearinghouse with respect to all relevant information regarding intergovernmental efforts to achieve nationwide interoperable emergency communications capabilities;

''(3) ensure cooperation among the relevant Federal Government departments and agencies to improve effectiveness in the communication and implementation of the goals recommended in the National Emergency Communications Report under section 1802, including specifically by working to avoid duplication, hindrances, and counteractive efforts among the participating Federal departments and agencies;

''(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding the efforts of Federal departments and agencies to implement the National Emergency Communications Report under section 1802; and

''(5) perform such other functions as are provided in the ECPC Charter under subsection (b)(1).

''(d) REPORT.—Not later than 180 days after the date of the enactment of this section, the Chair shall transmit to the Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

"SEC. 1807. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

''(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Federal Communications Commission and the Secretary of Defense, and with appropriate State, local, and tribal government officials,

shall provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable emergency communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from acts of terrorism, natural disasters, and other emergencies.

''(b) MINIMUM CAPABILITIES.—The interoperable emergency communications capabilities established under subsection (a) shall ensure the ability of all levels of government, emergency response providers, emergency support providers, the private sector, and other organizations with emergency response capabilities—

''(1) to communicate with each other in the event of an emergency;

''(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 321); and

''(3) to be consistent with any applicable State or Urban Area homeland strategy or plan.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

''TITLE XVIII—EMERGENCY COMMUNICATIONS

''Sec. 1801. Office of Emergency Communications.
''Sec. 1802. National Emergency Communications Report.
''Sec. 1803. Assessments and reports.
''Sec. 1804. Coordination of Federal emergency communications grant programs.
''Sec. 1805. Regional emergency communications coordination.
''Sec. 1806. Emergency Communications Preparedness Center.
''Sec. 1807. Urban and other high risk area communications capabilities.

SEC. 3. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 314. OFFICE OF INTEROPERABILITY AND COMPATIBILITY.

''(a) CLARIFICATION OF RESPONSIBILITIES.—The Director of the Office of Interoperability and Compatibility shall—

''(1) assist the Secretary in developing and implementing the science and technology aspects of the program described in subparagraphs (D), (E), (F), and (G) of section 7303(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1));

''(2) support the creation of national voluntary consensus standards for interoperable emergency communications;

''(3) establish a comprehensive research, development, testing, and evaluation program for improving interoperable emergency communications;

''(4) establish, in coordination with the Assistant Secretary for Emergency Communications, requirements for total and nonproprietary interoperable emergency communications capabilities for all public safety radio and data communications systems and equipment purchased using homeland security assistance administered by the Department;

''(5) carry out the Department's responsibilities and authorities relating to research, development, testing, evaluation, or standards-related elements of the SAFECOM Program;

''(6) evaluate and assess new technology in real-world environments to achieve interoperable emergency communications capabilities;

''(7) encourage more efficient use of existing resources, including equipment, to achieve interoperable emergency communications capabilities;

''(8) test public safety communications systems that are less prone to failure, support new nonvoice services, use spectrum more efficiently, and cost less than existing systems; and

''(9) coordinate with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperable emergency communications capabilities.

''(b) COORDINATION.—The Director shall coordinate with the Assistant Secretary for Emergency Communications with respect to the SAFECOM program.

''(c) SUFFICIENCY OF RESOURCES.—The Secretary shall provide the Office for Interoperability and Compatibility the resources and staff necessary to carry out the responsibilities under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title III the following:

''Sec. 314. Office of Interoperability and Compatibility.''.

SEC. 4. SENSE OF CONGRESS ON THE PROJECT 25 CONFORMITY ASSESSMENT PROJECT.

It is the sense of Congress that in carrying out the responsibilities and authorities of the Department of Homeland Security relating to the SAFECOM Program, the Assistant Secretary of Homeland Security for Emergency Communications and the Director of the Office of Interoperability and Compatibility should work with the National Institute of Standards and Technology for the purpose of implementing, as soon as possible, the Project 25 Compliance Assessment Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. STUPAK) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material on the bill.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I would especially like to commend Representative REICHERT for his authorship of this legislation. In addition, I want to recognize the efforts of both Chairman BARTON and Chairman KING in preparing this legislation for consideration on the floor today.

□ 1100

Mr. Speaker, without a doubt, this Nation has endured significant domestic tragedies in the past 5 years, and of course, 9/11 and Hurricane Katrina stand out as most catastrophic.

While both were catastrophic, the causes were very different. The former a profoundly evil terrorist act, and the latter a terrible act of nature. But there at least is one common lesson that we learned from both tragedies: We learned how critically important interoperable communication is for our Nation's first responders during crisis regardless of the cause. It really is a matter of life and death.

At its heart, H.R. 5852 is designed to improve interoperable communications among our Nation's first responders. Of course, this Congress has already paved the way by providing for an orderly digital television transition to be completed by February 17, 2009, at which point 24 megahertz of spectrum in the upper 700 megahertz band will be returned by the broadcasters and provided to first responders to facilitate interoperable radio communications. That spectrum is ideally suited for this purpose. Congress also earmarked $1 billion from upcoming spectrum auction proceeds to assist State and local governments in procuring interoperable communications equipment.

But the legislation before us today mandates a National Emergency Communications report to recommend goals and time frames for the achievement of redundant, sustainable, and interoperable emergency communication systems. It requires a baseline assessment of current emergency communications capabilities and periodic assessments on progress in filling existing gaps, and it accelerates the development of national voluntary consensus standards for emergency communications equipment. It requires State and local governments to establish effective statewide interoperable communication plans before being able to use DHS grant funds for emergency communications. It facilitates coordination on emergency communications by establishing regional working groups comprised of Federal, State, and local officials, first responders, and other relevant stakeholders. And it elevates the importance of emergency communications within the Department of Homeland Security, enhancing accountability and resources to ensure first responders on the ground that it can communicate with one another.

Mr. Speaker, H.R. 5852 is truly an excellent bill which builds on the work that this Congress has already done to ensure that our Nation's first responders have the interoperable communications that they need to do their job of protecting our constituents in times of crisis. Again, I want to commend Representative REICHERT, Chairman BARTON, and Chairman KING for their excellent work. I would urge all of my colleagues to support this bill.

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

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

While I do not oppose the substance of H.R. 5852, the 21st Century Emergency Communications Act of 2006, I

strongly oppose the process by which this bill has been brought to the floor today.

H.R. 5852 was introduced July 20, 5 days ago, and was referred to the Energy and Commerce Committee. The committee has held no hearings on this bill nor did the subcommittee or full committee ever mark up this bill. The last hearing the committee held on this issue was September 2005, and the focus was public safety communications after Hurricane Katrina. Now, a month before the anniversary of Hurricane Katrina, the majority party is bringing up a bill that is not nearly enough to help our first responders on the ground.

This is no way to bring public safety legislation to the floor, and this process does a disservice to all our public safety officers throughout America.

Since the bill was not subject to any hearings in the Energy and Commerce Committee, I will not spend a lot of time talking about the bill's substance. I will say that the Department of Homeland Security should have taken these steps months and years ago. This bill gives the Department of Homeland Security the ability to deny grants to States and localities that don't have interoperability plans completed and don't meet minimum standards.

Let me be clear. I support accountability for the money spent from the Department of Homeland Security grant programs. However, we have not heard from the States and localities, because they did not have a hearing on this bill. I suspect that some States and localities may consider these provisions to be unfunded mandates.

The bill calls for periodic baseline surveys on the level of interoperability across the country. I support efforts to measure our progress towards interoperable public safety communications; however, I have little faith that the Department of Homeland Security is going to complete these surveys. We heard in committee that while the first survey was supposed to be finished by 2005, the Department had only recently agreed on methodology and had no start time in mind.

A bill that holds DHS's feet to the fire is a good thing. The administration could certainly use some prodding. DHS testified in September that it is the administration's goal to achieve interoperability within the next 20 years, by 2023. We don't have 20 years to become interoperable as a Nation. Our first responders are on the front lines in the war against terror today. They need the help now. Without adequate funding, the benchmarks and planning in this bill will not be implemented in our communities. Last year, the Republican Congress cut the DHS grant programs that fund interoperable communications by almost $600 million and slashed the Department of Justice interoperability grant program by $82 million, effectively eliminating it.

My colleagues may not know that this bill is based very closely on a bill introduced by my colleague, Ms. Lowey, which has the support of Democrats. There is one glaring difference, Ms. Lowey's bill would have established an interoperability grant program at the Department of Homeland Security to help our communities. In the closed door negotiations, the Republican majority removed the grant program. No money, no program.

This has become a pattern of the majority: Take a good Democratic bill, copy it in theme only, rush it to the floor without any hearings, send out a press release, and then quietly never fund the program. We have seen this time and time again.

Mr. Speaker, we ask more of our first responders than ever before. They are on the front lines in the war against terror. They must be prepared to respond to chemical disasters, rail disasters, natural disasters. We saw during 9/11 and Hurricane Katrina that public safety communications are critical in any emergency, but without adequate funding, the bill's worthy goals may never be achieved.

Are new interoperable radios more important than replacing out-of-date fire trucks or creating a meth crime task force? These are the real choices that communities across this Nation must make every day, and they receive no help from Washington. Their choices are becoming harder and harder as the Bush administration and Republican budgets ask them to make more with less and less.

The real reason why I think the Republicans have brought the bill before us today is because they don't want to face any funding amendments that may come up. In committee last fall, I offered an amendment to create a $5.8 billion trust fund for first responder communications. My amendment failed on a tie vote. Homeland Security Committee Democrats have forced similar votes. Why is this bill on suspension today? Because the majority wants to avoid votes on amendments that would invest in public safety communication grants for our communities.

My colleagues should vote for this bill because it will bring some accountability to the Department of Homeland Security and focus more attention on the urgent need of interoperable communications. But my colleagues should not be under any false illusion that this bill will make it easier for first responders to acquire modern equipment. This bill will not provide the necessary interoperable equipment this country needs.

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

Mr. UPTON. Mr. Speaker, at this point I would yield as much time as he may consume to Sheriff Reichert, the sponsor of this legislation and the chairman of the Emergency Preparedness Subcommittee.

Mr. REICHERT. Mr. Speaker, I am proud to rise in support as a sponsor of H.R. 5852, the 21st Century Emergency Communications Act of 2006. Although I appreciate the comments from the gentleman from Michigan, I would like to first address before I get into my formal statement some of his comments.

There have been several hearings, four hearings and a joint hearing, held on the issue of interoperability and operability under the umbrella of the Homeland Security Committee and, more specifically, through the Emergency Preparedness Subcommittee that I chair.

I have only been in Congress 18 months. I was a police officer for 33 years. The last 8 years of that I was the sheriff. So I know a little bit about interoperability. I know a little bit about the inability for police officers to communicate. I know a little bit about life and death, and the ability to be in touch with your communications center or not to be in touch with your communications center, or not to have a partner present, or wait for a partner when you are facing someone with a gun. And I understand, too, the gentleman from Michigan has some experience in law enforcement and hopefully understands the importance of this bill.

I would also like to point out that between 2003 and 2005, $2 billion have been spent by the Federal Government across this Nation for interoperability without any national plan, without any national standards. And that is what this bill addresses today, and that is why it is so important for first responders across this country.

So there have been hearings. And not only have there been hearings, but these hearings have been held with people in attendance like firefighters, police officers, emergency management, people on the ground, people doing the job. We are not just hearing from politicians and mayors and CEOs of police departments and sheriff's offices, we are hearing from cops and firefighters, and they are supporting this bill 110 percent.

So, I would like to thank Mr. PASCRELL, my ranking member on my subcommittee, and I would like to thank Mr. THOMPSON, the ranking member of the full committee, and all those who serve on both committees, the Subcommittee on Emergency Preparedness, Science and Technology and the full Homeland Security Committee, who supported this bill.

When people look at Congress, they say what are we doing? Why are we not working together? On this particular issue, we did work together. This was a combined effort, this was a team effort, and it was congenial and it was an effort that was well respected by every member and every staff member on both the subcommittee and the committee.

Protecting our Nation should never be an issue where Democrats and Republicans cannot come together and recognize the need for our cooperation, especially on behalf of our first responders to ensure that our communities stay safe.

The Committee on Homeland Security did not just develop a bipartisan legislation overnight. Rather, it is the product of a series of hearings on the state of public safety energy communications. I presided over these hearings as chairman of the Subcommittee on Emergency Preparedness, Science and Technology, as well as held countless meetings on the topic with first responders, government officials, and other interested stakeholders. Last fall, Chairman KING appointed me to serve as the chairman of the Emergency Preparedness Subcommittee. I know the importance of finding solutions to this problem. That is precisely why I made interoperability the subcommittee's number one priority.

Until the events of September 11, 2001, many people in this Nation believed and assumed that first responders from different disciplines and jurisdictions could actually talk to each other. It wasn't happening. It is still not happening today. Unfortunately, that was not the case then, and, as demonstrated by the inadequate responses to Hurricane Katrina, that is not the case today. In fact, inability of first responders to communicate with one another effectively led to the loss of many lives in New Orleans and in other gulf coast communities. This is simply unacceptable. It is intolerable that our Nation's law enforcement, fire service, and emergency medical services personnel still confront many of the same emergency communication problems that I did as a rookie cop when I started in 1972.

To many, the word ''interoperability'' means little. It is a little confusing term that police officers, firefighters, and first responders use. But I want to just share a personal story.

Back in the early 1970s when I was a deputy in a police car, I responded to a call where a young man 17 years old was high on drugs and alcohol, and he was able to gain access to his father's .308 Winchester rifle and he came from his house and he began to shoot at the neighborhood. I was the first car to arrive. A shot was fired over my police car. He ran out the back door of his house. We lost him for a while. We were able to surround the area. I was one of the officers on the perimeter. My radio didn't work, and a neighbor who saw the young man with the rifle pointed at three Seattle police officers who were coming to help the sheriffs office in the south end of the county called the neighbor across the street because she was afraid to leave her house. The neighbor across the street ran across the street to my police car and told me what was going on, because the person saw this young man ready to fire on three police officers.

I grabbed my police radio and I tried to get through the communications center, and I couldn't. No one heard me. A rifle pointed at three police officers, and I could not communicate back in 1974, 1975.

□ 1115

Three police officers' lives are now in danger. The only choice I had was to holster my weapon because there were people in the house peeking out of the window, watching the young man with the rifle pointed at the police officers, and run across the yard. That is what I did, holstered my gun, radio would not work, ran across the yard, jumped on the back of the 17-year-old with the .308 Winchester rifle and now was in a fight for my life.

Interoperability is a life and death matter. This bill matters to the police officers, firefighters and first responders working in our country today.

As I said earlier, the legislation before us today is based on the record made during four separate hearings, and during those hearings, the subcommittee heard testimony from a wide variety of parties including first responders, public works, utilities, hospitals, State and local officials, standards-setting organizations, the Department of Homeland Security, the Department of Commerce, the Federal Communications Commission, and other Federal Departments.

During these hearings, the witnesses identified the same problems over and over again. We heard about the lack of an accountable senior-level official in the Department of Homeland Security to oversee interoperability. When I first came here, I was told at one of my first hearings that the Federal Government has been dealing with the problem of interoperability for 10 years; and as I have just shared with you, we have been dealing with it as police officers for over 30 years. Something needs to be done, and it needs to be done now.

The absence of national voluntary consensus standards to help State and local governments to make wise decisions when purchasing communications equipment is something we heard over and over again.

We also heard about the failure of the Department to condition the use of grant funds by State and local governments on approved statewide communications plans and the absence of effective coordination between Federal Departments with shared responsibility for emergency communications.

H.R. 5852 will solve these and other problems that hinder the rapid deployment of interoperable emergency communication systems in our Nation.

H.R. 5852 enjoys broad support from members of the Committee on Homeland Security. It is almost identical to the provisions of H.R. 5351, the National Emergency Management Reform and Enhancement Act of 2006, a comprehensive Katrina lessons-learned legislation that the Committee on Homeland Security passed 28–0.

Mr. Speaker, it is time for us to send a message to our Nation's first responders that we support them in their efforts to protect us. Passage of H.R. 5852 would send such a message. I urge my colleagues to vote in favor of H.R. 5852.

Mr. Speaker, before I conclude, I will include in the RECORD at this point letters exchanged between the Committee on Homeland Security and the Committee on Science regarding jurisdiction over this bill, and I thank the Science Committee and Energy and Commerce Committee for their input on this important legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006. The Science Committee acknowledges the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Science Committee's jurisdictional interest in H.R. 5852. I appreciate your willingness not to seek a sequential referral in order to expedite proceedings on this legislation. I agree that, by not exercising your right to request a referral, the Science Committee does not waive any jurisdiction it may have over H.R. 5852. In addition, I agree to support representation for your Committee during the possible House-Senate conference meetings on provisions determined to be within your Committee's jurisdiction.

As you have requested, I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work toward the enactment of H.R. 5852.

Sincerely,

PETER T. KING,
Chairman.

Mr. STUPAK. Mr. Speaker, I yield myself 30 seconds to just respond to the gentleman from Washington.

I repeat, I know you have been in Congress for a limited amount of time, but there have been no hearings in the Energy and Commerce Committee on this bill, the committee with primary jurisdiction.

You talked about your law enforcement career. Well, back when you were

deputy in the early 1970s, I was a city police officer, went on to Michigan State Police, where I served until I was injured in the line of duty.

I am the founder of the Law Enforcement Caucus, and I hope you will join our caucus someday.

Law enforcement and first responders, what we are doing here today is giving them false hope and promises. The gentleman from Washington claims interoperability is a life and death issue. Then let us fund interoperability and not put law enforcement with a death penalty because they did not get the equipment they need.

I yield 6 minutes to the gentleman from New Jersey (Mr. PASCRELL), the ranking member of the Energy Preparedness Subcommittee.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5852, the 21st Century Emergency Communications Act.

As an original sponsor with my good friend Congressman REICHERT, this is long-overdue legislation. It is bipartisan legislation and really sends a message throughout the entire Congress of the United States that we can work together if we place the needs of our families and neighborhoods ahead of partisan politics.

When the 9/11 Commission released its final report, it found that the inability of our first responders to talk with each other and their commanders resulted in a loss of life. This is very, very important to America.

The 9/11 Commission identified a problem that has been in existence, Mr. Speaker, for decades. It identified a problem that many policymakers have known for some time.

In fact, in 1996, 10 years ago, Congress asked a blue ribbon committee, the Public Safety Wireless Advisory Committee, to examine the issue of interoperable communications. It concluded 10 years ago that public safety agencies did not have the sufficient interoperable communications ability to do their jobs.

Five years later, on September 11, 2001, public safety officers were still ill-equipped in this regard. Now, this is unconscionable. Five years after the 9/11 catastrophe, the 30 major cities in the United States of America still cannot communicate.

In 2002, the National Task Force on Interoperability convened several meetings with various national associations representing public safety officials to discuss the challenges of interoperable communications. They explicitly identified the key challenges that must be addressed if we are to move forward on the issue: incompatible aging equipment, fragmented planning in general, and a lack of coordination and cooperation from all the different stakeholders.

So we have known about the problems that exist, Mr. Speaker. Many have explored the possible remedies. Yet many in Congress sit, after 9/11, after Katrina, wondering why no real progress has been made.

And although I may take difference with my good friend and brother from Michigan, his point must be well taken, that these cannot be empty commitments. We must fund the very process that we have identified and voted on today.

The bottom line is that H.R. 5852 will improve the capability of first responders to communicate during times of emergencies. I am proud to work with a bipartisan allotment of Members. We have had hearings, and I am sorry that one of the major problems in this Congress is jurisdiction and we have not addressed that, and I hope that we can do this and not air our linen. I hope that we can come to agreement, but the fact is that homeland security is at the center of the stage in trying to make a terrible situation much better.

In an era when information can be sent instantaneously anywhere, it is utterly nonsensical that our Nation's police, the fire, and EMS personnel cannot consistently communicate with each other.

First, this bill elevates the importance of improved emergency communication. For the first time, we are going to finally have a central office within the Department of Homeland Security that does just that. We will create an Office of Emergency Communications within the Department where the Assistant Secretary for Emergency Communications is directed to force the development of interoperable emergency communications capabilities by States and territorial, local and tribal and public safety agencies. This is absolutely critical.

Elevating the status and standing, that standing of interoperability, within the Department is a key first step to ensuring the Department focuses at the proper time, has the staff, has the resources.

This office will be charged with a variety of long-overdue critical endeavors, including preparing a baseline report.

H.R. 5852 ensures that the appropriate staffing and resources are available to carry out the obligations charged.

Mr. Speaker, our legislation compels the Department of Homeland Security to create a national emergency communications plan. Common sense must prevail here. This bill, I know, does not address the grant funding; but it is interesting to note, and I would ask my brothers and sisters on both sides of the aisle just to listen to this one statement that I have if you listen to nothing else: a one-time expenditure, equivalent to 3 days of what we spend in the Iraq war, will do one thing. It will pay for making emergency radio systems interoperable 5 years after 9/11.

This bill is important, Mr. Speaker. This bill affects every American.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, I would like to thank Chairman REICHERT for his outstanding leadership on this important piece of legislation, which, in my view, will ultimately save lives.

Following Hurricanes Katrina and Rita last year, the Nation witnessed emergency response problems at all levels of government, especially with interoperability between our first responders. After Katrina and Rita, like on September 11, first responders and military personnel on the scene could not communicate effectively with each other.

This crucial piece of legislation will work to improve interoperability for our first responders by bolstering the national standards for emergency communications equipment. The bill also gives incentives to the States to improve their emergency communications plans and creates regional working groups to help Federal first responders better coordinate with their State and local counterparts.

Prior to coming to Congress, I served as chief of terrorism and national security in the U.S. Attorney's office in Texas. I also led the joint terrorism task force charged with detecting, deterring and preventing terrorist activity. I have worked with first responders for most of my professional career and have learned through experience that the ability to communicate between the Federal, State and local levels means saving lives, whether it is a terrorist attack or destruction at the hands of Mother Nature.

The time to fix and improve communications for our first responders is now, and I urge my colleagues to vote for this important bill.

Mr. STUPAK. Mr. Speaker, can you tell us how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) has 8½ minutes remaining. The gentleman from Michigan (Mr. UPTON) has 5 minutes remaining.

Mr. STUPAK. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. THOMPSON), a former first responder and a volunteer firefighter for 26 years.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to speak in support of H.R. 5852, the 21st Century Emergency Communications Act of 2006.

As the ranking member of the House Committee on Homeland Security, I am proud to be an original cosponsor of this legislation. This bill amends the Homeland Security Act of 2002 to enhance and improve the capability of first responders to communicate during times of emergency. It does so by improving the coordination of Federal, State, territorial, local and tribal governments as it relates to voice, data and other emerging technologies.

Mr. Speaker, the Committee on Homeland Security has heard from more than 25 witnesses in the more

than six hearings held on the interoperable challenges of emergency communications. We heard from Governors, mayors, first responders, emergency support responders, the heads of Federal agencies with responsibilities for promulgating emergency communication capabilities, as well as experts in the technology sectors of interoperable emergency communications.

All in all, Mr. Speaker, the message from the witnesses was twofold: the need for leadership and funding for the deployment of an interoperable emergency communications system.

Today, Congress has finally decided to show one of these two things by placing this legislation on the calendar. The timing, days before Members go home before the August recess and only a couple of months before fall elections, does not escape me.

□ 1130

Despite the convenience of timing, I am grateful that we are moving forward and finally are doing something to help the men and women on the front lines of our homeland security efforts. This has been a long time coming.

When Air Florida Flight 90 crashed in the Potomac Basin in Washington, D.C. on January 13, 1982, Congress learned that there were no provisions for communication interoperability in place.

On April 19, 1995, when the white supremacist and homegrown terrorist Timothy McVeigh rammed his flammable truck into the Murrah Federal Building in downtown Oklahoma City, the post-investigation revealed that the 117 local, State, and Federal agencies, with more than 1,500 personnel on the scene, were forced to rely on runners to disseminate critical, time sensitive information.

Congress must respond. Now, in less than 2 months, this Nation will mark the fifth anniversary of September 11, 2001. On that fateful day, Americans learned that the Nation was vulnerable and unprepared for an attack that killed almost 3,000 people. Among the dead were 343 New York City Fire Department members and 23 New York City Police Department officers.

As a volunteer firefighter of 26 years, Mr. Speaker, my heart dropped when I heard of the radio communication failures of that day. Lack of inoperable communication impeded a lot of help that could have gone to those individuals.

Four years later, Mr. Speaker, as Hurricane Katrina and Rita struck the gulf coast, the same story emerged. Firefighters and police along the gulf coast didn't have the means to communicate.

This legislation will move us closer to fixing the interoperability crisis facing our Nation. As I noted earlier, leadership is only half the solution for the interoperability crisis. All our efforts here today will be for naught if we do not provide funding for the development and deployment of a nationwide emergency communication system. My colleague, Representative NITA LOWEY of New York, has repeatedly raised this issue.

Mr. Speaker, I look forward to the passage of this legislation.

In less than two months, this Nation will mark the fifth anniversary of the Al Qaida's attack on the United States. On Tuesday, September 11, 2001, millions of Americans watched in shock and horror as American Airline Flight 11 and United Airline Flight 75 torpedoed into the Twin Towers of the World Trade Center in New York City at 8:46 AM and 9:20 AM respectively. Within 17 minutes, the public learned that American Airlines Flight 77 smashed into the Pentagon. Twenty-six minutes later, United Airlines Flight 93 plummeted into a field in Shankville, PA after passengers attempted to deter the terrorists' attempt to fly the plane to Washington, D.C. Al Qaida's villainous assault on American soil killed almost 3,000 people. Among the dead were 343 New York City Fire Department Firefighters and 23 New York City Police Department officers.

Americans were startled to learn of the United States' vulnerabilities and lack of preparedness on September 11th. As a former volunteer firefighter of 26 years, I understood instinctively the radio communication challenges the firefighters and police officers faced in New York City. As one who experienced the threat of collapsing buildings and other dangers in the line of duty, I was heartbroken to learn that New York City firefighters never received the police warning to evacuate the North Tower after the South Tower's collapse because their system was not interoperable with the police communication systems. Lack of interoperable communication also impeded the relay of the message that an open stairwell in the South Tower free of debris and obstruction could be used for evacuation.

Interoperable or emergency communication capabilities became catch-phrases to the public because of September 11th. However, first responders face the challenge of emergency communications in everyday emergencies and high-profiled public safety events. Members of Congress also know of these challenges. When Air Florida Flight 90 crashed in the Potomac Basin in Washington, D.C. on January 13, 1982, Congress learned that there were no provisions for communication interoperability in place. On April 19, 1995, when white supremacist Timothy McVeigh rammed his flammable truck into the Murrah Federal Building in downtown Oklahoma City, the post-investigation revealed that the 117 local, state, and federal agencies with more than 1,500 personnel on the scene were forced to rely on runners to disseminate critical, time sensitive information.

In 1996, the Public Safety Wireless Advisory Committee (PSWAC), a blue ribbon committee created by Congress to examine the issue of interoperable communication, concluded that public safety agencies did not have sufficient radio spectrum to communicate with each other when they responded to emergencies. Responding to the PSWAC report, Congress included a provision in the Balanced Budget Act of 1997 which called for the Federal Communications Commission to allocate portions of the 700 Mhz spectrum for public safety use by December 31, 2006.

The catastrophic Hurricanes Katrina and Rita demonstrated, yet again, the critical need for operable and interoperable communication. Despite the high-profiled events and everyday challenges facing first responders, Congress extended the date for freeing the much-needed public safety spectrum to February 17, 2009.

Interoperability directly impacts the first responder community which consists of over 61,000 public safety agencies including 960,000 firefighters, 830,000 EMS personnel, and 710,000 Law Enforcement Officers. The U.S. Conference of Mayors (USCM) conducted a survey of 192 cities regarding their interoperable communications systems in 2004 and found:

—Of the cities with a major chemical plant, 97% reported that they did not have interoperable communications capability between the chemical plant, police, fire and emergency medical services;

—60% of the cities reported that they did not have interoperable communications capability with state emergency operations centers; and

—75% of the cities pointed out that limited funding was preventing achieving full interoperable communications capability.

Despite the pressing need for effective emergency communications capabilities, the Department of Homeland Security has incredibly assigned a full-time staff of only four to seven employees to provide grant guidance, develop standards and methodology, implement pilot programs and the expansion of the Rapidcom program, research and development, conduct a national interoperability baseline study, and disaster management and emergency communication at the Federal Emergency Management Agency (FEMA).

The 9/11 Commission said a rededication to preparedness is perhaps the best way to honor the memories of those we lost that day [September 11]. This is why I join my fellow original cosponsors to introduce the 21st Century Emergency Communications Act of 2006. H.R. 5852 will improve the country's preparedness and emergency communications capability by (1) creating, for the first time, a central office within the Department for the administration and policy consideration for emergency communications; (2) ensuring appropriate staffing and resources commitment to improve emergency communication capabilities; (3) compelling DHS to create a national emergency communications plan and inventory of the Nation's emergency communications system and capabilities; and, (4) seeking accountability regarding the use of DHS funds and governance.

The bill would establish an Office of Emergency Communications within the Department where the Assistant Secretary for Emergency Communications would be directed to foster the development of interoperable emergency communications capabilities by State, territorial, local, tribal, and public safety agencies. The Office would prepare a baseline report that provides a snapshot of the current state of emergency communications capabilities; follow-up with periodic assessment reports regarding Federal efforts to address existing gaps and identify best-practices models; coordinate the capability to deploy backup communications services in the event of system failures during an emergency; create regional working groups made up of public and private sector emergency communication experts that would assess and report on the state of emergency communication networks nationwide;

provide technical assistance to state and local governments; and, develop a plan to ensure the operability of the Federal governments communications systems.

The legislation would require the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications not later than 60 days after the enactment of the bill. Within 30 days of the Secretary's report to Congress, the Government Accountability Office (GAO) is to review, assess, and report on the findings submitted by the Secretary of Homeland Security.

The bill would also call a National Emergency Communications Strategy to expedite an effective nationwide emergency communications system and conduct a national inventory of the channels, frequencies, and the types of communication systems and equipments. The plan would also identify and make recommendations regarding both short-term and long-term obstacles and solutions to achieving emergency communication capabilities at all levels of government; set goals and timeframes for achieving nationwide emergency communication capabilities; and, accelerate the development of national standards for emergency communications equipment.

To improve the accountability and good governance, State and local governments would be required to establish effective statewide interoperable communications plans before being able to use Department of Homeland Security grant funds for emergency communications. The Department's grant guidelines would also have to be coordinated and consistent with the goals of the national strategy for emergency communications.

Finally, this legislation would establish an Emergency Communications Preparedness Center to act as a clearinghouse for the Federal Government's efforts to achieve nationwide interoperability; ensure cooperation among the relevant departments and agencies to implement the goals of the emergency communications strategy, and prepare and submit to Congress, on an annual basis, a strategic assessment regarding efforts of Federal departments and agencies to implement the emergency communications strategy.

The 21st Century Emergency Communications Act of 2006 will take substantial steps to provide the leadership that is needed on emergency communication. I hope this Congress moves quickly to pass this bill.

Mr. UPTON. Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), who really wrote this bill that the majority presents here today in theme only.

Mrs. LOWEY. I thank the gentleman, and I thank Ranking Member THOMPSON and Ranking Member PASCRELL. It is a pleasure for us to be here. And thank you, Chairman REICHERT, for bringing this bill to the floor. We have been talking about this issue for a very long time, and I rise in strong support of the legislation. I strongly support the emergency communications provisions, particularly the interoperability strategy I first proposed more than 2 years ago.

It is really unfortunate that we waited 6 years into the 21st century to adopt the 21st Century Emergency Communications Act. Communications failures, as has been referenced by my colleagues on both sides of the aisle, plagued the response in Oklahoma City in 1995, Columbine in 1999, New York in 2001, and in the gulf region following Hurricane Katrina. In all of these cases, first responders had to use many of the same communications as Paul Revere.

The lack of interoperability was deadly on September 11. Of the 58 firefighters who escaped the north tower of the World Trade Center and gave oral histories to the Fire Department of New York, only three heard radio warnings that the north tower was in danger of collapse. Three. So as these brave firefighters were running up, the majority of people were coming down. And many of the 343 firefighters who died that day would have likely been saved had they carried effective, interoperable radios.

The interoperability strategy in this bill is desperately needed, as is an adequate number of employees at DHS to solve this crisis and to validate manufacturers' claims that equipment meets widely accepted standards. So I am pleased, and I thank the chairman and the ranking members for bringing this bill to the floor.

However, the bill has one critical flaw. Despite the testimony of the Director of the Office of Interoperability and Compatibility, Dr. David Boyd, that it will cost over $100 billion to overhaul communication systems across the country, the bill does not provide any funding for State and local governments to plan, to implement, or to maintain communication networks.

However, while this bill is not perfect, the bill is a vast improvement over the lack of current policy. Right now, as we know, the Office of Interoperability and Compatibility has only five employees and a budget of less than one-half of 1 percent of the total DHS budget.

We cannot wait for the next disaster before we take action, and I urge your support.

Mr. UPTON. Mr. Speaker, who has the ability to close?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has the right to close.

Mr. STUPAK. How much time do we have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) has 1½ minutes remaining.

Mr. STUPAK. I yield 30 seconds to Mr. PASCRELL.

Mr. PASCRELL. Mr. Speaker, I think that those who have come before us today have highlighted how critical this legislation is to the American people. In the Subcommittee on Science, Technology and Emergency Preparedness for our police, our fire and EMS, we believe that unless the Homeland Security Department puts more emphasis and boots on the ground than those people who are there every day and every night, that we are never going to get this right in protecting America.

This bill seeks to do that, and, hopefully, within a very short period of time, we will look and find the funding, and I have suggested one place today, so that we will take care of those needs of homeland security and protecting our families.

Mr. STUPAK. Mr. Speaker, Democrats on this side, we will support the bill. It does create some accountability at the Department of Homeland Security. It will provide the cities and counties with guidance and standards 5 years after 9/11. But the real critical need is, we need funding.

Public safety interoperability should be an urgent priority for this country. As a former police officer, I understand clearly the importance of adequate funding for homeland security programs. The bill solves half the problem. We create the standards, but there is no funding. Let us provide funding and not continue to give false hope to our first responders that interoperability will finally arrive. It will never arrive until we provide adequate funding.

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

Mr. UPTON. Mr. Speaker, I yield myself the balance of my time, and at this point I want to include a number of letters as part of the RECORD: Two from Chairman BARTON, one from Mr. BOEHLERT and one from Mr. YOUNG.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 24, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006.

Our Committee recognizes the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over a number of provisions in the bill, I do not intend to request referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego the referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference. I would appreciate it if you would include a copy of this letter and of your response acknowledging our jurisdictional interest as part of the Congressional Record during consideration of the bill by the House.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 25, 2006.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science,
Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter in regards to H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I acknowledge and appreciate your willingness not to exercise your jurisdiction on the bill. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Science with respect to its jurisdictional prerogatives on this legislation or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on Science's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Congressional Record during consideration on the House floor.

Sincerely,

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 5852, the 21st Century Emergency Communications Act of 2006. The Science Committee acknowledges the importance of H.R. 5852 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also asks that you support our request to be conferees on any provisions over which we have jurisdiction during House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 26, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG: Thank you for your letter in regards to H.R. 5852, the 21st Century Emergency Communications Act of 2006.

I acknowledge and appreciate your willingness not to exercise your referral on the bill. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this legislation or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on Transportation and Infrastructure's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include your letter and this response in the Congressional Record during consideration on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. UPTON. Mr. Speaker, in closing, I would urge all my colleagues to support this bill. I would remind my colleagues that it was clearly a bipartisan bill. It passed 28–0. I want to particularly thank Mr. PASCRELL, Mr. THOMPSON, Mrs. LOWEY, and Mr. REICHERT. This has bipartisan spirit behind it from the start.

I would just note that interoperability is very important. We saw with 9/11 that our firefighters didn't get the message, they stayed in the buildings, and they died. With Katrina, we saw the Coast Guard folks couldn't communicate with the law enforcement folks at the bottom of the helicopter ladders.

It needs to change. That is why we reserved part of the spectrum, as part of the reconciliation bill earlier this year, to retrieve it from the broadcasters and to be able to sell it so that, in fact, that analog spectrum will be available. In addition, of course, we had $1 billion that was part of that sale that was reserved specifically on matching grants to first responders across the country. It is very important.

It is not the end. We need to do more. I realize it, and we are prepared to do such. So I was pleased to see that legislation move forward. This is yet another step. It passed 28–0 in committee. I would like to think that when we have a vote on this later this afternoon, it might be able to pass 433–0, knowing that we have two vacancies in the House at this point.

Mr. ENGEL. Mr. Speaker, I rise today with mixed emotions. Almost three years ago, I joined Representative STUPAK and Representative FOSSELLA in offering legislation to create an interoperability trust fund. Mr. STUPAK is a former state trooper in Michigan. Mr. FOSSELLA and I are from the one place in the United States that has twice been a victim of terrorism. Furthermore, as members of the Telecommunications subcommittee we are well aware of the needs of our first responders for radio equipment that works seamlessly for police, fire, and medical personnel as well as for local, state, and federal officials.

So I am disheartened that this legislation has not followed regular procedure in that the Energy and Commerce Committee did not hold hearings or a markup on this bill. We are three Members of Congress that have spent a great deal of time working on this very issue and yet today we have a bill that we cannot try to improve. We can only vote Yes or No.

I will vote "yes." There are good things in this legislation. It has an emphasis on high level personnel at the Department of Homeland Security to do outreach, provide technical assistance and coordinate a national response capability that can provide backup services for lost local and regional services.

But I believe that with any legislation, if proper procedure were followed, this could be a better bill.

I see the most glaring omission is that there is no new money to aid our states and localities. In the digital television transition provisions of the Budget Resolution, we included $1 billion for Interoperability equipment grants to states and localities. We knew at the time that $1 billion is a drop in the bucket. The estimates are more in the $15 to $20 billion range.

And before someone stands up and complains that I am just a Democrat looking to spend more money without having a way to pay for it, let me be clear—the Bush tax cuts are why the federal government doesn't have the resources it needs to fully fund programs like this. Reverse the tax cuts for the wealthiest among us so that we can secure our country.

So I rise in support of the bill, but believe that it could be better and urge my Chairman to convene hearings on this vital matter.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 5852, the 21st Century Emergency Communications Act.

This legislation would create a new emergency communications office within the Department of Homeland Security (DHS) to develop a standardized radio system for first-responders during disasters.

Two years ago, the 9/11 Commission recommended placing all first-responders on the same radio frequencies to facilitate communications.

Similar provisions to this legislation are included in legislation CAROLYN MALONEY and I have introduced, H.R. 1794, the 9/11 Can You Hear Me Now Act. This legislation would instruct DHS to provide the New York Fire Department (FDNY) with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

Under the bill, a communication system including three components—radios, dispatch system and a supplemental communication device—would be required to work in all buildings and in all parts of the city, something that the radios unbelievably do not now do. This bill could and should serve as an example for what needs to be done on a Federal level.

We also introduced H.R. 5017, the Ensuring Implementation of the 9/11 Commission Report Act. H.R. 5017 brings renewed focus to the core recommendations of the 9/11 Commission and holds the Administration and relevant executive agencies accountable to carry out and document the successful implementation of the 9/11 Commission Report's policy goals.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5852, the "21st Century Emergency Communications Act of 2006." I support H.R. 5852 because it will improve the capability of first responders to communicate during times of emergency by improving the coordination of among Federal, State, territorial, local and tribal governments as it relates to voice, data, and other emerging technologies. I support H.R. 5852 for several reasons:

1. Elevates the importance of improved emergency communications by creating, for the first time, a central office within the Department for the administration and policy consideration for emergency communications.

H.R. 5852 creates an Office of Emergency Communications within the Department of

Homeland Security headed by an Assistant Secretary for Emergency Communications responsible for developing interoperable emergency communications capabilities by State, territorial, local, tribal, and public safety agencies. Among other things, the Office of Emergency Communications will:

Prepare a baseline report that provides a ''snap shot'' of the current state of emergency communications capabilities;

Follow-up with periodic assessment reports regarding Federal efforts to address existing gaps and identify best-practices models;

Coordinate the capability to deploy backup communications services in the event of system failures during an emergency;

Create regional working groups made up of public and private sector emergency communication experts that would asses and report on the state of emergency communication networks nationwide;

Provide technical assistance to State and local governments; and,

Develop a plan to ensure the operability of the Federal Government's communications systems

2. Ensures appropriate staffing and resources commitment to improve emergency communication capabilities.

H.R. 5852 requires the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications not later than 60 days after the enactment of the bill. Within 30 days of the Secretary's report to Congress, the Government Accountability Office (GAO) is to review, assess, and report on the findings submitted by the Secretary of Homeland Security.

3. Compels DHS to create a national emergency communications plan and inventory of the Nation's emergency communications system and capabilities.

H.R. 5852 adopts a ''bottoms-up'' approach by directing the Assistant Secretary for Emergency Communications to develop a national strategy to expedite an effective nationwide emergency communications system.

The strategy will be developed with the cooperation of State, local and tribal governments, Federal departments and agencies, emergency response providers, emergency support providers, and the private sector.

The plan will be developed within one year of the completion of the baseline study.

H.R. 5852 mandates a national inventory of the channels, frequencies, and the types of communication systems and equipment. The plan must:

Identify and make recommendations regarding short-term and long-term obstacles and solutions to achieving emergency communication capabilities at all levels of government;

Set goals and timeframes for achieving nationwide emergency communication capabilities; and

Accelerate the development of national standards for emergency communications equipment.

4. Seeks accountability regarding the use of DHS funds and governance.

H.R. 5852 requires State and local governments to establish effective statewide interoperable communications plans before being able to use DHS grant funds for emergency communications. In addition, H.R. 5852 requires that the Department's grant guidelines are coordinated and consistent with the goals of the national plan for emergency communications.

H.R. 5852 establishes an Emergency Communications Preparedness Center to act as a clearinghouse for the Federal Government's efforts to achieve nationwide interoperability; ensure cooperation among the relevant departments and agencies to implement the goals of the emergency communications strategy, and prepare and submit to Congress, on an annual basis, a strategic assessment regading efforts of Federal departments and agencies to implement the emergency communications strategy.

For these reasons, I support H.R. 5852 and urge my colleagues to support it also.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5852.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Adam Walsh Child Protection and Safety Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. IN RECOGNITION OF JOHN AND REVÉ WALSH ON THE OCCASION OF THE 25TH ANNIVERSARY OF ADAM WALSH'S ABDUCTION AND MURDER.

(a) ADAM WALSH'S ABDUCTION AND MURDER.—On July 27, 1981, in Hollywood, Florida, 6-year-old Adam Walsh was abducted at a mall. Two weeks later, some of Adam's remains were discovered in a canal more than 100 miles from his home.

(b) JOHN AND REVÉ WALSH'S COMMITMENT TO THE SAFETY OF CHILDREN.—Since the abduction and murder of their son Adam, both John and Revé Walsh have dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice. Their commitment has saved the lives of numerous children. Congress, and the American people, honor John and Revé Walsh for their dedication to the well-being and safety of America's children.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Sex Offender Registration and Notification Act''.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

SEC. 103. ESTABLISHMENT OF PROGRAM.

This Act establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

Subtitle A—Sex Offender Registration and Notification

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER.—The term ''sex offender'' means an individual who was convicted of a sex offense.

(2) TIER I SEX OFFENDER.—The term ''tier I sex offender'' means a sex offender other than a tier II or tier III sex offender.

(3) TIER II SEX OFFENDER.—The term ''tier II sex offender'' means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18, United States Code);

(ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code;

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) TIER III SEX OFFENDER.—The term ''tier III sex offender'' means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) AMIE ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—

(A) GENERALLY.—Except as limited by subparagraph (B) or (C), the term ''sex offense'' means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) FOREIGN CONVICTIONS.—A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112.

(C) OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) CRIMINAL OFFENSE.—The term ''criminal offense'' means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) EXPANSION OF DEFINITION OF ''SPECIFIED OFFENSE AGAINST A MINOR'' TO INCLUDE ALL OFFENSES BY CHILD PREDATORS.—The term ''specified offense against a minor'' means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18, United States Code.

(G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) CONVICTED AS INCLUDING CERTAIN JUVENILE ADJUDICATIONS.—The term ''convicted'' or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(9) SEX OFFENDER REGISTRY.—The term ''sex offender registry'' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) JURISDICTION.—The term ''jurisdiction'' means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127, a federally recognized Indian tribe.

(11) STUDENT.—The term ''student'' means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) RESIDES.—The term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(14) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

(a) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside.

(4) The name and address of any place where the sex offender is an employee or will be an employee.

(5) The name and address of any place where the sex offender is a student or will be a student.

(6) The license plate number and a description of any vehicle owned or operated by the sex offender.

(7) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

(5) A set of fingerprints and palm prints of the sex offender.

(6) A DNA sample of the sex offender.

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(8) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) FULL REGISTRATION PERIOD.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

(b) REDUCED PERIOD FOR CLEAN RECORD.—

(1) CLEAN RECORD.—The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) PERIOD.—In the case of—

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the clean record shall be maintained is 25 years.

(3) REDUCTION.—In the case of—

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph,

and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

(3) every 3 months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

(a) IN GENERAL.—An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duties of a sex offender under this title and explain those duties;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

(b) NOTIFICATION OF SEX OFFENDERS WHO CANNOT COMPLY WITH SUBSECTION (a).—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure—

(1) the identity of any victim of a sex offense;

(2) the Social Security number of the sex offender;

(3) any reference to arrests of the sex offender that did not result in conviction; and

(4) any other information exempted from disclosure by the Attorney General.

(c) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure—

(1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;

(2) the name of an employer of the sex offender;

(3) the name of an educational institution where the sex offender is a student; and

(4) any other information exempted from disclosure by the Attorney General.

(d) LINKS.—The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) CORRECTION OF ERRORS.—The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) WARNING.—The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the ''Website''), which the Attorney General shall maintain.

(b) INFORMATION TO BE PROVIDED.—The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the ''Program'').

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) FREQUENCY.—Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) CRITERIA.—The software should facilitate—

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this title; and

(4) communication of information to community notification program participants as required under section 121.

(c) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of the date of the enactment of this Act.

SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

(a) DEADLINE.—Each jurisdiction shall implement this title before the later of—

(1) 3 years after the date of the enactment of this Act; and

(2) 1 year after the date on which the software described in section 123 is available.

(b) EXTENSIONS.—The Attorney General may authorize up to two 1-year extensions of the deadline.

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(b) STATE CONSTITUTIONALITY.—

(1) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this title, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this title because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(2) EFFORTS.—If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this title and to reconcile any conflicts between this title and the jurisdiction's constitution. In considering whether compliance with the requirements of this title would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(3) ALTERNATIVE PROCEDURES.—If the jurisdiction is unable to substantially implement this title because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the purposes of this Act.

(4) FUNDING REDUCTION.—If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject to a funding reduction as specified in subsection (a).

(c) REALLOCATION.—Amounts not allocated under a program referred to in this section to a

jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(d) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program''), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than 1 year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than 2 years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

(a) REPEAL.—Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section shall take effect on the date of the deadline determined in accordance with section 124(a).

SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions, as defined by this section, or from its efforts to identify child victims.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—

(1) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec.

''2250. Failure to register.

''§ 2250. Failure to register

''(a) IN GENERAL.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act;

''(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

''(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

''(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) AFFIRMATIVE DEFENSE.—In a prosecution for a violation under subsection (a), it is an affirmative defense that—

''(1) uncontrollable circumstances prevented the individual from complying;

''(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

''(3) the individual complied as soon as such circumstances ceased to exist.

''(c) CRIME OF VIOLENCE.—

''(1) IN GENERAL.—An individual described in subsection (a) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

''(2) ADDITIONAL PUNISHMENT.—The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following:

''109B. Sex offender and crimes against children registry ..... 2250''.

(b) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the person failed to register.

(2) Whether the person committed an offense against a minor in connection with, or during, the period for which the person failed to register.

(3) Whether the person voluntarily attempted to correct the failure to register.

(4) The seriousness of the offense which gave rise to the requirement to register, including whether such offense is a tier I, tier II, or tier III offense, as those terms are defined in section 111.

(5) Whether the person has been convicted or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.''.

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.''.

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under any of chapters 109A, 110, or 117, or sections 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.''.

(f) DUTIES OF THE BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENTS TO CROSS-REFERENCES.—Section 4042(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(4)'' and inserting ''(3), or any other person in a category specified by the Attorney General,''; and

(2) in paragraph (2)—

(A) in the first sentence, by striking ''shall be subject to a registration requirement as a sex offender'' and inserting ''shall register as required by the Sex Offender Registration and Notification Act''; and

(B) in the fourth sentence, by striking ''(4)'' and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking ''which encompass'' and all that follows through ''and (B))'' and inserting ''which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act''.

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ''the amendments made by subparagraphs (A) and (B)'' and inserting ''the Sex Offender Registration and Notification Act''.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking ''described'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

SEC. 143. PROJECT SAFE CHILDHOOD.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) INITIAL IMPLEMENTATION.—Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including—

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) (referred to in this section as the ''ICAC Task Force Program'') that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of—

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

(i) raises national awareness about the threat of online sexual predators; or

(ii) provides information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) EXPANSION OF PROJECT SAFE CHILDHOOD.—Notwithstanding subsection (b), funds authorized under this section may be also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

(1) for the activities described under subsection (b)—

(A) $18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)—

(A) for fiscal year 2007—

(i) $15,000,000 for the activities under paragraph (1);

(ii) $10,000,000 for activities under paragraph (2); and

(iii) $4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat online solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies,

technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2007—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.

(a) ESTABLISHMENT.—There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the ''SMART Office'').

(b) DIRECTOR.—The SMART Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the SMART Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

(c) DUTIES AND FUNCTIONS.—The SMART Office is authorized to—

(1) administer the standards for the sex offender registration and notification program set forth in this Act;

(2) administer grant programs relating to sex offender registration and notification authorized by this Act and other grant programs authorized by this Act as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (I)—

(I) by inserting '', including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 153. SCHOOLS SAFE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Schools Safely Acquiring Faculty Excellence Act of 2006''.

(b) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code as redesignated under subsection (e)) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(e) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(g) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the

plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) DEFINITION OF EDUCATION TERMS.—In this section, the terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(i) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and''; and

(3) in paragraph (3), as redesignated, by striking ''immediately'' and inserting ''within 2 hours of receipt''.

(b) DEFINITIONS.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking ''if'' through subparagraph (B) and inserting a semicolon.

SEC. 155. DNA FINGERPRINTING.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ''arrested'' and inserting ''arrested, facing charges, or convicted''.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(g) INTERNET SALES OF DATE RAPE DRUGS.—

''(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

''(A) the drug would be used in the commission of criminal sexual conduct; or

''(B) the person is not an authorized purchaser;

shall be fined under this title or imprisoned not more than 20 years, or both.

''(2) As used in this subsection:

''(A) The term 'date rape drug' means—

''(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4–butanediol;

''(ii) ketamine;

''(iii) flunitrazepam; or

''(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, United States Code, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

''(B) The term 'authorized purchaser' means any of the following persons, provided such person has acquired the controlled substance in accordance with this Act:

''(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A 'qualifying medical relationship' means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other heath professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this Act.

''(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any 'date rape drug' for which a prescription is not required.

''(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4–butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this Act.''.

SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal offense that is a crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

''(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

''(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.''.

SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(b) of title 18, United States Code, is amended by striking ''not less than 5 years and not more than 30 years'' and inserting ''not less than 10 years or for life''.

SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423(a) of title 18, United States Code, is amended by striking ''5 years and not more than 30 years'' and inserting ''10 years or for life''.

SEC. 205. PENALTIES FOR SEXUAL ABUSE.

Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned for any term of years or for life''.

SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for not less than 30 years or for life''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended to read as follows:

''§ 2245. Offenses resulting in death

''(a) IN GENERAL.—A person who, in the course of an offense under this chapter, or sections 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (offenses resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(B) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(B) by inserting ''section 1591,'' after ''this chapter,''; and

(C) by inserting '', or sex trafficking of children'' after ''pornography''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting ''section 1591,'' after ''this chapter,''; and

(B) by inserting '', or sex trafficking of children'' after ''pornography''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''4'' and inserting ''10''.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation

by a person with a prior conviction or convictions as described in that subsection.

''(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended by inserting ''1591 (relating to sex trafficking of children),'' after ''under section''.

SEC. 207. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''five years'' and inserting ''15 years''; and

(2) by inserting a comma after ''Attorney General'' each place it appears.

SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 15'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not more than 40 years, or both'' and inserting ''and imprisonment for not less than 10 years or for life''; and

(B) by striking '', or both''.

SEC. 209. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''guilty of a Class B misdemeanor'' and inserting ''fined under this title or imprisoned not more than 1 year or both''.

SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (21), by striking ''or'' ;

(2) in paragraph (22) by striking the period at the end and inserting ''or;'' and

(3) by inserting after paragraph (22) the following:

''(23) if required to register under the Sex Offender Registration and Notification Act, submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3299. Child abduction and sex offenses

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110 (except for section 2257 and 2257A), or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3299. Child abduction and sex offenses''.

SEC. 212. VICTIMS' RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ''In any court proceeding'' and inserting the following:

''(1) IN GENERAL.—In any court proceeding''; and

(2) by adding at the end the following:

''(2) HABEAS CORPUS PROCEEDINGS.—

''(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

''(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

''(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

''(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.''.

SEC. 213. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

(1) a child of either spouse; or

(2) a child under the custody or control of either spouse.

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO ADDRESS SEX CRIMES AND OTHER MATTERS.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(B), by inserting at the end the following: ''In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii).''

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(E) any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code; or''; and

(3) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;''.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(3) RELEASE NOTICE.—

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with

2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2010.

SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person'';

(2) in section 4241—

(A) in the heading, by inserting or ''***TO UNDERGO POSTRELEASE PROCEEDINGS***'' after ''***TRIAL***'';

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' with respect a person, means that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248'';

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(F) in subsections (e) and (h)—

(i) by striking ''hospitalized'' each place it appears and inserting ''committed''; and

(ii) by striking ''hospitalization'' each place it appears and inserting ''commitment'' ; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien who is convicted under section 2250 of title 18, United States Code, is deportable.''.

SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM HAVING FAMILY-BASED PETITIONS APPROVED.

(a) IMMIGRANT FAMILY MEMBERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking ''Any'' and inserting ''Except as provided in clause (viii), any'';

(2) in subparagraph (A), by inserting after clause (vii) the following:

''(viii)(I) Clause (i) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.

''(II) For purposes of subclause (I), the term 'specified offense against a minor' is defined as in section 111 of the Adam Walsh Child Protection and Safety Act of 2006.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''(B)(i) Any alien'' and inserting the following: ''(B)(i)(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(I) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(viii)(I))'' after ''citizen of the United States'' each place that phrase appears.

TITLE V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on the interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling State interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''videotape,'' the following: ''digital image, digitally- or computer-manipulated image of an actual human being, picture,'';

(2) in subsection (e)(1), by adding at the end the following: ''In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.'';

(3) in subsection (f), by—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).''; and

(4) by striking subsection (h) and inserting the following:

''(h) In this section—

''(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in clauses (i) through (v) of section 2256(2)(A) of this title;

''(2) the term 'produces'—

''(A) means—

''(i) actually filming, videotaping, photographing, creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being;

''(ii) digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or

''(iii) inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct; and

''(B) does not include activities that are limited to—

''(i) photo or film processing, including digitization of previously existing visual depictions, as part of a commercial enterprise, with no other commercial interest in the sexually explicit material, printing, and video duplication;

''(ii) distribution;

''(iii) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, managing, or otherwise arranging for the participation of the depicted performers;

''(iv) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(v) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication; and

''(3) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.''.

(b) CONSTRUCTION.—The provisions of section 2257 shall not apply to any depiction of actual sexually explicit conduct as described in clause (v) of section 2256(2)(A) of title 18, United States Code, produced in whole or in part, prior to the effective date of this section unless that depiction also includes actual sexually explicit conduct as described in clauses (i) through (iv) of section 2256(2)(A) of title 18, United States Code.

SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2257 the following:

''SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

''(a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter that—

''(1) contains 1 or more visual depictions of simulated sexually explicit conduct; and

''(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

''(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct—

''(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

''(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

''(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) and such other identifying information as may be prescribed by regulation.

''(c) Any person to whom subsection (a) applies shall maintain the records required by this section at their business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

''(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

''(2) Paragraph (1) shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this chapter or chapter 71, or for a violation of any applicable provision of law with respect to the furnishing of false information.

''(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in subsection (a)(1) in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located. In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.

''(2) If the person to whom subsection (a) applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

''(f) It shall be unlawful—

''(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

''(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) or any regulation promulgated under this section;

''(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; or

''(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that—

''(A) contains 1 or more visual depictions made after the date of enactment of this subsection of simulated sexually explicit conduct; and

''(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).

''(g) As used in this section, the terms 'produces' and 'performer' have the same meaning as in section 2257(h) of this title.

''(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2)(A), if such matter—

''(A)(i) is intended for commercial distribution;

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

''(iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains a visual depiction that is child pornography as defined in section 2256(8); or

''(B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

''(2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains any visual depiction that is child pornography, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

''(i)(1) Whoever violates this section shall be imprisoned for not more than 1 year, and fined in accordance with the provisions of this title, or both.

''(2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

''(3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for any period of years not more than 10 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

''The provisions of this section shall not become effective until 90 days after the final regulations implementing this section are published in the Federal Register. The provisions of this section shall not apply to any matter, or image therein, produced, in whole or in part, prior to the effective date of this section.

''(k) On an annual basis, the Attorney General shall submit a report to Congress—

''(1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and

''(2) including—

''(A) the number of inspections undertaken pursuant to this section and section 2257;

''(B) the number of open investigations pursuant to this section and section 2257;

''(C) the number of cases in which a person has been charged with a violation of this section and section 2257; and

''(D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item for section 2257 the following:

''2257A. Recordkeeping requirements for simulated sexual conduct.''.

SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

''(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''or who is convicted of an offense under section 2252B of this chapter,'' after ''2260 of this chapter''; and

(B) by striking ''an offense under section 2421, 2422, or 2423 of chapter 117'' and inserting ''an offense under chapter 109A'';

(2) in paragraph (1), by inserting ''2252A, 2252B, or 2260'' after ''2252''; and

(3) in paragraph (3), by inserting ''or any property traceable to such property'' before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

''(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).''.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

''§ 2254. Civil forfeiture

''Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.''.

SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**PRODUCTION AND**'' before ''**TRANSPORTATION**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

SEC. 507. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting '', and provide reasonable compensation and payment of expenses for,'' before ''a guardian''.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Mentoring Matches for Youth Act of 2006''.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.

In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the ''Administrator'') may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

SEC. 604. BIANNUAL REPORT.

(a) IN GENERAL.—Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

(b) REQUIRED CONTENT.—Each such report shall include the following:

(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

(2) A detailed statement of how the amounts received under this Act have been used.

(3) A detailed assessment of the effectiveness of the mentoring programs.

(4) Recommendations for continued grants and the appropriate amounts for such grants.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $9,000,000 for fiscal year 2007;

(2) $10,000,000 for fiscal year 2008;

(3) $11,500,000 for fiscal year 2009;

(4) $13,000,000 for fiscal year 2010; and

(5) $15,000,000 for fiscal year 2011.

Subtitle B—National Police Athletic League Youth Enrichment Act

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''National Police Athletic League Youth Enrichment Reauthorization Act of 2006''.

SEC. 612. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

''(C) develop life enhancing character and leadership skills in young people;'';

(2) in paragraph (2) by striking ''55-year'' and inserting ''90-year'';

(3) in paragraph (3)—

(A) by striking ''320 PAL chapters'' and inserting ''350 PAL chapters''; and

(B) by striking ''1,500,000 youth'' and inserting ''2,000,000 youth'';

(4) in paragraph (4), by striking ''82 percent''and inserting ''85 percent'';

(5) in paragraph (5), in the second sentence, by striking ''receive no'' and inserting ''rarely receive'';

(6) in paragraph (6), by striking ''17 are at risk'' and inserting ''18 are at risk''; and

(7) in paragraph (7), by striking ''1999'' and inserting ''2005''.

SEC. 613. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking ''320 established PAL chapters'' and inserting ''342 established PAL chapters''; and

(B) by striking ''and'' at the end;

(2) in paragraph (2), by striking ''2006.'' and inserting ''2010; and''; and

(3) by adding at the end the following:

''(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.''.

SEC. 614. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2006 through 2010''; and

(2) in subsection (b)(1)(B), by striking ''not less than 570 PAL chapters in operation before January 1, 2004'' and inserting ''not fewer than 500 PAL chapters in operation before January 1, 2010''.

SEC. 615. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking ''four'' and inserting ''two''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''two programs'' and inserting ''one program'';

(B) in clause (iii), by striking ''or'';

(C) in clause (iv), by striking ''and'' and inserting ''or''; and

(D) by inserting after clause (iv) the following:

''(v) character development and leadership training; and''.

SEC. 616. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''2001 through 2005'' and inserting ''2006 through 2010''.

SEC. 617. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking ''Athletic'' and inserting ''Athletic/activities''.

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''Police Athletic League'' each place such term appears and inserting ''Police Athletic/Activities League''.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) SEX OFFENDER MONITORING PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

(i) provide a single-unit tracking device for each offender that—

(I) contains a central processing unit with global positioning system and cellular technology in a single unit; and

(II) provides two- and three-way voice communication; and

(ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

(2) APPLICATION.—

(A) IN GENERAL.—Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) REPORT.—Not later than September 1, 2010, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART X—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

''SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.

''(a) AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

''SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.

''(a) AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

''(b) JUVENILE SEX OFFENDER DEFINED.—For purposes of this section, the term 'juvenile sex offender' is a sex offender who had not attained the age of 18 years at the time of his or her offense.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.''.

SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance is authorized to make grants under this section—

(1) to any law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to any law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) CRITERIA.—The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

''CHAPTER 4—GRANTS TO PRIVATE ENTITIES

''SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

''(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

''(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

''(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

''(1) create and promote national public communications campaigns;

''(2) develop and distribute publications and other educational materials that promote crime prevention;

''(3) design and maintain web sites and related web-based materials and tools;

''(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

''(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

''(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

''(7) design, deliver, and assess demonstration programs;

''(8) operate McGruff-related programs, including McGruff Club;

''(9) operate the Teens, Crime, and Community Program; and

''(10) evaluate crime prevention programs and trends.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2007, $7,000,000;

''(2) for fiscal year 2008, $8,000,000;

''(3) for fiscal year 2009, $9,000,000; and

''(4) for fiscal year 2010, $10,000,000.''.

SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) USE OF GRANT AMOUNTS.—A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

(1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.

(2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) LIMITATION.—Fingerprints of a child derived from a program funded under this section—

(1) may be released only to a parent or guardian of the child; and

(2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) CRIMINAL PENALTY.—Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

SEC. 628. GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.

(a) FINDINGS.—Congress finds as follows:

(1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.

(2) In 2004, 1 American was sexually assaulted every 2.5 minutes.

(3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

(4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.

(5) The Federal Government, through the Victims of Crime Act, Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.

(6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.

(7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of ''America's 100 Best Charities'', in recognition of the organization's ''efficiency and effectiveness.''

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—

(1) DESCRIPTION OF ACTIVITIES.—The Administrator shall—

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) ANNUAL GRANT TO RAPE, ABUSE & INCEST NATIONAL NETWORK.—The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include—

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) DEFINITIONS.—For the purposes of this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN.—The term ''RAINN'' means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, $3,000,000 for each of fiscal years 2007 through 2010.

SEC. 629. CHILDREN'S SAFETY ONLINE AWARENESS CAMPAIGNS.

(a) AWARENESS CAMPAIGN FOR CHILDREN'S SAFETY ONLINE.—

(1) IN GENERAL.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS.—The public awareness campaign described under paragraph (1) shall include components that compliment and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) AWARENESS CAMPAIGN REGARDING THE ACCESSIBILITY AND UTILIZATION OF SEX OFFENDER REGISTRIES.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) DEFINITION OF STATE.—For purposes of this section, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the ''Program'').

(b) GRANTS AUTHORIZED.—Under the Program, the Attorney General is authorized to award grants to State, local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) APPLICATION.—

(1) IN GENERAL.—Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such sums as may be necessary to carry out this section.

(2) REPORT.—Not later than April 1, 2009, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 632. FUGITIVE SAFE SURRENDER.

(a) FINDINGS.—Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) ESTABLISHMENT.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the ''Fugitive Safe Surrender Program''), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(d) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(d) CONSTRUCTION.—This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(g) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

(A) costs and benefits of such data collection standards;

(B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;

(C) data collection standards that should be considered to establish a model of promising practices; and

(D) a due process procedure for a national registry

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) IN GENERAL.—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance;

(2) the effectiveness of sex offender registration and notification requirements in increasing public safety, and the costs and burdens associated with such requirements;

(3) the effectiveness of public dissemination of sex offender information on the Internet in increasing public safety, and the costs and burdens associated with such dissemination; and

(4) the effectiveness of treatment programs in reducing recidivism among sex offenders, and the costs and burdens associated with such programs.

(b) RECOMMENDATIONS.—The study described in subsection (a) shall include recommendations for reducing the number of sex crimes against children and adults and increasing the effectiveness of registration requirements.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (a) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian tribes.

(2) INTERIM REPORTS.—The National Institute of Justice shall submit yearly interim reports.

(d) APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section.

SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing—

(1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this Act;

(2) the use of section 2250 of title 18, United States Code (as added by section 151 of this Act), to punish offenders for failure to register;

(3) a detailed explanation of each jurisdiction's compliance with the Sex Offender Registration and Notification Act;

(4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 125; and

(5) the denial or grant of any extensions to comply with the Sex Offender Registration and Notification Act, and the reasons for such denial or grant.

SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular

the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than February 1, 2007, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the State of Nevada to bring those provisions into effect; and

(C) how those provisions might be modified to improve compliance by registered sex offenders.

SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders, through conditions imposed as part of supervised release or probation conditions. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites; and

(C) preventing access by sex offenders to pornography and other obscene materials;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Crime Victims Family Act''.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) including an examination of—

(A) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(B) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(C) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(D) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and

(2) including an examination of—

(A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(B) the collection of DNA samples from potential `high-risk' missing persons;

(C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(F) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(G) any improvement with respect to—

(i) the collection of DNA information for missing persons and unidentified human remains; and

(ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE VII—INTERNET SAFETY ACT

SEC. 701. CHILD EXPLOITATION ENTERPRISES.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(g) CHILD EXPLOITATION ENTERPRISES.—

''(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

''(2) A person engages in a child exploitation enterprise for the purposes of this section if the person violates section 1591, section 1201 if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections 2257 and 2257A), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.''.

SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.

(a) OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''§ 2260A. Penalties for registered sex offenders

''Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

''2260A. Increased penalties for registered sex offenders.''.

SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252B the following:

''§ 2252C. Misleading words or digital images on the Internet

''(a) IN GENERAL.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

''(b) MINORS.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a minor into viewing material harmful to minors on the Internet shall be fined under this title and imprisoned for not more than 20 years.

''(c) CONSTRUCTION.—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) DEFINITIONS.—As used in this section—

''(1) the terms 'material that is harmful to minors' and 'sex' have the meaning given such terms in section 2252B; and

''(2) the term 'source code' means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

''2252C. Misleading words or digital images on the Internet.''.

SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) DEFINITION.—In this section, the term ''offenses relating to the sexual exploitation of children'' shall include any offense committed in violation of—

(1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;

(2) chapter 109A of title 18, United States Code, involving a victim who is a minor;

(3) chapter 109B of title 18, United States Code;

(4) chapter 110 of title 18, United States Code;

(5) chapter 117 of title 18, United States Code involving a victim who is a minor; and

(6) section 1591 of title 18, United States Code.

(b) ADDITIONAL PROSECUTORS.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 200 the number of attorneys in United States Attorneys' Offices. The additional attorneys shall be assigned to prosecute offenses relating to the sexual exploitation of children.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.

(a) DEPARTMENT OF JUSTICE RESOURCES.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories (RCFL). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(b) DEPARTMENT OF HOMELAND SECURITY RESOURCES.—In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. ADDITIONAL ICAC TASK FORCES.

(a) ADDITIONAL TASK FORCES.—In fiscal year 2007, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, subject to the availability of appropriations for such purpose, increase by not less than 10 the number of Internet Crimes Against Children Task Forces that are part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall be in addition to the ones authorized in section 143 of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 707. MASHA'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Masha's Law''.

(b) IN GENERAL.—Section 2255(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''(a) Any minor who is'' and inserting the following:

''(a) IN GENERAL.—Any person who, while a minor, was'';

(B) by inserting after ''such violation'' the following: '', regardless of whether the injury occurred while such person was a minor,''; and

(C) by striking ''such minor'' and inserting ''such person''; and

(2) in the second sentence—

(A) by striking ''Any minor'' and inserting ''Any person''; and

(B) by striking ''$50,000'' and inserting ''$150,000''.

(c) CONFORMING AMENDMENT.—Section 2255(b) of title 18, United States Code, is amended by striking ''(b) Any action'' and inserting the following:

''(b) STATUTE OF LIMITATIONS.—Any action''.

Amend the title so as to read: ''An Act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4472, currently under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had a lengthy statement that I wanted to put in the RECORD, but we have a lot of demands for speakers, so I will be brief and include the full statement in the RECORD under general leave.

I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. The continued vulnerability of America's children to sexual predators is a national tragedy that demands strong congressional action. During the 109th Congress, the House has twice passed broad child safety legislation; in September 2005 and then in March of this year. I want to commend the other body for recognizing the importance of following the House's lead to address this issue.

Mr. Speaker, H.R. 4472 contains strict national offender registration and data sharing requirements to ensure that law enforcement agencies in America's communities know where sex offenders live and work, and to provide stiff criminal penalties for sex offenders who fail to comply with these enhanced registration requirements. This legislation would make it crystal clear to sex offenders: You better register, you better keep the information current, or you are going to jail.

The bill also increases criminal penalties to punish and deter those who prey on children, and it authorizes important grant programs that will help ensure the safety of our Nation's children.

Mr. Speaker, 25 years ago, John and Reve Walsh suffered the devastating loss of their 6-year-old son, Adam, who was abducted and murdered by a child predator. With courage and determination, the Walshes channeled the grief of their son's loss into a national campaign to spare other families from ever facing the pain they will always endure.

And I would just like to point out that in the well, there is a picture of this darling child who was brutally murdered.

Their quarter century of sacrifice has made America's children safer, and it is in the memory of their son Adam that this legislation is named.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act of 2006 represents the most comprehensive Federal child safety legislation ever considered by this House. It reflects this body's boldest commitment yet to protecting America's children against sexual predators.

I urge my colleagues to vote ''yes'' on the motion to suspend the rules and send this vital and historic legislation to the President's desk for his signature.

Mr. Speaker, I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

Adam Walsh, Jacob Wetterling, Megan Nicole Kanka, Pam Lychner, Jetseta Gage, Dru Sjodin, Jessica Lunsford, Sarah Lunde, Amie Zyla, Christy Fornoff, Alexandra Nicole Zapp, Polly Klaas, Jimmy Ryce, Carlie Brucia, Amanda Brown, Molly Bish, Elizabeth Smart, Samantha Runnion. The names of these innocent victims are seared into the national consciousness but only represent a fraction of children victimized by violent sexual offenders. Their names comprise a roll call of insufferable loss and a call to national action—the injustice of each assault compounded by the cruel recognition that it might have been prevented. The continued vulnerability of America's children to sexual predators is a national tragedy demanding strong congressional action. Mr. Speaker, H.R. 4472 responds to this urgent call.

There are over a half million sex offenders in the United States and up to 100,000 offenders are unregistered and their locations unknown to the public and law enforcement. H.R. 4472 contains strict national offender registration and data sharing requirements to ensure that law enforcement agencies and America's communities know where sex offenders live and work. The legislation provides stiff criminal penalties for sex offenders who fail to comply with these enhanced registration requirements.

By requiring national registration obligations, regular updates, frequent in-person verification, and providing tough and targeted criminal penalties, we intend to make one thing clear to sex offenders across this country—you better register, and you better keep the information current, or you are going to jail. This legislation will also utilize the United States Marshals Service in assisting States to hunt down missing sex offenders.

To provide the public with important information concerning the status and location of sex offenders, the bill requires States to maintain Internet sites with accurate and accessible offender information, and to provide timely notification of changes in sex offender information to law enforcement authorities, as well as educational, and other community organizations. H.R. 4472 also creates the National Sex Offender Public Website so that anyone can search any location in the country to determine where sex offenders are located.

In addition to vital improvements to the sex offender registry, the bill increases criminal penalties to punish and deter those who prey on children. These tough new provisions include: the death penalty for the murder of a child; a mandatory minimum of 25 years in jail for kidnaping or maiming a child; and a 30-year mandatory minimum for having sex with a child under 12 or sexually assaulting a child between 13 and 17 years old. The bill would also make an alien's failure to register a deportable offense and bar convicted alien sex offenders from having family-based petitions approved.

In order to better protect America's children against the growing threat of online sexual predators, the Adam Walsh Act establishes a 20-year mandatory jail sentence for members of a child exploitation enterprise, provides a 10-year consecutive mandatory penalty for any sex offender who commits an offense against a child, authorizes additional resources to prosecute child pornographers, and expands civil remedies for sexual offenses against children. The bill also provides new grant programs to combat sexual abuse of children, authorizes new crime prevention campaigns, child fingerprinting campaigns, and establishes a national registry of substantiated child abuse cases.

Mr. Speaker, 25 years ago, John and Reve Walsh suffered the devastating loss of their 6-year-old son Adam, who was abducted and murdered by a child predator. With courage and determination, the Walshes channeled the grief of their son's loss into a national campaign to spare other families from ever facing the pain they will always endure. Their quarter century of sacrifice has made America's children safer, and it is in the memory of their son Adam—whose loss galvanized their heroic service—that this legislation is named.

During the 109th Congress, the House has twice passed broad child safety legislation in September, 2005, and in March of this year. I commend the other body for recognizing the importance of following the House's lead to address this issue.

Mr. Speaker, this legislation benefited greatly from the tireless efforts of many Members of this body. I wish to thank my colleague from Wisconsin, Mr. GREEN, for his efforts to further strengthen this legislation by requiring States to include juvenile sex offenders in these registries. The Chairman of the Subcommittee on Crime, Mr. COBLE, as well as Representatives FOLEY, CHABOT, PENCE, HARRIS, GILLMOR, POE, BROWN-WAITE, CRAMER, GRAVES, and POMEROY also deserve recognition for their important contributions to this bipartisan legislation.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act of 2006 represents the most comprehensive Federal child safety legislation ever considered by this House. It reflects this body's boldest commitment yet to protecting America's most vulnerable and precious members—our children—against sexual offenders. I urge my colleagues to send this vital and historic legislation to the President's desk for his signature.

Mr. Speaker, I would like to take a moment to recognize all of those who worked so hard to see this bill through to completion.

From the House Judiciary Committee's Majority Staff, I would like to specifically thank Phil Kiko, Sean McLaughlin, Rob Tracci, Brian Benczkowski, and Katy Crooks. From the Subcommittee on Crime, Terrorism and Homeland Security, I want to thank Michael Volkov, Caroline Lynch, and Spencer Morgan, and Johnny Mautz from Chairman COBLE's staff.

From the Leadership, I would like to thank Margaret Peterlin, from the Speaker's Office, Jo Marie St. Martin from the Majority Leader's Office, and April Ponnuru, from the Whip's Office.

Additional House Staff who I would like to thank are: Bobby Vassar, counsel to BOBBY SCOTT, Ranking Minority Member, Subcommittee on Crime, Terrorism and Homeland Security; Bradley Schreiber of Representative FOLEY's staff; Ryan Osterholm of Representative GREEN's staff; Ryan Walker of Representative GILLMOR's staff; Melanie Rhinehart of Representative POMEROY's staff; Josh Pitcock of Representative PENCE's staff; Tim Morrison of Representative KENNEDY's staff; Christine Calpin of Representative THOMAS's staff; Ian Ryder of Representative WASSERMAN-SCHULTZ's staff; Whitney Rhodes and Pam Davidson of the House Education and Workforce Committee staff; and David Cavick and Ryan Long, of the House Energy and Commerce Committee staff.

I would also like to thank Doug Bellis from the Legislative Counsel's Office for his dedication and assistance in the drafting of this important legislation.

From the Senate, I would like to thank Allen Hicks and Brandi White of Senator FRIST's staff; Michael O'Neill, Matt Miner, Todd Braunstein, of the Senate Judiciary Committee; Ken Valentine and Tom Jipping of Senator HATCH's staff; Joe Matal of Senator KYL's staff; James Galyean of Senator GRAHAM's staff; Dave Turk of Senator BIDEN's staff; Bruce Cohen, Julie Katzman and Noah Bookbinder of Senator LEAHY's staff, Nicole Gustafson of Senator GRASSLEY's staff, as well as Chad Groover, who has since left Senator GRASSLEY's office but who played a critical role in developing many of the penalty enhancements included in title II; Christine Leonard of Senator KENNEDY's staff; Lara Flint of Senator FEINGOLD's staff; Nate Jones of Senator KOHL's staff; Sharon Beth Kristal of Senator DEWINE's staff; Reed O'Connor, Matthew Johnson and Lynden Melmed of Senator CORNYN's staff; Jane Treat of Senator COBURN's staff; Greg Smith of Senator FEINSTEIN's staff; Marianne Upton of Senator DURBIN's staff; Bradley Hayes of Senator SESSIONS's staff; Preet Baharara of Senator SCHUMER's staff.

Additionally, I want to thank Avery Mann, from America's Most Wanted, who played a significant role; Michelle Laxalt, who took a great personal interest in this bill and from the outside helped a great deal. I also want to thank the National Center for Missing and Exploited Children, especially Ernie Allen, John Libonati, Robbie Callaway, and Carolyn Atwell-Davis, for their efforts.

Finally, I would like to pay respect to just some of the victims who really helped with this bill: Mark and Amie Zyla from my State of Wisconsin, who have been tireless advocates in support of this bill; Linda Walker, the mother of Dru Sjodin; Mark Lunsford; Erin Runnion; Marc Klass; Polly Franks, Patty Wetterling; and last but not least—really, really, we can never thank them enough—John and Reve Walsh.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the crimes committed against the children named in the bill, those not named, and the suffering of their families is a tragedy for all of us, yet this does not release us from the responsibility to legislate on a sound and reasoned basis. I believe the situation is serious and grave enough to warrant a bill that is based on approaches that have been proven to reduce this scourge in our society, not on sound bites that will merely pander to our emotions.

This bill focuses on establishing a national sex offender registry and an Internet posting system for the public to allegedly track the whereabouts of convicted and released sex offenders, and it also includes a number of gratuitous provisions, such as eight additional and duplicative Federal death penalties and 11 additional Federal mandatory minimum sentences.

□ 1145

Virtually all of the death penalty cases, as with most criminal cases, are State cases. The cases referenced by children named in this bill, because of the grave tragedies they have suffered, are all State offenses, and I don't believe a single one of them would have been covered by Federal law. But I think all the Federal cases, you would think that all of them would be Federal cases from the provisions in the bill.

Mr. Speaker, we recently increased Federal sex offenses penalties in the PROTECT Act with mandatory minimums of at least 5 years and some up to mandatory life, even in cases involving consensual sex between teenagers. And these increases came right after the Sentencing Commission had already increased penalties for sex offenses at the direction of Congress. And all of these increases were Federal cases based on the name of the crime and the political appeal of striking out harshly against offenders.

But because of the few cases that are actually under Federal jurisdiction, they will primarily affect Native Americans on reservations, because all of their cases come under Federal jurisdiction. There is no evidence that Native American offenders warrant any harsher treatment than any other offenders.

Now, with no more basis than we had before, just the name of the crime and the continuing political appeal of appearing tough on sex offenders, we are again greatly increasing penalties with more death penalties and increased mandatory minimums, including more mandatory minimums for teenagers having consensual sex.

Now, we can all agree that 35, 45-year-old or even older persons, enticing or transporting a minor across State lines to engage in sexual activity is despicable and should be severely punished. However, the mandatory minimum sentences in this bill include the

18-year-old high school student who entices or transports a 17-year-old boyfriend or girlfriend across State lines.

Under the provisions of the bill, prom night in the Washington D.C., Virginia, and Maryland area could have nightmarish consequences. And to show how ridiculous it could be, if two teenagers, one 18 and one 17, engage in sexual activity without crossing a State line, you will have, if there is any prosecution at all, it will be a misdemeanor on the part of the 18-year-old. So we have the absurd anomaly of making what is now an infrequently prosecuted misdemeanor into a 10-year mandatory minimum sentence for teens who cross State lines to do it. Imposing a 10-year mandatory prison term on teenagers engaged in consensual sex is not responsible legislating.

Rather than taking such cases out of the bill, we are told that we should simply trust the prosecutor. Don't trust the Sentencing Commission's discretion to set guidelines designed to reflect what sentence should be based on the facts and circumstances of the case or the background and role of the offender, rather than simply the name of the case, the name of the provision. And don't trust judges to look at the facts and circumstances of the case, the offender's role and background and guidelines to arrive at an appropriate sentence after hearing all of the evidence at trial. Take the discretion away from these officials and trust prosecutors to decide when to ignore law requiring a 10-year mandatory minimum sentence. And trust there are no prosecutors who can be affected by issues such as local political influences.

A few years ago, in Georgia, involving an interracial couple, a teenager got 10 years for having consensual sex with his teenage girlfriend.

The problem with mandatory minimum sentences is that they defy common sense. If you deserve the mandatory minimum, you can get it. If it violates common sense, you have to get it anyway.

Many studies have shown that mandatory minimums wasted taxpayers' money, are unfairly applied to minorities, and violate common sense.

The jury is out as to whether publicly accessible sex offender registers will have any beneficial effect on reducing sex crimes, but the studies that have been done indicate that the registries do not have any effect in reducing sex crimes. And I have seen no study that suggests that the policy of posting the name of juvenile delinquents, as this bill does, on the Internet, serves any constructive purpose.

Of course, programs and grants to assist children and to provide the type of sex offender treatment that studies have been shown that can cut recidivism in half are not in this bill.

And so, Mr. Speaker, unlike most of my colleagues we will hear from today, I believe that we can do better than this bill to effectively address the scourge of child sexual assault.

Most of the criminals affected by the mandatory minimums in this bill deserve the punishment in the bill, but they would have gotten it anyway under present law. But a 10-year mandatory minimum for consensual prom night activities does not make sense.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Members, I rise in favor of the Adam Walsh Child Protection Safety Act. In my opinion, very honestly, I think this is the most important child safety legislation in modern times.

What makes this bill so powerful is that it gives law enforcement and, more importantly, families, vital tools for keeping our children safer. It expands the sex offender registry. It updates it. It makes it more usable in communities all across this country.

This legislation has the Amie Zyla Act, which I wrote with the help of Mark and Amie Zyla.

Ten years ago, Amie Zyla was then a young girl in Waukesha, Wisconsin. She was sexually assaulted by a 14-year-old boy. Her assailant was released after he turned 18, but because he committed that offense as a juvenile, law enforcement officials were not allowed to inform the community of his presence. He went on to get a job at a teen center, and he tragically victimized other children.

These crimes were absolutely preventable if only law enforcement had the authority and the tools to let people know they a serious sex offender in their midst.

Thanks to Amie's courage in telling America her story, we can now protect the public from dangerous criminals like her assailant because they will be included on the registry.

This great bill also contains the DNA fingerprinting provisions that I authored. These provisions will close a loophole that have let thousands of convicted sex offenders avoid submitting their DNA simply because they were convicted before we had the laws on the books requiring DNA to be taken upon their arrest and conviction.

I want to thank the chairman for his leadership in bringing this legislation to the floor. I want to thank Mark and Amie Zyla for telling their story. I want to thank my friend, Marc Klaas, for his dedication to improving our child safety laws. And of course, like so many today, I want to thank John Walsh for never giving up in the pursuit of justice.

John, I know that the pain is still there after 25 years. But I also know that you have lifted the lives of so many with your strong, clear voice. Thank you for helping us get to these days. Thank you for giving us the tools that we need to help keep family safer.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding and I thank him from my heart, as a dad of three small children, for Chairman JIM SENSENBRENNER, once again, tenaciously achieving measurable gains in the law to protect our families and protect our children in the Adam Walsh Child Protection and Safety Act.

I am particularly humbled because title V of this legislation is derived from a bill that I introduced in Congress, the first session, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because, as we know, child pornography is the fuel that fires the wicked hearts of child predators, in addition to abusing the children involved.

A main tenet of my bill is the addition of language that will fix a technicality that so-called home pornographers have used to evade Federal prosecutions, and it is in this legislation.

Another element of my bill is the addition of a new section to the criminal code, section 2257(a) which adds a recordkeeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity, another measurable gain in the law for children.

Providing law enforcement with the tools to combat child pornography contained in this legislation is a much needed and overdue step that must be taken to protect our kids from those in society who have no decency, no conscience and no shame.

I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our kids. Today, thanks to the leadership of Judiciary Committee Chairman Jim Sensenbrenner, we take a giant step toward doing just that.

Mr. Speaker, before us today is the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472). I am a strong supporter of this legislation, and urge and command Chairman SENSENBRENNER for tenaciously acting measurable gains for families and children again.

Title V of this legislation is derived from a bill that I introduced in the First Session of this Congress, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because as we know, Mr. Speaker, the fuel that fires the wicked hearts of child predators is child pornography.

Every day in America, children are exploited in pornography—sometimes by those closest to them in their homes. In the home, children are forced to pose for pornographic pictures or act in pornographic videos by family members, family friends, caretakers and other trusted individuals who violate that trust. These pictures and videos are posted on the Internet or surreptitiously spread to sexual predators.

A main tenet of my legislation is the addition of language that will fix a technicality that so-called home pornographers have used to evade federal prosecution on child pornography charges. Home pornographers use digital cameras, Polaroid cameras and video cameras to make pornographic pictures and videos of children, and they download child pornography from the Internet onto their home computers. My legislation makes clear that federal prosecutions of home pornographers can proceed in federal courts because their activities impact interstate commerce. This is a fix that must be made now in order to protect children at home.

Another element of my bill is the addition of a section to the criminal code, Section 2257A, which adds a record-keeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity.

Congress previously enacted the PROTECT Act of 2003 against the background of Department of Justice regulations applying section 2257 to both primary and secondary producers. That fact, along with the Act's specific reference to the regulatory definition that existed at the time, reflected Congress' agreement with the Department of Justice's view that it already had the authority to regulate secondary procedures under the applicable law.

A federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, relying on an earlier Tenth Circuit precedent holding that Congress had not authorized the Department to regulate secondary producers. These decisions conflicted with an earlier D.C. Circuit decision upholding Congress' authority to regulate secondary producers. Section 502 of the bill is meant to eliminate any doubt that section 2257 applies both to primary and secondary producers, and to reflect Congress' agreement with the regulatory approach adopted by the Department of Justice in enforcing the statute.

My bill goes a step further by requiring that records be kept for lascivious exhibitions—nude photographs and displays. No child should be used in either nude pictures or sexually explicit materials because these items only serve to inflame the prurient interest in child predators. Requiring that records be kept will serve as a deterrent.

Additionally, my bill requires that the records be made available to investigators for inspection. Failure to keep the records or allow inspections is a criminal offense. By strengthening the law in this manner, we will provide both a strong deterrent to the use of children in sexually explicit materials and the necessary tools to law enforcement to investigate and prosecute those who are not deterred.

Finally, the legislation expands the ability of investigators and prosecutors to pursue the people who distribute child pornography. These distributors also will be required to follow the record-keeping provision, and this will provide law enforcement with a powerful tool to use against them. These are devious people who work in cohorts with pornographers to sell child pornography, but who currently can work out of sham corporations to avoid prosecution. My legislation will empower prosecutors with the ability to charge and convict these people.

Providing law enforcement with the tools to combat child pornography contained in my legislation is a much-needed and overdue step that must be taken to protect our children from those in our society who have no decency and know no shame.

Mr. Speaker, I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our children, and today we take a significant step toward that goal.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), one of the leading authors of the bill.

Mr. POMEROY. Mr. Speaker, 25 years ago the abduction and killing of Adam Walsh was a tragedy that changed forever the lives of his family members. And the change that occurred in his father, John Walsh, has, as a result, changed our Nation as he has become such a superbly effective advocate of the families of victims as they have stood for justice time and time again.

Today this Congress has a chance, in memory of Adam Walsh, to again change this country by passing a law that will bring much needed protections and fully capturing the marvelous new technologies of the Internet and using them as a means for families to protect themselves, to protect their children from those who would prey upon them. And the need to address this nationally is demonstrated time and time again.

Some might suggest the heart of this bill is the Dru Sjodin National Sex Registry, named in memory of Dru Sjodin.

I have a card that I carry of Dru. She was a talented, engaging, wonderful student at the University of North Dakota. She was abducted from the parking lot of a shopping center and killed.

The individual now on trial for her murder was a registered sex offender, but only across the State line, which, in the context of Grand Forks, North Dakota, is just across the river. So Alfonso Rodriguez, identified, long incarcerated in the State of Minnesota, identified as a high risk sex offender within the State of Minnesota, but unknown to those of us in North Dakota.

We need a national registry so we know where these high risk predators are and we can find them, not just law enforcement finding them, as has been advanced so nobly over the years by the Jacob Wetterling Registry, but all of our families. It is time for all of our families to have access to this information. And so this registry, providing name, providing residence, providing place of employment, providing automobile, is all very vitally important information to be available to the public.

Additionally, the components of this bill that have stepped up monitoring by local law enforcement, Federal grant dollars to assist them in the manpower required to keep an eye on these predators in our midst. And then the stiff minimum sentences, also an essential component of this legislation.

I commend the chairman, Chairman SENSENBRENNER, with whom it has been my great pleasure to work as one of the Democrats strongly supporting this legislation. I believe that there is nothing more fitting for us to do in honor of these victims than pass the legislation which will keep other families safe.

I urge support of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I rise to offer my strong support for the Adam Walsh Child Protection and Safety Act.

I remember that tragic day in Hollywood, Florida, when a young Adam Walsh hit the headlines, having been abducted from a mall in our State. Over 2 years ago, his father, John Walsh, and Ernie Allen approached me to discuss what they saw as a growing and dangerous threat to our children, sex offenders. We talked about the fact there were over 500,000 sex offenders listed on various State registries, but because of poor Federal and State laws, we were missing over 150,000 of them. Soon after that meeting, I began work on the Sex Offender Registration Notification Act, which is contained in this bill today.

The Adam Walsh Act is the most comprehensive piece of child protection legislation this Congress has ever considered. The bill creates, among other things, new State and Federal regulations, community notification requirements, as well as new Federal criminal penalties for sex offenders. It also gives law enforcement new resources, including authorizing U.S. Marshals to go after missing sex offenders, 20 new task forces, 200 new Federal prosecutors, 45 new forensic scientists dedicated to investigating crimes against children.

□ 1200

It used to be that we tracked library books better than we do sex offenders, but this bill will even that score.

I am grateful to Chairman SENSENBRENNER for his leadership and willingness to work with so many Members across the political aisle on this important issue. I want to thank the Speaker for keeping his word to get this bill to the President by July 27, the 25th anniversary of Adam's death.

Mr. Speaker, there are many people who made this day a reality, but the two people who should take the most credit are the parents of Adam Walsh, and that is John and his wife, Reve. It still amazes me to this day the way they were able to turn Adam's death into a lifelong crusade to protect our Nation's children. Their passion and commitment have led to the creation of the National Center for Missing and Exploited Children and to the rescue of countless children.

John and Reve, our Nation thanks you for everything you have done.

I want to especially thank Bradley Schreiber, my legislative director; Michael Volkov; Phil Kiko; and Sean

McLaughlin of the House Judiciary Committee for their outstanding efforts.

Mr. Speaker, as Co-chairman of the Congressional Missing and Exploited Children's Caucus and author of the Sex Offender Registration and Notification Act and the Internet Safety Act contained in this bill, I rise to offer my strong support for the Adam Walsh Child Protection and Safety Act and urge my colleagues to vote for it.

Over two years ago, John Walsh and Ernie Allen approached me at a missing children's conference I was hosting in Florida to discuss what they saw as a growing and dangerous threat to our children—sex offenders. We talked about the fact that there were over 500,000 sex offenders listed on the various state registries but, that because of the patchwork of federal laws on the books, we were missing over 150,000 of them. I also discovered—which was even more surprising to me—that there is a 200,000 person difference between all of the state registries and the federal National Sex Offender Registry. Soon after that meeting, I began work on the Sex Offender Registration and Notification Act which is contained in the measure we have before us today.

The Adam Walsh Act is arguably the most comprehensive piece of child protection legislation that Congress has ever considered. The bill creates, among other things, new state and federal registration and community notification requirements, as well as new federal criminal penalties, for sex offenders. It also gives law enforcement new resources including: authorizing the U.S. Marshals to go after absconded sex offenders; 20 new Internet Crimes Against Children Task Forces; 200 new federal prosecutors for prosecuting child sex offense; and, 45 new computer forensic scientists dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

One of the basic tenets of the Due Process Clause is to give criminal suspects notice. So, for those pedophiles and predators across this country that have harmed a child or are considering harming a child let me tell you now that you are on notice. We will find you, prosecute you and monitor you—in some cases, for the rest of your life. Your days in the shadows are over and our children will no longer be your prey.

We used to track library books better than we do sex offenders, but this bill will even that score.

I am very grateful to Chairman SENSENBRENNER for not only his leadership and his willingness to work with me on this issue but for the fact that he did not bend to the Senate and was able to produce the strong bill we are going to pass today.

I want to thank Speaker HASTERT for keeping his word to get the Adam Walsh bill to the President by July 27th—the 25th Anniversary of Adam's death. I know that both John and Reve are truly appreciative for all that you have done.

I also want to thank Senators HATCH and BIDEN for their continued, unwavering commitment to protecting our nation's children. These two men have been associated with every major child protection bill in the past 20 years and I am very thankful that they took the lead on the Adam Walsh bill in the Senate.

Mr. Speaker, there are many people to thank who made this day a reality. But the two people who should take the most credit are John and Reve Walsh. It still amazes me to this day the way they were able to turn Adam's death into a lifelong crusade to protect our nation's children. Their passion and commitment have led to the creation of the National Center for Missing and Exploited Children, the Adam Walsh Center in Florida and to the rescue of countless children. John and Reve: our nation thanks you for everything you have done.

I also want to thank Mark Lunsoford and the other victim's families. It was their tireless efforts that broke the logjam in the Senate and got us here today.

I would also like to thank Ernie Allen, Robbie Calloway and Michelle Laxalt for all they did during the past few years helping me try to shepard this bill through Congress and working to keep this issue at the forefront of everyone's minds.

Last, but not least, I want to thank the staff who committed long hours and a great deal of their personal time to this bill. Phil Kiko, Sean McLaughlin, and Michael Volkov with Chairman Sensenbrenner's staff; Margaret Peterlin with Speaker HASTERT's staff; Ken Valentine with Senator HATCH's staff; Dave Turk with Senator BIDEN's staff; Matt Miner, Todd Bruanstein and Brett Tolman with Chairman SPECTER's staff; Allen Hicks and Brandi White with Senator FRIST's staff; Joe Matal with Senator KYL's staff; Christine Leonard with Senator KENNEDY's staff; Julie Katzman and Noah Bookbinder with Senator LEAHY's staff; Nicole Gustafson with Senator GRASSLEY's staff; and Sharon Beth Kristal of Senator DEWINE's staff.

Mr. Speaker, I truly appreciate everyone's efforts in making this day a reality.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I too stand in strong support of this bill. I want to compliment the chairman of the Judiciary Committee for giving us this opportunity. My colleague, Mark Foley, who just spoke, he and I co-chaired the Caucus for Missing and Exploited Children.

Prior to my time here in Congress, I was a district attorney, and I saw too many children victimized by predators that had slipped between the cracks, predators that lived in neighborhoods. Neighbors didn't know it. Schools didn't know it. We can tighten this net of safety around children and families, but only through this bill can we do that.

I joined with John Walsh in the early 1980s in an effort to form a stronger network of child abuse intervention programs that we built around the country called the National Children's Advocacy Center programs. They exist in 700 or 800 communities around this country, and they are one-stop service centers where child abuse victims and their families can come to get help and support.

But in establishing centers like this, in bringing network teams together in communities, we found out that that safety net to protect those children and families simply did not exist, and that was because the registration and notification system was practically nonexistent. And even though we, from the 1990s forward, have done everything we can to improve that, we still kept the notice factors in that too private, too available to only a certain select few so that neighbors and communities and schools did not know what they needed to do.

I want to congratulate John Walsh and his wife, Reve, as well for making sure that they are establishing the next chapter in honor of Adam Walsh. John and Reve have given so much to the rest of this country in making sure that children are protected.

We need to pass this bill today in Adam Walsh's memory.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I would like to thank Chairman SENSENBRENNER for his hard work on this piece of legislation, which goes a long way toward protecting our children from predators and abusers.

Our Nation loses four children a day to abuse and neglect. Our government owes it to these children to provide our law enforcement and child protective service communities with a deep, ready, and effective arsenal that they can utilize to protect the most vulnerable element of our society.

The conference report contains a provision I authored in the House to create a Federal registry of child abuse and neglect at the Department of Health and Human Services. This registry will close a glaring loophole in our current law which allows child abusers to find sanctuary by merely crossing States' borders.

This legislation puts a ''go-to'' Federal resource in place to help local jurisdictions identify and track those with a history of child abuse anywhere in this country. Now our State and local child protection services will be able to access this valuable tool to weed out predators and help them fight child abuse and neglect across State lines. It is a commonsense child protection measure. It was passed by the House twice, and I am very happy to see it included in this conference report before us today.

With the establishment of the Federal Child Abuse and Neglect Registry, local and State child advocacy services will have a full picture of the individual who would have children placed in their care, abuse them, and then try to escape; and our Nation's most vulnerable children will now be protected.

I would like to thank Chairman SENSENBRENNER again for his leadership on this issue, and I also want to thank my constituent John Walsh for his hard work over many years to bring this bill to fruition.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I would also like to thank Chairman SENSENBRENNER for his leadership in protecting America's families

and for his determination in bringing this bill, H.R. 4472, to the House floor today.

Mr. Speaker, as the father of six children, I am deeply committed to finding better ways to safeguard the welfare of America's families. That is why I introduced the Justice for Crime Victims Families Act and, with Congressman FOLEY, the Internet SAFETY Act of 2006. Both of these bills have been included into H.R. 4472, and they will strengthen what is already a sweeping set of improvements to the way law enforcement solve murders and protect kids from online sexual predators.

The Internet SAFETY Act will increase penalties for registered sex offenders who commit felony offenses involving a minor and set fines and imprisonment for Internet providers who facilitate child pornography. The legislation will also establish an Office of Sexual Crimes and Violence Against Children within the United States Department of Justice.

These are strong additions to an already thoughtful and comprehensive set of policies outlined in H.R. 4472. Mr. Speaker, I urge my colleagues to adopt this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. CHOCOLA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Virginia for yielding the time, and I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY. Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act.

Mr. Speaker, this bipartisan legislation is a victory in the fight to keep our children safe. There are many critical and important provisions included in this bill. In particular, Mr. Speaker, I want to thank the House and Senate conferees for including in this legislation a provision that I introduced in the House earlier this year, a provision that is entitled Masha's Law.

Last year I learned of a shocking inequity that exists in our current law. Currently, a person who illegally downloads music faces penalties in civil court that are three times as harsh as a person who downloads child pornography. This horrible inequity was the inspiration behind the introduction of Masha's Law, and this provision dramatically increases civil statutory damages for child exploitation, creating a civil avenue victims of child sexual exploitation can pursue to recover monetary damages from these predators. This includes those who produce, distribute, and consume child pornography.

Mr. Speaker, I want my colleagues to know that Masha's Law is named after a brave 13-year-old girl from my district, Masha Allen. Masha was born in Russia and placed in a state orphanage because her mother was an alcoholic and a drug addict. When she was 5 years old, a man from the United States was allowed to adopt her through an international adoption agency. This man started sexually abusing her the very first night she arrived in America.

Fortunately, this perpetrator is now behind bars. However, over the years of his abuse of Masha, he photographed her, posted her pictures, and traded her pornographic images over the Internet. The sad reality is that, although these monsters can be put behind bars, the victims of Internet child pornography will continue to be exploited, and this is why I introduced Masha's Law.

Mr. Speaker, a compassionate society looks after the most vulnerable among us, our children. I urge my colleagues to support the Adam Walsh Child Protection and Safety Act so we can protect our most precious commodity, innocent children like Masha, and give back hope to those who need it most.

Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act. This bipartisan legislation is a victory in the fight to keep our children safe. There are many critical and important provisions included in this bill, provisions that allow States to better track convicted sex offenders, ones that tighten up loop holes in current sex offender registration and notification laws, and ones that empower law enforcement through increased coordination.

In particular, Mr. Speaker, I want to thank the House and Senate conferees for including in this legislation a provision I introduced in the House earlier this year, a provision entitled "Masha's Law."

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Fortunately, this perpetrator is now behind bars. However over the years of his abuse of Masha he photographed her, posted her pictures and traded her pornographic images over the internet. The sad reality is that although these monsters can be put behind bars, the victims of internet child pornography will continue to be exploited.

This is why I introduced Masha's law. It allows these individuals a pathway to recover damages they have suffered from these crimes and allows them to pursue this avenue even after they are no longer a minor. Therefore as their pictures are downloaded and traded, year and year, these victims can continue to seek justice from these horrendous crimes.

Mr. Speaker, a compassionate society looks after the most vulnerable among us, our children. I urge my colleagues to support the Adam Walsh Child Protection and Safety Act, so we can protect our most preciously commodity, innocent, children like Masha, and give back hope to those who need it the most.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

Finally, we have a bill passed by both this body and the Senate for the President to sign. Finally, Mark Lunsford has a legacy for his daughter Jessica of a guardian angel keeping children safe by closing dangerous loopholes in our law. Finally, the family and friends of Adam Walsh, Carlie Brucia, Sarah Lunde, and so many others can sleep a little better at night knowing we are helping to protect America's precious children.

My heart is still broken for the loss of Jessica Lunsford and all the joys in life that she will miss. At least she will be in a better place where no one can ever harm her again.

Mr. Speaker, certainly Chairman SENSENBRENNER, who worked tirelessly on this bill, deserves a great deal of credit.

Back when I first heard about Jessica's disappearance, I knew that we could not sit back and do nothing. For instance, the probation officer for Jessica's alleged killer, John Couey, never knew that he was a convicted sex offender. I introduced a bill, and Chairman SENSENBRENNER was kind enough to include it in this comprehensive bill, that fixes that.

The alleged perpetrator also did not have a current address on file with law enforcement, as he should have. This bill demands more frequent updates and checks. It also provides some grant mechanisms to be sure that the localities can pay for this additional registration. The bill empowers States to do just as Florida has done and use GPS monitoring devices to track offenders.

I know in my heart that these changes will genuinely help equip our law enforcement to better protect the most innocent in our society, our children.

My good friend Congressman MARK FOLEY has said numerous times that previously we tracked library books better than we tracked sex offenders. Thankfully, that will be no more.

Mr. Speaker, I rise today in strong support of H.R. 4472, Adam Walsh Child Protection and Safety Act of 2006.

Finally, we have a bill passed by both this body and the Senate for the President to sign.

Finally, Mark Lunsford has a legacy for his daughter Jessica of a guardian angel, keeping children safe by closing dangerous loopholes in the law.

Finally, the family and friends of Adam Walsh, Carlie Brucia, Sarah Lunde, and so many others can sleep a little better at night, knowing we are helping to protect America's precious children.

My heart is still broken for the loss of little Jessica Lunsford and for all the joys in life that she will miss.

At least she is in a better place, where no one can ever harm her again.

Mr. Speaker, I am awed and humbled to have worked on this legislation with Chairman SENSENBRENNER, who has worked tirelessly to pass this bill.

When I heard about the manor of Jessica's disappearance, I knew I could not sit back while there were many changes I could make to fix the law.

For instance, the probation officer for Jessica's alleged killer, John Couey, never knew he was a convicted sex offender. This bill fixes that.

Couey did not keep a current address on file with law enforcement as he should have. This bill demands more frequent updates and checks.

And we didn't have any method of tracking sex offenders after release from prison, though they have such high rates of recidivism. This bill empowers states to do as Florida has done and use GPS monitoring devices to track offenders.

I know in my heart that these changes will genuinely help equip law enforcement to protect the most innocent in our society—our children.

My good friend, Congressman MARK FOLEY, has said numerous times that we track library books better than we track sex offenders. Well, no more.

I urge my colleagues to support this bill and send it to the President for his signature.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of this good commonsense bill. It will protect our children from sexual predators and sex trafficking and provide more tools for law enforcement to help defend our kids.

Last year during House floor consideration of this important legislation, Representative SUE KELLY and I offered an amendment to create a national child abuse registry within the Department of Health and Human Services. This registry will remove the loophole in our local laws that allows child abusers to remain anonymous by moving to another State. This provision will require that States share with other States information that they already collect and share with their counties, cities, and towns.

A national child abuse registry is strongly supported by a number of child advocacy organizations including ChildHelp USA.

Mr. Speaker, my colleagues, by working together, we can strengthen our efforts to protect children from predators. Again, I urge this House to pass this commonsense legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR).

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in wholehearted support of this legislation. I think it stands as a testament to Congress's heeding the call of the American public for increased protections from these dangerous sexual predators.

I would like to commend Chairman SENSENBRENNER for his leadership and for his unwavering commitment to ensure that American families receive the necessary tools to protect their loved ones. As a father of three young children, I feel a special appreciation for the benefits that this legislation will provide, not the least of which is a national database of sexually violent offenders accessible to all Americans via the Internet, enhanced community notification measures, and a study to assess the merits of a standardized national risk-based classification system. I particularly want to thank the chairman for working with me in including those provisions which were set forth in two bills I had previously introduced.

I urge passage of the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that this vote will draw to a close congressional consideration of legislation that has brought together Republicans and Democrats, concerned parents, and those who are related to victims from around the country. And this has become somewhat of a crusade in order to make necessary changes to prevent more sexual predators from falling through the cracks and molesting and harming and even murdering innocent victims.

□ 1215

The Child Safety Act of 2006, I believe, is appropriately named after Adam Walsh. One of the things I did early in my service in Congress was to work with the Walshes to pass the first bill which put the names of missing children in the FBI's National Crime Identification File. There were problems in alerting law enforcement back in the early 1980's when a child had been abducted, and, as a result, those who did abduct the children were able to take them far away before law enforcement was able to weave the net around these people, and many tragedies occurred, including the brutal murder of the Walsh's beloved son, Adam.

I really want to commend John Walsh and his wife, because they have used the tragedy of their son's death and the grief that it caused to be able to make America a safer place for children, not only those that are here now, but those that are to be born in this country and who come to this country.

The Children's Safety Act of 2003 was a necessary start. This bill improves on the Children's Safety Act of 2003, plugs more loopholes, and America will be a safer place as a result of all of the people who have worked on behalf of this legislation. I would like to publicly thank all of them. There are too many to list by name, but in my full statement that I put into the record, I listed the names of a lot of very well-publicized victims. Let's hope that this bill makes sure that there are no more names added to that list.

Vote in favor of the bill, send it to the President.

Mr. Speaker, I include for the RECORD an exchange of letters between Mr. THOMAS, Chairman of the Committee on Ways and Means, and myself.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing concerning H.R. 4472, the ''Adam Walsh Child Protection and Safety Act of 2006,'' which is scheduled for floor action on Tuesday, July 25, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 152 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 152 also would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 4472, the ''Adam

Walsh Child Protection and Safety Act of 2006.'' I acknowledge your jurisdictional interest in this legislation and agree that your decision to waive consideration of this bill shall not be construed to prejudice the jurisdiction of the Committee on Ways and Means over this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4472 on the House floor.

Thank you for you assistance in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation, which embodies a bipartisan and bi-cameral agreement that includes important provisions to protect children.

The bill will create a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is a vital step to improve the current patch-work quilt of 50 different state systems for identifying and tracking sex offenders. The bill also authorizes much-needed grants to help local law enforcement agencies establish and integrate sex offender registry systems.

Under the bill, states will be required to maintain sex offender registries accessible to the public on the Internet and to make failure to register a felony. Sex offenders will be required to provide DNA samples and will be subjected to more frequent in-person verification of information about their residences and workplaces.

The bill targets child-exploitation enterprises and registered sex offenders who commit offenses against minors, including obscene visual representations of sexual abuse of children and sex trafficking of children. It includes several provisions designed to better combat child pornography, including authorizing civil and criminal asset forfeiture in child pornography cases. And it authorizes new grant programs that will help local law enforcement agencies combat sexual abuse of children by enabling them to hire more people, add computer hardware and software, and take other steps to apprehend sex offenders who violate registry requirements. It also authorizes a new grant program for the National Crime Prevention Council, a private, nonprofit organization that has expertise in promoting crime prevention programs through public outreach and media campaigns.

The bill also authorizes 88 new prosecutors within the U.S. Attorneys' Offices to prosecute child sex offenses, including child exploitation, child sexual abuse, and child obscenity and pornography offenses. It authorizes 10 additional Justice Department task forces to address Internet crimes against children. It authorizes the Justice Department to provide grants to states, local governments, and nonprofit organizations to establish and maintain programs to educate children and parents on the best way to be safe using he Internet. It authorizes the Justice Department, in consultation with the National Center for Missing and Exploited Children, to develop and carry out a public awareness campaign to demonstrate how to better protect children when using the Internet. And it authorizes the Justice Department to provide fingerprint-based background checks to child welfare agencies as well as to private and public educational agencies so they can carry out background checks on prospective adoption or foster parents, private and public teachers, and school employees.

As a cosponsor of H.R. 4005, the National Police Athletic League (PAL) Youth Enrichment Reauthorization Act of 2005, I am also glad to note that the version of the bill now before the House includes provisions similar to those of that bill.

The PAL program brings youth under the supervision and positive influence of a law enforcement agency and expands public awareness about the role of a police officer in the local community and reinforces responsible values and attitudes instilled in young people by their parents. It utilizes educational, athletic and recreational activities to create trust and understanding between police officers and youth. It is based on the conviction that young people—if they are reached early enough—can develop strong positive attitudes towards police officers in their journey through life toward the goal of maturity and good citizenship.

A volunteer-driven organization with an estimated 80,000 volunteers across the country supporting all levels of programming, PAL has a 90-year history of caring and providing alternatives for youth at risk. Today, it offers structured and personal guidance in a safe, friendly environment and provides a variety of activities, from organized competitive sports, recreational activities, arts and educational programming to cultural and social skill development programs. This bill will help it carry out that important work.

I do have concerns about some aspects of the bill, including a provision allowing some juvenile offenders over 14 to be included in publicly available sex offender registries. However, on balance I think this is a good, strong bill and I support its enactment.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. This Act will greatly improve the national program to register and monitor child predators.

I am especially pleased that the Act includes all of the major provisions of the Jessica Lunsford and Sarah Lunde Act, which I introduced in July of 2005. This act creates grants for state and local governments to implement electronic monitoring programs of child sex offenders, using GPS technology and other electronic methods to track sexual predators upon their release from prison.

Electronic tracking of sexual predators will provide law enforcement with the real time location of the offender within 10 feet of their location. These measures enhance the capability of law enforcement to provide children and their parents with the protections they need.

Today there are nearly 550,000 registered sex offenders in the United States, approximately one offender for every 200 children under 18 years old. As the numbers grow, it's becoming almost impossible for law enforcement to track these offenders. Electronic monitoring cannot replace law enforcement officers monitoring convicted sex predators, but it will provide officials with the tools they need to protect our children and grant parents much deserved peace of mind.

The Adam Walsh Child Protection and Safety Act of 2006 also requires every state to maintain a sex offender-registry and directs the Attorney General and FBI to maintain a National Sex Offender registry with updated and detailed information about sex offenders. Accessible and thorough information about sexual predators is essential to guaranteeing the safety of our children and preventing previous offenders from striking again.

Mr. Speaker, far too many sex offenders are able to slip through the cracks and become lost to law enforcement officials. The Adam Walsh Child Protection and Safety Act of 2006 greatly increases law enforcement's ability to protect our children and provide peace of mind to parents. This Act is an important step to ensuring the safety of our nation's children and I urge my colleagues to support it.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong support of this bill.

Today, the House is considering the Senate-passed version of H.R. 4472, the Adam Walsh Child Protection and Safety Act, which includes the language of the National Police Athletic/Activities League (PAL) Youth Enrichment Reauthorization Act of 2005, H.R. 4005, of which I am a prime sponsor.

PAL is a youth crime prevention program that utilizes educational, athletic and recreational activities to create trust and understanding between police officers and youth. It is based on the understanding that young people—if they are reached early enough—can develop strong positive attitudes toward police officers and gain the skills needed to achieve success throughout their lives.

The bill will reauthorize the National Police Athletic League Youth Enrichment Act of 2000 (P.L. 106–367). It will also authorize $16 million per year in assistance to National PAL and the 350 local PAL chapters around the country; help establish 250 (50 per year) new PAL chapters; and provide support for the annual Youth Leadership Conference.

The PAL program brings youth under the supervision and positive influence of a law enforcement agency and expands public awareness about the role of a police officer in the local community and reinforces responsible values and attitudes instilled in young people by their parents.

I strongly urge my colleagues to support this important legislation, so that we can continue to fund this program, which provides such good guidance and direction to so many of our youth.

Mr. PENCE. Mr. Speaker, before us today is the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472). I am a strong supporter of this legislation, and urge its passage.

Title V of this legislation is derived from a bill that I introduced in the First Session of this Congress, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because as we know, Mr. Speaker, the fuel that fires the wicked hearts of child predators is child pornography.

Every day in America, children are exploited in pornography—sometimes by those closest to them in their homes. In the home, children are forced to pose for pornographic pictures or act in pornographic videos by family members, family friends, caretakers and other trusted individuals who violate that trust. These pictures and videos are posted on the Internet or surreptitiously spread to sexual predators.

A main tenet of my legislation is the addition of language that will fix a technicality that so-called home pornographers have used to

evade federal prosecution on child pornography charges. Home pornographers use digital cameras, Polaroid cameras and video cameras to make pornographic pictures and videos of children, and they download child pornography from the Internet onto their home computers. My legislation makes clear that federal prosecutions of home pornographers can proceed in federal courts because their activities impact interstate commerce. This is a fix that must be made now in order to protect children at home.

Another element of my bill is the addition of a new section to the criminal code, Section 2257A, which adds a record-keeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity.

Congress previously enacted the PROTECT Act of 2003 against the background of Department of Justice regulations applying section 2257 to both primary and secondary producers. That fact, along with the Act's specific reference to the regulatory definition that existed at the time, reflected Congress' agreement with the Department of Justice's view that it already had the authority to regulate secondary producers under the applicable law.

A federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, relying on an earlier Tenth Circuit precedent holding that Congress had not authorized the Department to regulate secondary producers. These decisions conflicted with an earlier D.C. Circuit decision upholding Congress' authority to regulate secondary producers. Section 502 of the bill is meant to eliminate any doubt that section 2257 applies both to primary and secondary producers, and to reflect Congress' agreement with the regulatory approach adopted by the Department of Justice in enforcing the statute.''

My bill goes a step further by requiring that records be kept for lascivious exhibitions nude photographs and displays. No child should be used in either nude pictures or sexually explicit materials because these items only serve to inflame the prurient interest in child predators. Requiring that records be kept will serve as a deterrent. Additionally, my bill requires that the records be made available to investigators for inspection. Failure to keep the records or allow inspections is a criminal offense. By strengthening the law in this manner, we will provide both a strong deterrent to the use of children in sexually explicit materials and the necessary tools to law enforcement to investigate and prosecute those who are not deterred.

Finally, the legislation expands the ability of investigators and prosecutors to pursue the people who distribute child pornography. These distributors also will be required to follow the record-keeping provision, and this will provide law enforcement with a powerful tool to use against them. These are devious people who work in cohorts with pornographers to sell child pornography, but who currently can work out of sham corporations to avoid prosecution. My legislation will empower prosecutors with the ability to charge and convict these people.

Providing law enforcement with the tools to combat child pornography contained in my legislation is a much-needed and overdue step that must be taken to protect our children from those in our society who have no decency and know no shame.

Mr. Speaker, I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our children, and today we take a significant step toward that goal.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. This is good legislation that will go a long way towards keeping our children safe from harm.

I am especially pleased this legislation includes an important provision that I believe will help improve our Nation's child protection system. As part of the Adoption and Safe Families Act of 1997, Federal law was amended to require that States complete background checks prior to approving a prospective foster or adoptive home. If these background checks reveal that would-be foster or adoptive parents have been convicted of certain felonies including murder and crimes against children, such adults are permanently disqualified from receiving Federal funds as foster or adoptive parents. Felony convictions for physical assault, battery, or drug-related offenses disqualify an adult from receiving Federal payments for the child for 5 years. To be clear, States could still place foster children in those homes, they just couldn't use Federal dollars to pay such adults for the care of the children.

These provisions are designed to ensure children are placed in safe homes and Federal funds are used properly. Currently, 43 States including the District of Columbia comply with these requirements. However, because Federal law currently gives States a choice, eight States opt out of this requirement, which allows them to apply weaker standards concerning which adults are to be entrusted with foster or adoptive children and when Federal funds can be used in such homes.

In practice, it is our understanding that most of the States actually follow Federal guidelines, leaving only a handful of States that actually apply weaker standards than Federal law expects.

H.R. 4472 will allow States that opt out of the current Federal standards to continue to do so for the next 2 years. But then all States must comply with the current requirements, which most already follow. States will continue to have the flexibility to define requirements that are stronger than Federal law. It is my hope that during the next 2 years the States that apply weaker standards for who can be a foster or adoptive parent and receive Federal funds will examine their policies an take steps to bring them in line with Federal policy, as the overwhelming majority of States already do.

It is important that all States satisfy minimum requirements to ensure the safety of children. Children in foster care are literally our responsibility. It is not too much to expect certain minimum standards involving who can be entrusted with their care, especially when Federal tax dollars are paid to such adults. Amazingly enough, some suggest this provision may not increase child safety. I disagree. It is difficult to understand how some can insist that Federal taxpayers must pay adults to be foster or adoptive parents when a background check has uncovered their involvement in past crimes such as murder and crimes against children. Again, States may choose to do whatever they wish with their own dollars, but we have a responsibility to see that children are protected and Federal tax dollars are used wisely. I'm pleased H.R. 4472 will ensure all States follow the same minimum standards for determining who may be entrusted with these vulnerable children and receive Federal funds for their care. I urge my colleagues to support this important legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006 that will revamp this country's sex offenders registration system. This bill is named in honor of Adam Walsh, the son of John and Reve Walsh, who was abducted 25 years ago. Through the strength and perseverance of John and Reve, they turned the gut wrenching tragedy of the abduction and killing of their son Adam into a lifelong crusade to protect the children of others. The bill before us today is another weapon in this country's arsenal to protect our children from what seems to be an epidemic of abduction and exploitation.

The National Center for Missing and Exploited Children (NCMEC) estimates that today there are more that 563,000 sex offenders that are ''supposed'' to be registered in this country. Unfortunately, approximately 100,000 of these offenders are currently unaccounted for and therefore, are under the watchful eye of no one.

H.R. 4472 will create a National registry that will provide enhanced information on a uniform basis thereby replacing a patchwork of individual systems administered and maintained by each State. Through this bill, sex offenders will have the same requirements to register throughout the country. Sex offenders will be required to register before they are released from prison to insure that they don't slip through the cracks. Moreover, this bill will impose stiff penalties for failing to register by imposing a felony.

While we can never do enough to protect our children, this bill does tighten the weave of the safety net through which many predators have slipped. A uniform national registry of sexual predators will assist law enforcement, parents, and concerned citizens in their vigilance and awareness of who is lurking on our neighborhood waiting to rob our children of their innocence and, all too often, of their lives.

We owe a special debt of gratitude to the bipartisan group of legislators who steered this bill successfully through Conference, the Walshes, and the National Center for Missing and Exploited Children for making this national registry a reality.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4472.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FHA MANUFACTURED HOUSING LOAN MODERNIZATION ACT OF 2006

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4804) to modernize the manufactured housing loan insurance program under title I of the National Housing Act, as amended.

The Clerk read as follows:

H.R. 4804

SECTION 1. SHORT TITLE.

This title may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2006''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2004, fewer than 2,000 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 3. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': Provided, That with'' and inserting ''. With''.

SEC. 4. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2006 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 5. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$24,500'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$68,040'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$90,720'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$22,680''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2006.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limiations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 6. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 7. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 8. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as

amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GILLMOR) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4804, the FHA Manufactured Housing Loan Modernization Act of 2006, which was introduced by my financial services colleague, Congressman PAT TIBERI.

H.R. 4804 would modernize the Federal Housing Administration title I program for manufactured homes and increase the availability of FHA insured manufactured housing loans to low and moderate income consumers who wish to purchase a manufactured home.

Congressman TIBERI's legislation would amend title I of the Federal Housing Administration mortgage insurance program by encouraging more private sector participation in the title I program, increasing the availability of title I loans for manufactured housing and improving title I access to the secondary mortgage market.

To accomplish these goals, the FHA Manufactured Housing Modernization Act of 2006 includes several important reforms to make the title I manufactured housing program more relevant and more meaningful. The bill requires FHA to insure title I manufactured housing loans on a loan by loan basis, similar to what is done in the single-family FHA program, instead of using the current insurance system which insures bundles of loans. This change would pose less risk to the secondary insurer and would encourage the securitization of title I loans.

Since 1992, manufactured home prices have increased over 50 percent while loan limits have not been adjusted for inflation. To address this inequity, H.R. 4804 raises the maximum loan limits for manufactured homes and lots with annual indexing using U.S. Census data.

The manufactured housing industry has evolved in the last decade to deliver a better quality product that saves as much as 25 percent of development costs associated with traditional single-family homes. Recent innovations in design, including multi-stories and attached garages, make manufactured housing a viable, affordable alternative for urban developments.

The problem of housing affordability touches many Americans, young couples with limited incomes, single-parent families and low income households that seek decent shelter at a reasonable price, or retired persons looking for smaller homes with less maintenance.

Many American families are unable to afford a medium priced site-built home. Manufactured housing provides a home ownership option for people who may not be able to afford or choose not to purchase site-built housing.

H.R. 4804 will go a long way to ensure that manufactured housing continues to play an important role in meeting the country's affordable housing needs. I urge my colleagues to support this important piece of legislation.

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

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. FRANK) is on his way to the floor, who really is the manager on this legislation, and the one person on our side of the aisle who is an expert on manufactured housing.

I rise in support certainly of the FHA Manufactured Housing Loan Modernization Act of 2006. I would like to thank Mr. TIBERI, the sponsor of this bill, for his hard work and cooperation with the members of the Subcommittee on Housing and Community Opportunity, of which I am ranking member.

The bill is further evidence of the high level of cooperation on housing-related issues within the Committee on Financial Services. The committee marked up this bill that will amend title I of the Federal Housing Administration mortgage insurance program by encouraging more private sector participation in the title I program, increasing the availability of title I loans for manufactured housing and improving access to the secondary mortgage market.

After the devastating events of last year in the gulf region, manufactured housing took on a new importance. Manufactured housing filled a major void in the supply of housing in the aftermath of Hurricanes Rita and Katrina. FEMA has made trailers available in the gulf region, and they still represent the only housing choice for many families who lost their homes.

Manufactured homes continue to serve the housing needs of Americans, as many in the gulf region would attest. However, since the early 1990s, the number of title I personal property loans for manufactured homes dropped from 30,000 to 2,000, primarily because of inefficiencies in the program.

This bill will make a number of improvements to the program: Number one, it removes the 10 percent cap limiting FHA's ability to insure manufactured housing; number two, it insures loans on a case-by-case basis; number three, it increases loan limits; number four, it provides for risk-based premiums; and, number five, it strengthens loan underwriting requirements.

The reforms in this bill will improve FHA manufactured housing programs. The modernization of the program is absolutely essential to its continued existence. As such, I am not only going to ask my colleagues to support this legislation, but I would implore the Members of Congress to look at manufactured housing as alternatives to high-priced housing in some of their own areas where people cannot afford housing, particularly low-income people who cannot afford the housing on the market as we know it.

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

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Ohio (Mr. NEY) and that he may be able to yield.

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

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4804, the FHA Manufactured Housing Loan Modernization Act of 2006. Right off the bat, I want to congratulate Representative PAT TIBERI from Ohio on his effort to modernize the Federal Housing Administration, known as FHA, title I program for manufactured homes and increase the availability of FHA-insured manufactured housing loans to low and moderate income consumers who wish to purchase a manufactured home.

Increasing loan limits for manufactured housing will assist many people, particularly first-time home buyers who are looking for less expensive options for achieving the dream of homeownership.

Reforms to the title I manufactured housing program in this legislation would remove the current cap limiting FHA's ability to insure manufactured home loans to 10 percent of the FHA portfolio; require FHA to insure title I manufactured housing loans on a loan-by-loan basis; raise the maximum loan limits for manufactured homes and lots, with annual indexing using U.S. Census data. It also would allow risk-based premium pricing and tighten underwriting standards for the title I loans.

I want to thank our ranking member, MAXINE WATERS from California, obviously also our chairman, MIKE OXLEY and BARNEY FRANK, our ranking member for the full committee. Their perseverance on these issues is going to help a lot of people in this country.

I want to thank again the gentlelady from California, Mr. FRANK and also Mr. OXLEY, and, above all, Mr. TIBERI, for pursuing this piece of legislation, which is going to help so many people.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to control the balance of the time on our side.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the balance of the time.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the ranking member of our Housing Subcommittee, the gentlewoman from California, for filling in for me as I came over.

Mr. Speaker, we have a national goal of increasing homeownership. Homeownership is very important. I always want to make it clear to people that while homeownership is very important, it should not be considered all of our goal in the housing area. A large number of people, for economic reasons and other reasons, will be renters. It is a good thing if we can help people become homeowners, but we should not neglect the legitimate interests of renters.

In this case, however, we are talking not about renters, we will deal with them in some later parts of our program today, we are dealing here with extending the ability to own homes to people who would economically not otherwise be able to make it.

We have gotten to a pretty high percentage of homeownership. But if you look at the economics of land, of zoning, of building, if you look at what people earn, if we do not make manufactured housing more easily available to people, we will not be able to break out of the current percentage levels of homeownership. That is, significantly extending homeownership so we get to maybe an 80 percent range or so requires us to make full use of manufactured housing.

One of the things I am pleased about, when I first came here there was a kind of a war going on, or at least a battle between people of conventional homes, stick-built homes, as they are called, and manufactured housing. I think it is now clear that the demand for housing is such and the economic range is such that these are not competitive entities. There is room for more of the stick-built housing, of the site-built housing; there is room for more of the manufactured housing. We need to give a full range of choices for people.

It is also clear that manufactured housing hits a price range that we have to make available if we are going to extend homeownership.

Now, what we found was, as many of us began to push for this a few years ago, we were pushing, I pushed Fannie Mae and Freddie Mac to do more in manufacturing housing. The gentleman from Ohio is nodding, because he and I have worked together on this. We intend to continue.

□ 1230

Part of our effort with regard to the GSE legislation is to push Fannie Mae and Freddie Mac to do more in manufactured housing. We have worked harder to make sure that manufactured housing is safer. And this goes back to the former chairman of the committee, then called the Banking Committee, the gentleman from Texas (Mr. GONZALEZ) who helped to make sure that we had legislation that made manufactured housing safer, particularly in those areas where there are hurricanes. We have done that.

And then we found that one of our own entities, the Federal Housing Administration, was not as responsive to the manufactured housing issues as they should be. So this bill does that. Obviously, manufactured housing is somewhat different than other forms of housing. The problem is, of course, our laws, our loan procedures, our property laws, our title laws were all drawn up with the model of a site-built home on a piece of land owned by that homeowner.

You need more flexibility when you are dealing with manufactured housing. This provides it. So I am very pleased to join in this bipartisanship effort with my colleagues on the committee to put forward a bill that will be a substantial step forward in making housing available.

I thank the gentleman from Ohio, the chairman of the subcommittee, and the gentleman from Ohio who is the main author of this bill for giving us all a chance to work together on this.

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

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts makes a good point. We have struggled for quite a few years to get manufactured housing into the sites through HUD for its utilization for people across this country. So I think this bill and all of the steps we have taken to understand both the urban and the rural settings, I think this bill comes a long way to push it to the forefront.

I want to thank Mr. TIBERI and also to yield to the gentleman such time as he may consume.

Mr. TIBERI. Mr. Speaker, I am excited that we are here today considering this piece of legislation that was passed out of committee unanimously. It has been a bipartisan process from the very beginning. I believe we have a better bill that Members can support because of that process, a bill that will make it easier for Americans to be homeowners. I thank Mr. FRANK. As a former realtor, I want to associate myself with his remarks with respect to the flexibility of this bill, the importance of this bill. We have come a long way in getting here today passing this bill.

I do want to acknowledge his valuable input as a cosponsor of the legislation, a key cosponsor, as well as his work on the Financial Services Committee, and also his aid Scott Olson. This legislation today is better because of the work that you all put into it. I really appreciate and am grateful for that work.

Mr. Speaker, I also want to acknowledge the leadership of Mr. NEY, chairman of the Subcommittee on Housing, and Chairman OXLEY for their work on this legislation, and the key work of committee staff Clinton Jones. Clinton, you have been great on this legislation from the very beginning; Cindy Chetti, Tallman Johnson, Rashmi Puri, along with Lindsay Vogtsberger from my staff as well. This has been a great collaboration. I appreciate the full support from the Members and the committee.

This legislation builds on the past successes of FHA's title I program by increasing the availability of title I loans for manufactured housing, encouraging more private sector participation and increasing access to the ever-important secondary mortgage market.

Manufactured housing has played a critical role in creating homeownership for families both in urban and rural settings across this country, across our State in Ohio. Unfortunately, manufactured housing is in the midst of a downturn, a downturn in housing production levels due in part to tightening of underwriting standards.

Historically, FHA title I programs have provided loans for financing mortgages of manufactured homes, which are homes leased on land. In 1992, FHA title I insured over 30,000 loans nationwide. In 2004, the number fell to 2,000. In Ohio, the chairman's home State and my home State, loans fell from a high in 1992 of 281, to only 15 written in 2004.

This bill incorporates recommendations from HUD's Commission of Independent Agency ''Report to Improve the title I Program.'' The legislation raises the maximum loan limits for manufactured homes on lots with annual indexing using the U.S. Census data. It also makes a number of changes, Mr. Speaker, to ensure the financial soundness of the program by allowing the Secretary of HUD to revise underwriting criteria.

Furthermore, the Congressional Budget Office estimates that implementing this piece of legislation will result in savings of half a million dollars a year.

Mr. Speaker, I am truly proud of the fact that I am the sponsor of this bill with Mr. FRANK and look forward to its passage here in the House and hopefully passage soon in the Senate so that more Americans may achieve the American dream of homeownership.

Mr. FRANK of Massachusetts. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I have no further speakers. I just want to again thank the gentlewoman from California, MAXINE WATERS; Mr. BARNEY FRANK of Massachusetts; MIKE OXLEY, the Chair; and PAT TIBERI, of course, the author of the bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. NEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY), is, as has been announced, retiring. I do want to say that I am very proud of the extent to which our committee has worked together cooperatively.

There are obviously points of difference. There are legitimate differences between Democrats and Republicans and liberals and conservatives.

But without subsuming those or without anybody sort of abandoning his or her principles, we have been able to find that area where there is common ground like this. I do think that the chairman of the full committee deserves an enormous amount of credit for creating the atmosphere in which we were able to both pursue our differences in a civil way and then come together where we did not have differences, but had common ground.

Mr. NEY. Mr. Speaker, reclaiming my time, this is a good day for all people throughout the United States that want to achieve homeownership.

Mr. DUNCAN. Mr. Speaker, I am in strong support of H.R. 4804, the FHA Manufactured Housing Loan Modernization Act of 2006.

Manufactured homes play an important role in serving housing needs for many Americans, especially in the district I represent in East Tennessee.

I am very proud to have a leader in the manufactured housing industry, Clayton Homes, headquartered in my district. They are a company of integrity and are now operating in over 40 states across the country .

More and more people each year are moving into my district, which is one of the fastest growing areas in the country. I can understand why so many want to move there. It is a great place to live, raise a family or start a business.

All of this growth is contributing to a crisis in affordable housing. Manured home prices have increased over 50 percent since 1992. In 1992 FHA Title I insured over 30,000 Title I loans. In 2004, that number was below 2,000.

Options for financing manufactured homes are very limited. Today, there are only two private lenders that participate in the FHA program. This bill will encourage more private sector participation, creating more competition with lower interest rates and costs.

The bill increases the amount that can be insured on a loan. It removes a cent portfolio cap that only allows 10 percent of the dollar value of the lender's portfolio to be insured.

Under the proposed system in H.R. 4804, a practical program will encourage more private sector participation and increase accessibility to manufactured home loans. Making these loans more accessible will help many get out of a renting situation.

This bill will allow many a chance to own a home, a very important part of the American dream. I urge my colleagues to support H.R. 4804.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 4804, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

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

There was no objection.

EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2006

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5121) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Expanding American Homeownership Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section

305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

''(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and

''(B) not to exceed the appraised value of the property, plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.'';

(2) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''title 38, United States Code''; and

(3) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership).

SEC. 4. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking ''thirty-five years'' and inserting ''forty years''; and

(2) by striking ''(or thirty years if such mortgage is not approved for insurance prior to construction)''.

SEC. 5. CASH INVESTMENT REQUIREMENT.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9) is amended by striking the paragraph designation and all that follows through ''*Provided further*, That for'' and inserting the following:

''(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, an amount, if any, as the Secretary may determine based on factors determined by the Secretary and commensurate with the likelihood of default. For''.

SEC. 6. TEMPORARY REINSTATEMENT OF DOWNPAYMENT REQUIREMENT IN EVENT OF INCREASED DEFAULTS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(10) EFFECT OF INCREASED DEFAULTS.—

''(A) ANNUAL DETERMINATION.—If, for any calendar year described in subparagraph (B)(i), the Secretary determines, pursuant such subparagraph, that—

''(i) the ratio of the number of mortgage insurance claims made during such calendar year on mortgages insured under this section to the total number of mortgages having such insurance in force during such calendar year exceeds, by 25 percent or more, such ratio for the 12-month period ending on the effective date of this Act, or

''(ii) the ratio of the aggregate remaining principal obligation under mortgages insured under this section for which an insurance claim is made during such calendar year to the average, for such calendar year, of the aggregate outstanding principal obligation under mortgages so insured exceeds, by 25 percent or more, such ratio for the 12-month period ending on such effective date,

during the 90-day period beginning upon the submission of the report for such calendar year under subparagraph (B)(ii) containing such determination, the Secretary may insure a mortgage under this section only pursuant to the requirement under subparagraph (C), and the Secretary shall, not later than 60 days after submission of the report containing such determination, submit a report to the Congress under subparagraph (D) regarding mortgage insurance claims during such calendar year.

''(B) 5 YEARS OF ANNUAL DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall, for each of the 5 calendar years commencing after the date of the enactment of this Act, compare the ratios referred to in subparagraph (A) and make a determination under such subparagraph.

''(ii) ANNUAL REPORT ON DEFAULTS.—Not later than 90 days after the conclusion of each of the calendar years described in clause (i), the Secretary shall submit a report to the Congress containing the determination of the Secretary under such clause with respect to such calendar year and setting forth the ratios referred to in such clause for such calendar year.

''(C) REINSTATEMENT OF DOWNPAYMENT REQUIREMENT.—The requirement under this subparagraph is that paragraph (9) of this subsection shall apply as such paragraph was in effect on the day before the effective date of the Expanding American Homeownership Act of 2006.

''(D) REPORTS REGARDING INCREASED DEFAULT RATE.—A report under this subparagraph, as required under subparagraph (A), shall contain—

''(i) an analysis of mortgage insurance claims, made during the calendar year for which the report is submitted, on mortgages insured under this section;

''(ii) an analysis of the reasons for the increase during such calendar year in the applicable ratio or ratios under subparagraph (A), including an analysis of the extent to which such increase is attributable to the amendments made by the Expanding American Homeownership Act of 2006;

''(iii) the effect of such increase on the Mutual Mortgage Insurance Fund;

''(iv) recommendations regarding—

''(I) whether the Congress should, to respond to such increase, take legislative action (aa) to apply paragraph (9) of this subsection as such paragraph was in effect on the day before the effective date of Expanding American Homeownership Act of 2006, (bb) to apply paragraph (2)(A)(ii) by substituting '87 percent of the dollar amount limitation' for 'the dollar amount limitation', or (cc) both; and

''(II) whether such provisions should be temporary or permanent, and, if temporary, the period during which such provisions should apply; and

''(v) recommendations regarding any other administrative, regulatory, legislative, or other actions that should be taken to respond to such increase.

''(E) DEFAULTS IN DISASTER AREAS NOT COUNTED FOR 24 MONTHS.—In determining the number of mortgage insurance claims made and the aggregate remaining principal obligation under mortgages for which an insurance claim is made for purposes of subparagraph (A) for any calendar year, the Secretary shall not take into consideration any claim made during such period on a mortgage on any property that is located in an area for which a major disaster was declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act if such claim was made during the 24-month period beginning upon such declaration.''.

SEC. 7. MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) FLEXIBLE RISK-BASED PREMIUMS.—

''(A) IN GENERAL.—For any mortgage insured by the Secretary under this title that is secured by a 1- to 4-family dwelling and for which the loan application is received by the mortgagee on or after October 1, 2006, the Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the limitations in subparagraphs (B) and (C). The rate of premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subparagraph but only to the extent that such change is not applied to any mortgage already executed.

''(B) MAXIMUM UP-FRONT PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any single premium payment authorized by subparagraph (A), if established and collected prior to the insurance of the mortgage, may not exceed the following amount:

''(i) Except as provided in clauses (ii) and (iii), 3.0 percent of the amount of the original insured principal obligation of the mortgage.

''(ii) If the mortgagor has a credit score equivalent to a FICO score of 560 or more and has paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured), 2.25 percent of the original insured principal obligation of the mortgage.

''(iii) If the annual premium payment is equal to the maximum amount allowable under clause (i) of subparagraph (C), 1.5 percent of the amount of the original insured principal obligation of the mortgage.

''(C) MAXIMUM ANNUAL PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any annual premium payment collected may not exceed the following amount:

''(i) Except as provided in clauses (ii) and (iii), 2.0 percent of the remaining insured principal obligation of the mortgage.

''(ii) If the mortgagor is a mortgagor described in clause (ii) of subparagraph (B), 0.55 percent of the remaining insured principal obligation of the mortgage.

''(iii) If the single premium payment collected at the time of insurance is equal to maximum amount allowable under clause (i) of subparagraph (B), 1.0 percent of the remaining insured principal obligation of the mortgage.

''(D) PAYMENT INCENTIVE.—Notwithstanding subparagraph (C), for any mortgage insured under a premium structure established pursuant to this paragraph and for which the annual premium payment exceeds the amount set forth in subparagraph (C)(ii), if during the 5-year period beginning upon the time of insurance all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall reduce the amount of the annual premium payments due thereafter under such mortgage to an amount equal to the amount set forth in subparagraph (C)(ii).

''(E) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30

days before the premium structure is established or changed.

''(F) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing a premium structure under subparagraph (A) or when changing such a premium structure, the Secretary shall consider the following:

''(i) The effect of the proposed premium structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

''(ii) Underwriting variables.

''(iii) The extent to which new pricing under the proposed premium structure has potential for acceptance in the private market.

''(iv) The administrative capability of the Secretary to administer the proposed premium structure.

''(v) The effect of the proposed premium structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.''.

SEC. 8. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 9. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 10. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''and'' before ''(2)''; and

(ii) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(B) in clause (B) of the third sentence, by striking ''thirty-five years'' and inserting ''forty years''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) in clause (1), by striking ''or'' and inserting a comma; and

(2) by inserting before the semicolon the following: '', or (c) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, a one-family unit in a multifamily project, including a project in which the dwelling units are attached, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

SEC. 11. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2007, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2006, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

''(B) to minimize the default risk to the Fund and to homeowners;

''(C) to curtail the impact of adverse selection on the Fund; and

''(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 12. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 13. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 14. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(2) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''; and

(3) by adding at the end the following new subsection:

''(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z-20) for insurance of home equity conversion mortgages to analyze and determine—

(1) the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on—

(A) costs to mortgagors; and

(B) the financial soundness of the program; and

(2) the feasibility and effectiveness of exempting, from all the requirements under the program regarding payment of mortgage insurance premiums (including both up-front or annual mortgage insurance premiums under section 203(c)(2) of such Act), any mortgage insured under the program under which part or all of the amount of future payments made to the homeowner are used for costs of a long-term care insurance contract covering the mortgagor or members of the household residing in the mortgaged property.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

SEC. 15. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after ''property'' the following: ''plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,'';

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: ''In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.''.

SEC. 16. PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended—

(A) by striking ''As used in section 203 of this title—'' and inserting ''As used in this title and for purposes of participation in insurance programs under this title, except as specifically provided otherwise, the following definitions shall apply:'';

(B) by striking subsection (b) and inserting the following:

''(2) The term 'mortgagee' means any of the following entities, and its successors and assigns, to the extent such entity is approved by the Secretary:

''(A) A lender or correspondent lender, who—

''(i) makes, underwrites, and services mortgages;

''(ii) submits to the Secretary such financial audits performed in accordance with the standards for financial audits of the Government Auditing Standards issued by the Comptroller of the United States;

''(iii) meet the minimum net worth requirement that the Secretary shall establish; and

''(iv) complies with such other requirements as the Secretary may establish.

''(B) A correspondent lender who—

''(i) closes a mortgage in its name but does not underwrite or service the mortgage;

''(ii) posts a surety bond, in lieu of any requirement to provide audited financial statements or meet a minimum net worth requirement, in—

''(I) a form satisfactory to the Secretary; and

''(II) an amount of $75,000, as such amount is adjusted annually by the Secretary (as determined under regulations of the Secretary) by the change for such year in the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor; and

''(iii) complies with such other requirements as the Secretary may establish.

''(C) A mortgage broker who—

''(i) closes the mortgage in the name of the lender and does not make, underwrite, or service the mortgage;

''(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a mortgage broker in such State;

''(iii) posts a surety bond in accordance with the requirements of subparagraph (B)(ii); and

''(iv) complies with such other requirements as the Secretary may establish.

''(3) The term 'mortgagor' includes the original borrower under a mortgage and the successors and assigns of the original borrower.'';

(C) in subsection (a), by redesignating clauses (1) and (2) as clauses (A) and (B) respectively; and

(D) by redesignating subsections (a), (c), (d), (e), and (f) as paragraphs (1), (4), (5), (6), and (7), respectively, and realigning such paragraphs two ems from the left margin.

(2) MORTGAGEE REVIEW.—Section 202(c)(7) of the National Housing Act (12 U.S.C. 1708(c)(7)) is amended—

(A) in subparagraph (A), by inserting '', as defined in section 201,'' after ''mortgagee'';

(B) by striking subparagraph (B); and

(C) by redesignating subpargraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(3) MULTIFAMILY RENTAL HOUSING INSURANCE.—Section 207(a)(2) of the National Housing Act (12 U.S.C. 1713(a)(2)) is amended by striking ''means the original lender under a mortgage, and its successors and assigns, and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(4) WAR HOUSING INSURANCE.—Section 601(b) of the National Housing Act (12 U.S.C. 1736(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(5) ARMED SERVICES HOUSING MORTGAGE INSURANCE.—Section 801(b) of the National Housing Act (12 U.S.C. 1748(b)) is amended by striking ''includes the original lender under a mortgage, and his successors and assigns approved by the Secretary'' and inserting ''has the meaning given such term in section 201''.

(6) GROUP PRACTICE FACILITIES MORTGAGE INSURANCE.—Section 1106(8) of the National Housing Act (12 U.S.C. 1749aaa-5(8)) is amended by striking ''means the original lender under a mortgage, and his or its successors and assigns, and'' and inserting ''has the meaning given such term in section 201, except that such term also''.

(b) ELIGIBILITY FOR INSURANCE.—

(1) TITLE I.—Paragraph (1) of section 8(b) of the National Housing Act (12 U.S.C. 1706c(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(2) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(1)) is amended

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(3) SECTION 221 MORTGAGE INSURANCE.—Paragraph (1) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

(A) by striking '' and be held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(4) HOME EQUITY CONVERSION MORTGAGE INSURANCE.—Paragraph (1) of section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)(1)) is amended by striking ''as responsible and able to service the mortgage properly''.

(5) WAR HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 603(b) of the National Housing Act (12 U.S.C. 1738(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(6) WAR HOUSING MORTGAGE INSURANCE FOR LARGE-SCALE HOUSING PROJECTS.—Paragraph

(1) of section 611(b) of the National Housing Act (12 U.S.C. 1746(b)(1)) is amended—

(A) by striking '' and be held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(7) GROUP PRACTICE FACILITY MORTGAGE INSURANCE.—Section 1101(b)(2) of the National Housing Act (12 U.S.C. 1749aaa(b)(2)) is amended—

(A) by striking '' and held by''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

(8) NATIONAL DEFENSE HOUSING INSURANCE.—Paragraph (1) of section 903(b) of the National Housing Act (12 U.S.C. 1750b(b)(1)) is amended—

(A) by striking '', and be held by,''; and

(B) by striking ''as responsible and able to service the mortgage properly''.

SEC. 17. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a ''high-risk'' program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The ''Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003'', conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that ''HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes''.

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 18. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this title shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 19. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this title. The notice shall take effect upon issuance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5121, the Expanding American Homeownership Act of 2006. This is a very important piece of legislation. It proposes comprehensive reform of the Federal Housing Administration, known as FHA, single family mortgage insurance activities. Giving FHA the ability to offer an array of products will allow it to more fairly price its guarantee to the individual borrowers and will allow it to base each borrower's mortgage insurance premium on the risk that the borrower poses to the FHA mortgage insurance fund.

Under this proposal, the mortgage insurance premiums will consider the borrower's credit history, loan-to-value ratio, debt-to-income ratio, and will be based on FHA's historical experience with similar borrowers.

This change will decrease premiums for many of the FHA's traditional borrowers, thereby increasing their access to homeownership. It will also allow FHA to reach potential homebuyers who for various reasons do not currently qualify for an FHA loan product.

H.R. 5121 would allow FHA to become more efficient and streamlined. Modernizing FHA will improve competition in the prime home loan mortgage industry, and effectively assist the industry in combating abusive and/or discriminatory lending practices. This bill would not create a new government program. Rather, it would significantly modernize the National Housing Act while reforming and empowering the agency, thereby addressing some of the agency's limitations.

More importantly, I believe that, if enacted, this bill will help further increase the country's homeownership rate, especially among low- and moderate-income and minority families. Since its inception in 1934, FHA has played an innovative role in financing homeownership and affordable housing opportunities for all Americans.

Over the past 8 years alone, FHA has financed nearly 8 million homes and over 754,000 units of affordable rental housing. The mortgage market has changed dramatically in recent years, creating what is today the world's most sophisticated real estate finance system.

This system has led to the highest rate of homeownership in U.S. history and to the efficient production of thousands of units of affordable rental housing each year.

However, in more recent times, FHA has been a mortgage insurer of the last resort. Potential homeowners who can participate in the private mortgage insurance market do so. I believe this is because FHA has become costly and the paperwork unmanageable. Thus, only the riskiest borrowers now use FHA for mortgage insurance.

Moreover, while the prime market remained relatively constant, the nonprime market between 2003 and 2005 grew from $118 billion to $650 billion in mortgages, while FHA went from insuring 9.2 percent to 4.1 percent of the Nation's mortgages. It is important to distinguish the difference between subprime lending, which is necessary and critical for nontraditional borrowers, and predatory/abusive lending, which is designed to take advantage of vulnerable Americans pursuing their American dream of homeownership.

While not predatory, the subprime market is not working for many families. These are the families FHA is really designed to reach. Among other things, H.R. 5121 would allow FHA to provide alternative access as well as standardization of a market niche designed to follow the agency's example.

Moreover, the Federal Government will always have a need for an agency to provide the type of services symbolized by the FHA. While the agency only has a market share of approximately 3 to 4 percent, elimination of FHA will be disastrous if a capital mortgage financial crisis emerges, such as we saw in the United States in the 1980s.

Further, it would be impossible to recreate this agency to respond rapidly to a housing homeownership crisis that could possibly, we hope not, but emerge in the future. H.R. 5121 will allow FHA to fulfill its original mission when similar circumstances exist. In 1934, interest-only and balloon payments were prevalent. Thus, FHA was established to give the private sector avenues to provide long-term fixed-rate financing.

Today, FHA continues to serve its original purpose by giving low- to moderate-income home buyers a safer, more affordable financing option for their homeownership. Mr. Speaker, we have a chance with this legislation to bring FHA back into business and to restore the FHA product to its traditional market position.

American families need safe options when purchasing a home at a fair price. Families need a way to take part in the American Dream without putting themselves at risk. Families, frankly, Mr. Speaker, need FHA.

I just want to conclude my comments for this time by saying this is, in my opinion, one of the most critical pieces of legislation, and if we haven't acted as we have, I wonder where the future of FHA would be, therefore helping so many Americans across this country.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. WATERS), who stepped up to the plate to address what I consider one of the most important pieces of legislation in quite a few years, of keeping the FHA alive by revitalizing it, by changing it, by streamlining it to help so many people.

I appreciate also Ranking Member FRANK, Chairman MIKE OXLEY, of course, and all of the members of the committee and the staff who have worked on a bipartisan basis to do, I think, a critically needed and wonderful thing. If we did not step up to the plate with this piece of legislation, I wonder what options would be out there for many, many citizens wanting homeownership.

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

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

(Ms. WATERS asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. WATERS. Mr. Speaker, before I start on my comments, I would like to thank Chairman NEY for his leadership on this legislation. Chairman NEY first envisioned the possibility of this legislation, and despite all of the possible obstacles to getting it passed, he persisted in bringing people together, to dealing with all of those obstacles, and today we are on the floor because of his leadership.

But it certainly could not have happened without my ranking member, Mr. FRANK, who has the ability to see things in legislation that no one else sees and to bring it to our attention, and to fix what is wrong, and to give support to what is good and helpful when we are trying to pass a significant piece of legislation.

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I would like to thank him, and certainly Chairman OXLEY. As Mr. FRANK said, he is retiring. He will be leaving us. But he has been a chairman who has been fair, he has provided opportunities for all of the members of our committee. He has worked with the subcommittee chairs and ranking members, and we are certainly going to miss him.

I rise in strong support as an original sponsor of H.R. 5121, the Expanding American Homeownership Act of 2006, which represents a major achievement by the Committee on Financial Services and the Subcommittee on Housing and Community Opportunity.

As I said, the leaders, Mr. OXLEY, Mr. FRANK, Mr. NEY, and all of the other members of the subcommittees who cooperated, deserve a lot of credit for this bill. But I have to mention the staff. The staff on both sides of the aisle worked so hard into long hours of the night helping to straighten out very complicated problems with this bill, and it is because of their dedication and their concentrated work that we are able to be on the floor today. They were also very helpful in working with a rather broad-based coalition that supported this bill, who stand in support of this bill including housing, consumer, and advocacy groups, the National Association of Realtors, the Mortgage Bankers Association, the mortgage brokers. We have a combination of support behind this bill which makes it a strong piece of legislation. This unique piece of legislation is unusual not only because of the combination of support; it reflects a real consensus that FHA can indeed be relevant in today's market.

When Congress enacted legislation in 1934 creating FHA, it intended that the government would make the dream of owning a home a reality for as many Americans as possible. FHA was established under the National Housing Act more than 70 years ago to improve housing standards and conditions. The goal of FHA was to provide an adequate home financing system with access for the average American. FHA pioneered many programs, including the 30-year mortgage. Not only has FHA been a pioneer in housing, it has been a major tool for first-time home buyers and moderate-income families.

Just imagine 70 years ago in 1934 as America was coming out of the worst depression in its history and the impact that FHA had on homeownership. FHA was a brilliant idea then, as it will be again through passage of this bill.

H.R. 5121 is appropriately named the Expanding American Homeownership Act of 2006 because it will, indeed, expand homeownership opportunities for all Americans. There is unequivocal evidence that, without FHA, many first-time home buyers and low- to moderate-income persons would not be able to afford a home. Americans have grown accustomed to FHA for mortgage insurance, guaranteeing their entry into the coveted arena of homeownership.

FHA had come to rely on first-time home buyers and low- to moderate-income persons to justify its existence. In the last few years, however, FHA watched as its share of the mortgage insurance market dwindle, and the groups it traditionally served disappeared. Between 2003 and 2005, nonprime loans grew from $332 billion to $550 billion, more than a 100 percent increase. As a result of this phenomenon, FHA market share fell dramatically. FHA was forced to become the mortgage insurer of last resort rather than the preferred insurer. Without viable FHA alternatives, many home buyers, first-time buyers, minority buyers, and home buyers with less than perfect credit fled FHA for the subprime market, leaving many with few affordable options.

Some have been forced to turn to high cost financing and nontraditional loan products. While these are acceptable for certain borrowers, they can have devastating consequences for others. In fact, when we began consideration of this bill, the foreclosure rate for non-prime loans was approximately twice that of prime loans.

By providing consumers with choice, H.R. 5121 will provide FHA the flexibility to set mortgage insurance premiums consistent with the risk of the loan. FHA will use the borrower's total credit score profile when setting the insurance premium. Borrowers who are low credit risk will pay a lower insurance premium, while borrowers who pose a higher credit risk will be charged a slightly higher premium. As such, FHA will reach deeper into the pool of perspective borrowers while guaranteeing the soundness of the FHA fund.

In the 35th Congressional District in California that I serve, 2,064 loans were insured by FHA in 2001, but only 74 loans were made in 2005. Similarly, FHA programs have been seriously curtailed in just about every region of the country, resulting in fewer and fewer home purchases supported by FHA programs. H.R. 5121 will increase FHA home limits. In many areas of the country, the existing FHA loan limits are lower than the cost of new construction or the median home price. In other areas, FHA had been priced out of the market. As indicated in the committee report that we filed with this legislation, in 1999, FHA insured 127,000 loans in California, while a mere 5,000 loans were insured by FHA in 2005, representing less than 5 percent of the 1999 level. Because FHA business diminished dramatically during this period, in my view, American homeownership did not expand as much as possible. The FHA loan limit of $362,790 in Los Angeles, California indicated that FHA was essentially no longer relevant in that housing market.

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

Mr. NEY. Mr. Speaker, I do not have any other speakers.

I did want to take this time to say that I want to also thank Commissioner Brian Montgomery of the FHA. He is really one of those people when he started this, he came into the offices and talked to everybody, he really should probably take off his tie and have a t-shirt that says, ''I'm from the government, I'm here to help you.'' He has a lot of enthusiasm and a lot of belief in this program, and cooperated so much for this important bill. I just want to say that, again, I want to thank the gentlewoman from California, Mr. FRANK, Mr. OXLEY, both sides of the aisle, and the staff. A wonderful staff.

We present a bill today, it looks kind of easy. A lot of hours were put into it. And also some wonderful, thoughtful suggestions came from Ms. WATERS, from Mr. FRANK, to take a good bill and I think help improve and make it better, and we appreciated those changes in working with all of you on this issue.

I can't stress, Mr. Speaker, how important a bill this is. If we didn't step

up to the plate now, I really wonder where the FHA would be.

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

Ms. WATERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, who was singularly responsible for helping to negotiate many of the difficulties in this bill and made it possible for us to form a consensus.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank my colleague. And I must say, I am very pleased that, having worked together, that the relationship of ranking member of the full committee and ranking member of the subcommittee or chairman of a full committee and the chairman of a subcommittee, nobody planned that to work as smoothly. You have to work at it, and with kind of overlapping responsibilities. I am very proud of the very constructive work we have done together, along with our counterparts on the other side.

I agree with what has been said about this bill. It takes the FHA and makes it a more important entity.

On one issue, the high cost loan limits, for much of the district that I represent in Massachusetts, the FHA might as well be on the moon because the median house prices in my district are beyond what the FHA could do. And I was glad to work with my colleague, the gentleman from California, who has joined us, Mr. MILLER, to make it realistic. People have said, well, you are creating homes for the wealthiest. No. What we have is a situation where, if you don't do it by median house price, middle income borrowers are priced out of the market because of the price of the house.

And, of course, people said, well, you are going to be squeezing out lower income people. No. When the FHA makes those loans to people at the median income in the high-cost areas, that makes money for the FHA. And I want to stress that. This is a money maker bill. This is a bill that expands housing, but it will make money for the Treasury. The FHA, in our accounting term it is called a negative subsidy. A negative subsidy means you put money in. And, the FHA is a net contributor. I think at some point we might look at expanding some of what we do at the FHA without further increasing the cost to the Treasury. But this is a bill that expands housing opportunities and makes money for the Treasury.

There is one particular part I want to address, and the gentlewoman from California generously mentioned it and the gentleman from Ohio was helpful on this. We do, in this bill, extend FHA's authority to lend to people who have lower credit scores, people who are bigger risks. And when that happens, you have to worry about higher defaults.

I did not think we, the Federal Government, should be in the position of saying that, as we lend to people who are bigger risks, we should take that risk pool and make those people who are higher risks who meet their obligations pay for the people who are higher risks who don't. In other words, yes, we understand that. As you reach down into a lower credit sector, and there is a correlation with income there, obviously, you are going to have more defaults and we have to pay for the defaults. But it is not fair, and we the Federal Government should not set the principle that one low-income person or 10 low-income people who meet their responsibilities are the ones who have to make up for the low-income person who isn't able to.

Now, this bill doesn't entirely meet my desires in this respect, but it does set this important principle. Yes, it says if you are of a low credit score, you will have to pay some more. But after 5 years under this bill, if you have been meeting your obligations, you then no longer have to pay more on the annual basis. Thus, it seems to be both an incentive for people to keep their payments but also a matter of fairness. I don't see why, if I am someone with a low credit score and I am making my payments in a responsible way, I should have to shoulder the burden of those people who aren't able to make their payments any more than anybody else.

Now, as I said, this doesn't go as far as I would like, but it sets that important principle. And the other thing I would note is this: We give FHA the authority to go up to certain levels for the borrowers with lower credit, but they are not mandated. And I would urge my friends in the FHA, and they have worked with us and I appreciate it and some of them are here today observing, as is fitting given the cooperative effort we had here.

As we go forward, given that the FHA makes money, let's refrain from penalizing the responsible low credit people. And they are the great majority, by the way. Nobody thinks that you are going to have a majority of them default. Let's say to those lower credit borrowers who meet their obligations that we are not going to try to make them be held responsible for others who can't make it. That is something, if it has to be done, could be more fairly done across the board.

So I am very appreciable of the things in the bill, the increase in the loan limits, the reaching out to other entities to be able to function and reaching out to give people an alternative to predatory lending, and it is important that we set the principle. As we give people an alternative to what might be predatory loans in the purely private sector, we do it in a way that will give people of lower credit recognition that if they are responsible and meet their payments, they will no longer be put under the gun. I think we have further to go there, and as experience works out, I will be pushing for that.

But it is very important that we set that principle, and I am grateful to the gentleman from Ohio, to my good friend from California who has done such great work in the housing area, and to the people in the administration who worked out an agreement with us to get this principle set forward.

Mr. NEY. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from California (Mr. GARY G. MILLER), the vice chairman of the Housing Opportunity Subcommittee who has done unbelievable work in so many areas to help with the housing bills.

Mr. GARY G. MILLER of California. Mr. Speaker, I want to thank Chairman NEY and MIKE OXLEY for their help in this area. That is an issue that BARNEY FRANK and I have worked on for quite a few years. We started out with a GSE, government sponsored enterprise, which is Fannie and Freddie, trying to reform that concept in high-cost areas.

□ 1300

We found out that many people in high-cost areas, such as Mr. FRANK's district and my district in California and MAXINE WATERS' district, because of the rising costs of houses, people could not qualify for conforming loan limits. We had to raise the conforming rates in the high-cost areas, and the same problem once we completed that was realized in FHA.

BARNEY and I took this on a few years ago, trying to take a system that has been up and running for 70 years and conform that system to today's marketplace. It has basically become so antiquated that many people in high-cost areas could not qualify for an FHA loan. In fact, I would talk to brokers and lenders in my district that have not been able to process an FHA loan in years because the system is so structured and the costs have gone up so high in housing marketplaces, that you have taken a situation where first-time and low-income buyers could not qualify; or if they had to go to a conventional loan because of the high loan-to-value ratios, they couldn't get those loans. And because of the payment-to-income ratios, they couldn't qualify for conventional. That is why FHA is an extremely viable option for these people.

When I say ''these people,'' I am talking about the people who work in our districts: teachers, nurses, firemen, policemen. They live in areas that they often travel in California an hour and a half to 2 hours just to get to work because they cannot afford to buy a home within the city within which they work. Their reasons might be lack of downpayment or other reasons that in the past have been figured to qualify for a conventional loan.

That is why if we can bring FHA up to today's standards, we can provide loans for these individuals who need to buy housing where they work, who can make the payment, and they can qualify for an FHA loan if we raise it in high-cost areas.

A situation many of my conservative friends, and I am extremely conservative on the Republican side, we had

the argument over is this a government program that is taxing people and basically providing a subsidy for somebody else, and it is really not. The people who qualify for FHA and get the FHA loans pay for the insurance. As a matter of fact, it makes a profit for the Federal Government.

Some people say, well, we need to raise the amount of premiums and the percentage based on what they are borrowing, and some still believe that is appropriate. If it is proven that the system is not breaking even, which it is today, then let's look at it; but there is no reason to raise premiums on a loan that we are basically trying to expand for more people the opportunity to qualify for.

Limiting the FHA's complicated downpayment calculation and traditional cash investment requirement is provided in this loan. It was a very cumbersome process. It was complicated. It did not need to be that way, and providing FHA the flexibility to set insurance premiums commensurate with the risk of the loan is in this bill, and that is most appropriate. They are basically saying that we are going to base the premium on how risky the loan is we are making to the individual, rather than coming up with some matrix that just says we are going to raise premiums overall for no proven reason.

This says, let's look at the risk based on the individual, and let's base the premium on that. It is a reasonable approach. It takes FHA and brings it up to the level it should be today. It takes a system that worked 70 years ago, worked 20 years ago, but today it does not because of the inflation in housing, the costs have gone so high, that FHA loans are so low, you could basically not provide that opportunity to people who really needed it.

I want to thank MAXINE WATERS who has been very helpful in this. We have had a lot of fun working together. There are some issues we don't agree on. This is one we are absolutely in lock-step on. In fact, it is amazing, between MAXINE and BARNEY FRANK and Chairman NEY and myself, the issues we have come together on in housing, trying to provide and meet the needs of our communities, and just by changing the rules offering expanded opportunity, we have come a long way to helping people get into a new home, both first-time home buyers and police and firemen who might be in their second or third home, but they just have trouble with the conventional marketplace because it puts them into a jumbo loan when you get up into these areas.

Savings to an individual for this type of a loan might be $170 a month. That is tremendous. It provides an opportunity that does not exist today, and it is a very good bill, and I ask for an ''aye'' vote.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who serves on the committee.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of the Expanded Homeownership Act. It modernizes and moves the FHA into the realities of the housing market of the 21st century.

I want to build on the comments of my colleague MAXINE WATERS who has worked selflessly and devotedly on moving this legislation to the floor in a bipartisan effort.

There are three points that are particularly important to New York and the district that I represent. The bill raises the mortgage limits to 100 percent of area median income, thereby making more Americans eligible to receive loans under FHA.

Secondly, it expands coverage, not only to higher risk individuals, but also to cover condos and co-ops. I represent many people who live in high-rises. They live vertically as opposed to horizontally. This is an important change. Many more will be eligible for FHA support.

Thirdly, and very importantly to the elderly in New York City and around the country, it lifts the cap on the number of reverse mortgages HUD can insure, allowing many more elderly in our country to be able to stay in their homes.

I congratulate the leadership on both sides of the aisle. This is an example of the bipartisan effort in the Financial Services Committee that has moved forward meaningful legislation, and I particularly thank my colleague and ranking member of the committee, MAXINE WATERS.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I would like to address a very important part of this bill that increases Americans' access to reverse mortgages.

Reverse mortgages are a tremendous vehicle by which Americans can get access to the equity in their home to make it available for health care, for assistance, for travel, for education; and now this bill will take three big steps forward to make reverse mortgages more available.

First, it will do so by having a uniform national cap so that it will remove this cap in a lot of areas in the country that have prevented Americans from having reverse mortgages.

Secondly, it will make it available for, essentially, homeownership, which might be in the best interests of senior citizens.

Third, it will remove the cap on the number of reverse mortgages that essentially can go through the FHA home equity conversion program, which now issues 90 percent of the reverse mortgages in the country.

So this is a fantastic opportunity, particularly for our seniors to be able to have access to the equity in their homes. It is a big stride forward. I know a lot of seniors are going to take advantage of it to make sure they can stay in their homes, to use their equity to finance having health care and assistance in their homes to give them their liberty.

I want to thank the bipartisan effort to put this together. I also want to thank noted author Tom Kelly who has been a great advocate for getting these reverse mortgages used by more Americans.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the chairman, Mr. NEY, and his ranking member, Ms. WATERS, for their constant enhancement of opportunities for homeowners, and allow me to congratulate the Congress who I hope will vote to add to the American Dream.

I come from a community where under 50 percent own homes. So we are still striving in Houston, Texas, to provide those opportunities. There are three elements that I think are very crucial in this legislation that would help expand that opportunity.

One, the risk-based pricing is a great step up. I have always argued that there needs to be some flexibility. Credit scoring has denied many of our hardworking taxpayers getting homes. This at least allows a risk assessment to be made on the homeowner's credit standing, and then if they emerge and do better, they can get out from under this assessment, and the ability for downpayment can range from high risk to low risk. That is good.

In addition, including the 100 percent financing for FHA is outstanding because in all of our jurisdictions, the costs of housing is going up. One hundred percent is far better than 87 percent. Even Houston is a high-dollar market as more competition comes in for housing.

I would also say that reverse mortgages is something that is an innovative tool. However, I hope in the legislation there is information to seniors so that they understand, and others who would partake of a reverse mortgage, what the pros and cons are so that, in essence, it is a positive and not a negative. You keep your house; you do not lose it. You are, in fact, given expanding opportunities.

So I congratulate my colleagues for answering the question, Is the American Dream of homeownership for everyone? Yes, it is. It is for Houstonians who have less of a 50 percent ownership. Yes, it is, and the Expanding American Homeownership Act of the Financial Services Committee is a good start.

I congratulate and ask my colleagues to support this particular legislation.

Ms. WATERS. Mr. Speaker, in closing, I would simply again like to thank

Mr. NEY for having brought to this floor perhaps the most significant piece of legislation of this session, a piece of legislation that is going to benefit all, so many Americans, a piece of legislation that is absolutely going to open up homeownership opportunities in ways that we could not have done. He saved one of the most significant Departments of government by understanding that the FHA was in danger and that it was about to become irrelevant; and because of this legislation, it is revitalized. It can do what those who originally envisioned its possibilities intended for it to do.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 5121, the Expanding American Homeownership Act of 2006. I am proud to be a cosponsor of a bill that restores the Federal Housing Administration (FHA) program back to California's housing markets.

The FHA program has not kept up with the needs of underserved homebuyers. According to HUD estimates, the number of working families served by FHA has declined considerably with only 3 percent of home buyers using FHA loans. I am especially concerned that this decline has had a disparate impact on the State of California. In 2000, FHA insured 109,074 mortgages in California. But last year, FHA insured only 5,137 loans. This is a decrease of 95 percent in just five years—by far the largest in the country!

Many of my constituents are being priced out of the housing market because the cost of housing is too high. In fact, the median home price in San Bernardino County is $403,000 which is only affordable for 2 out of every 10 families. For these families FHA is not an option because the program's maximum mortgage limit is too low. As a result, FHA fell from providing 5,543 single family loans in my district in 2000 to just 199 loans last year. The FHA program has all but disappeared in my district, placing housing further out of reach for underserved communities!

If we don't pass the reforms in this bill, minority and low income families are left vulnerable in the housing market. Without FHA loans first-time and minority homebuyers with less-than perfect credit are left with fewer safe and affordable options. This creates an incentive for predatory lenders to steer them into more expensive and riskier loans.

H.R. 5121 will help reverse this trend by improving the FHA program so that FHA can offer better mortgage options to low and moderate income families and minorities. It reforms the FHA program by raising the loan limits for high cost areas from 87 percent of the conforming limit to 100 percent of that limit. This change is critical to California, where home prices and new home construction have eclipsed FHA's current limit of $362,790.

We must pass H.R. 5121 because it will allow the FHA program to reach underserved communities. All hard-working people deserve a fair deal in the homebuying process with a real chance to create better, more economically secure futures for their families.

Mr. Speaker, I express my full support of this bill and urge my fellow colleagues to adopt its final passage.

Ms. WATERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 5121, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H.R. 5852, by the yeas and nays;

H.R. 4804, by the yeas and nays;

Motion to instruct conferees on H.R. 2830, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

21ST CENTURY EMERGENCY COMMUNICATIONS ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5852.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5852, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 16, as follows:

[Roll No. 397]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—16

Carson
Davis, Jo Ann
Evans
Ford
Harris
Istook
Kaptur
McKinney
Meek (FL)
Millender-McDonald
Nussle
Owens
Pence
Sullivan
Weldon (PA)
Wexler

□ 1338

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FHA MANUFACTURED HOUSING LOAN MODERNIZATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4804, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 4804, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 16, as follows:

[Roll No. 398]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Gohmert
Paul
Royce

NOT VOTING—16

Boehner
Davis, Jo Ann
Evans
Ford
Harris
Istook
Kaptur
Lewis (CA)
McKinney
Meek (FL)
Millender-McDonald
Nussle
Owens
Pence
Sullivan
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, today I was unavoidably detained due to a scheduling conflict. Had I been present, I would have voted: "yea" to H.R. 5852—The 21st Century Emergency Communications Act of 2006 and "yea" to H.R. 4804—FHA Manufactured Housing Loan Modernization Act of 2006.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 281, nays 139, not voting 12, as follows:

[Roll No. 399]

YEAS—281

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Poe
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—139

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)

NOT VOTING—12

Davis, Jo Ann
Evans
Ford
Harris
Istook
McKinney
Meek (FL)
Millender-McDonald
Nussle
Pence
Sullivan
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1354

Mr. MARCHANT changed his vote from ''yea'' to ''nay.''

Mr. PICKERING changed his vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5068) to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Export-Import Bank Reauthorization Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. REAUTHORIZATION.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2006'' and inserting ''2011''.

SEC. 4. INCREASING EXPORTS BY SMALL BUSINESSES.

(a) ESTABLISHMENT OF SMALL BUSINESS DIVISION.—

(1) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(f) SMALL BUSINESS DIVISION.—

''(1) ESTABLISHMENT.—The President of the Bank shall establish and maintain a division of the Bank whose sole functions shall be to—

''(A) carry out subparagraphs (E) and (I) of section 2(b)(1), as such subparagraphs relate to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

''(B) advise and seek feedback from small business concerns of the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, better tailoring products to small business needs and increasing loans to small business concerns employing fewer than 100 employees; and

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns.

''(2) MANAGEMENT.—The division shall be managed by a Bank officer designated by the Board of Directors—

''(A) who shall have substantial recent experience in financing exports by small business concerns;

''(B) whose sole executive duties shall be to ensure that the division carries out the functions of the division, and to be the chairman of the Small Business Committee established under subsection (h);

''(C) who shall advise the Board, particularly the Director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business;

''(D) who shall rank not lower than senior vice president of the Bank; and

''(E) who shall report directly to the President of the Bank.

''(3) STAFF.—

''(A) FUNCTIONS.—The President of the Bank shall designate staff in each operating

division of the Bank, as appropriate, to specialize in transactions in support of exports by small business concerns, including receipt and all aspects of processing (including approval or disapproval, or staff recommendation of approval or disapproval, as appropriate) applications for loans, guarantees, and insurance. The staff so designated may approve applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than $10,000,000, subject to the policies and procedures established by the Board of Directors other than those which provide for a lower limit on the dollar amount of exports with respect to which such an approval may be granted.

''(B) COORDINATION.—The staff designated under subparagraph (A) of this paragraph shall carry out their duties in their respective operating divisions, under the coordination of the officer designated under paragraph (2) of this subsection.

''(4) RESOURCES.—

''(A) IN GENERAL.—The President of the Bank shall ensure that the division has sufficient qualified staff and budgetary resources to carry out subparagraphs (E) and (I) of section 2(b)(1), as determined annually by the President of the Bank, after consultation with—

''(i) the officer referred to in paragraph (2) of this subsection;

''(ii) the Director appointed under subsection (c)(8)(B) of this section;

''(iii) the Committee on Financial Services of the House of Representatives; and

''(iv) the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(B) USES.—

''(i) IN GENERAL.—The President of the Bank shall ensure that the staff and budgetary resources of the division are devoted solely to carrying out the functions of the division.

''(ii) CERTAIN STAFF DUTIES.—The division shall include staff dedicated exclusively to providing outreach, training, and advice to, seeking feedback from, and advocating on behalf of small business concerns regarding Bank financing opportunities, products, and programs.

''(C) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

''(5) SMALL BUSINESS CONCERN DEFINED.—In this subsection and subsections (g), (h), and (i), the term 'small business concern' shall have the meaning established under section 3(a) of the Small Business Act.

''(g) HANDLING OF APPLICATIONS OF, AND PROCESSING OF TRANSACTIONS INVOLVING SMALL BUSINESS CONCERNS.—Consistent with the requirement that the Bank obtain a reasonable assurance of repayment for each transaction the Bank supports, the Bank shall establish and maintain transaction standards tailored to the special circumstances of small business concerns and shall use the standards in evaluating applications by the concerns for Bank financing. The Bank shall ensure that each appropriate division of the Bank has staff dedicated to the processing of transactions involving small business concerns.

''(h) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—The Bank shall establish and maintain a committee to be known as the 'Small Business Committee'.

''(2) PRINCIPAL PURPOSE.—The principal purpose of the Small Business Committee shall be to focus on small business concerns and coordinate the efforts of the Bank with respect to small business concerns, including the timely processing of transactions in support of exports by small business concerns and the evolution of new or improved Bank products to better serve small business needs.

''(3) COMPOSITION.—

''(A) CHAIRMAN.—The chairman of the Small Business Committee shall be the Senior Vice President of the Bank who is responsible for management of the Small Business Division of the Bank.

''(B) OTHER MEMBERS.—The other members of the committee shall consist of the staff designated under subsection (f)(3)(A), and the President of the Bank shall ensure that the committee is comprised of officers and employees throughout the Bank that have responsibility for outreach and processing transactions involving small business concerns.

''(4) REPORTS.—The Small Business Committee shall report to the President of the Bank.

''(i) STAFF EVALUATIONS.—The evaluation of staff designated by the President of the Bank under subsection (f)(3)(A), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall be conducted jointly by the managers of the relevant operating division and the chairman of the Small Business Committee established under subsection (h), under the direction of the Director appointed under subsection (c)(8)(B).''.

(2) COORDINATION IN FINANCING OF SMALL BUSINESS EXPORTS.—Section 2(b)(1)(E)(vii)(I) of such Act (12 U.S.C. 635(b)(1)(E)(vii)(I)) is amended by adding at the end the following: ''The Bank shall work in coordination with the entities described in the preceding sentence to streamline the processing of applications for Bank financing from small business concerns and to provide training and advice as required on the needs and benefits of export financing for small business concerns.''

(b) REPORT ON FEES CHARGED TO, AND TRANSACTIONS COSTS INCURRED BY, SMALL AND MEDIUM BUSINESS FOR BANK SERVICES.—Section 8 of such Act (12 U.S.C. 635g) is amended by adding at the end the following:

''(f) REPORT ON FEES CHARGED TO, AND TRANSACTIONS COSTS INCURRED BY, SMALL AND MEDIUM BUSINESS FOR BANK SERVICES.—The Bank shall submit to the Congress annually, and include in a separate section of the annual report to the Congress under subsection (a) of this section, a report on—

''(1) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

''(2) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business; and

''(3) the fee structure of the Bank as compared with that of other foreign export credit agencies.''.

(c) REPORT ON FINANCING DIRECTED TOWARD SMALL BUSINESS.—Section 8 of such Act (12 U.S.C. 635g), as amended by subsection (b) of this section, is amended by adding at the end the following:

''(g) REPORT ON FINANCING DIRECTED TOWARD SMALL BUSINESS.—The Bank shall submit annually to the Committees on Financial Services and on Small Business of the House of Representatives—

''(1) a report on the extent to which the Bank has been able to use the authorities referred to in section 2(b)(1)(E)(iv), and, to the extent the Bank has been unable to fully do so, a report on the obstacles to doing so and on what the Bank is doing to overcome the obstacles;

''(2) a report on the extent to which financing has been made available to small business concerns to enable them to participate in exports by major contractor, including through access to the supply chains of the contractors through direct or indirect funding; and

''(3) a strategic plan of action describing how, in the upcoming year, the Bank will take specific measures to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions.''.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 2(b)(1)(E) of such Act (12 U.S.C. 635(b)(1)(E)), as amended by subsection (a)(2) of this section, is amended—

(i) in clause (i)(II), by striking ''gives fair consideration to making loans and providing'' and inserting ''make loans and provide'';

(ii) by striking clause (iii);

(iii) in clause (iv), by striking ''clauses (ii) and (iii) of this subparagraph'' and inserting ''clause (ii)'';

(iv) in clause (vi)—

(I) by striking ''clause (v) of this subparagraph'' and insert ''clause (iv)''; and

(II) by striking ''clause (vi)'' and inserting ''clause'';

(v) in clause (vii)—

(I) in subclause (I), by striking ''(v)'' and inserting ''(iv)''; and

(II) in each of subclauses (II), (III), and (IV), by striking ''clause (vii)'' and inserting ''clause''; and

(vi) by redesignating clauses (iv) through (x) as clauses (iii) through (ix), respectively.

(B) Section 8 of such Act (12 U.S.C. 635g) is amended—

(i) in subsection (b)(2)(B), by striking ''2(b)(1)(E)(vii)'' and inserting ''2(b)(1)(E)(vi)''; and

(ii) in subsection (c), by striking ''(E)(x)'' and inserting ''(E)(ix)''.

(2) UNIFORM MEANING OF SMALL BUSINESS.—Section 2(b)(1)(E) of such Act (12 U.S.C. 635(b)(1)(E)), as amended by subsection (a)(2) of this section and paragraph (1) of this subsection, is amended—

(A) in clause (i)(II), by striking ''businesses'' and inserting ''business concerns'';

(B) in clause (iv), by striking ''(as defined under section 3 of the Small Business Act)'';

(C) in each of clauses (v), (vi) and (vii), by striking ''small business exports'' each place it appears and inserting ''exports by small business concerns''; and

(D) by adding at the end the following:

''(x) In this subparagraph, the term 'small business concern' shall have the meaning established under section 3(a) of the Small Business Act.''.

(e) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vi) of the Export-Import Bank Act of 1945 (as so redesignated by subsection (d)(1)(A)(vi) of this section) with respect to medium term transactions for small business concerns (as defined under section 3(a) of the Small Business Act).

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vi)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vi)(III)), as so redesignated by subsection (d)(1)(A)(vi) of this section, is amended by striking ''To the maximum extent practicable, the'' and inserting ''The''.

(3) DEADLINE.—Within 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall

make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vi) of the Export-Import Bank Act of 1945 (as so redesignated by subsection (d)(1)(A)(vi) of this section), pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 5. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3(f) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(f)), as added by section 4(a) of this Act, is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following:

''(5) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

''(A) ESTABLISHMENT.—The President of the Bank shall establish in the division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

''(B) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under section 3(f)(2).

''(C) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.''.

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(iv) of such Act (12 U.S.C. 635(b)(1)(E)(iv)), as so redesignated by section 4(d)(1)(A)(vi) of this Act, is amended by adding at the end the following: ''From the amount made available under the preceding sentence, it shall be a goal of the Bank to make available not less than 15 percent of the amount to finance exports directly by small business concerns referred to in section 3(f)(5)(A).''.

(c) REPORT ON FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 8(g)(1) of such Act (12 U.S.C. 635g(g)(1)), as added by section 4(c) of this Act, is amended by inserting ''and to finance exports by small business concerns referred to in section 3(f)(5)(A),'' before ''and, to the extent''.

(d) REPORT ON BANK EFFORTS TO SUPPORT EXPORTS BY SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—Section 8 of such Act (12 U.S.C. 635g), as amended by section 4 of this Act, is amended by adding at the end the following:

''(h) REPORT ON EFFORTS TO SUPPORT EXPORTS BY SMALL- AND MEDIUM-SIZED BUSINESSES OWNED BY WOMEN OR MINORITIES.—Not later than March 1 of each year, the Director appointed under section 3(c)(8)(B) of this Act shall prepare and submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Bank shall include in a separate section of the annual report submitted pursuant to subsection (a) of this section, a written report that describes the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.''.

SEC. 6. SUB-SAHARAN AFRICA.

(a) EXTENSION OF ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''2006'' and inserting ''2011''.

(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.—

(1) MASTER GUARANTEE AGREEMENTS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and the lender.

(2) REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICA EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

''(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to improve working relationships with the African Development Bank, the Africa Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph.''.

(c) CLOSER COOPERATION WITH OTHER UNITED STATES AGENCIES WORKING IN AFRICA.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is further amended by adding at the end the following:

''(D) The Bank shall closely coordinate with the United States Foreign Commercial Service and with the overall strategy of the United States Government, for economic engagement with Africa pursuant to the African Growth and Opportunity Act.

''(E) The Bank shall develop initiatives to train Foreign Service and Commercial Service officers serving at United State embassies in Africa, in the use of Bank programs, so the officers can encourage African buyers to take part in transactions supported by the Bank.''.

(d) ADJUSTMENTS TO PROCEDURES TO PROMOTE QUALIFICATION OF AFRICAN ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is further amended by adding at the end the following:

''(F) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek greater flexibility in the due-diligence procedures of the Bank for the purpose of qualifying a greater number of appropriate African entities for participation in programs of the Bank.''.

(e) LOCAL CURRENCY FINANCING.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is further amended by adding at the end the following:

''(G) The Bank shall develop procedures under which the Bank is capable of financing certain African programs in local currencies.''.

SEC. 7. EXTENSION OF AUTHORITY.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking ''2001'' and inserting ''2011''.

SEC. 8. TRANSPARENCY INITIATIVES.

(a) FREQUENCY OF MEETINGS.—Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

''(9) The Board of Directors shall meet not less frequently than biweekly.

''(10) At the request of any 2 members of the Board of Directors, the Chairman shall place an item on the agenda for consideration by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item will be considered.''.

(b) VOTING REQUIRED IN CASES INVOLVING ECONOMIC IMPACT ANALYSIS.—Section 2(e) of such Act (12 U.S.C. 635(e)) is amended by adding at the end the following:

''(5) BOARD VOTE REQUIRED.—Within 60 days after completing a review, pursuant to this subsection, of a proposed loan or guarantee (including any applicable comment period), the Board of Directors shall hold a vote to determine whether or not to proceed with the proposed loan or guarantee, unless the applicant has withdrawn the application for the loan or guarantee.''.

(c) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—Section 2 of such Act (12 U.S.C. 635) is amended by adding at the end the following:

''(g) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—The Bank shall establish and adhere to a clearly defined process for—

''(1) acknowledging receipt of applications;

''(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

''(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.''.

(d) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—Section 2 of such Act (12 U.S.C. 635) is further amended by adding at the end the following:

''(h) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—Within 5 days after receipt of an application for financing from the Bank, the Bank shall notify the applicant that the application has been received, and shall include in the notice a request for such additional information as may be necessary to make the application complete, the name of a Bank employee who may be contacted with questions relating to the application, and a unique identification number which may be used to review the status of the application at a website established as provided in the next sentence. Not later than September 1, 2006, the Bank shall use the authorities provided by subparagraphs (E)(ix) and (J) of subsection (b)(1) of this section to establish, and thereafter to maintain, a website through which any Bank product may be applied for, information may be obtained about the status of any such application, about the small business division of the Bank, or about incentives, preferences, targets, and goals relating to small business concerns referred to in section 3(f)(5)(A) or small business concerns exporting to Africa.''.

(e) REPORTS RELATING TO TECHNOLOGY TO ASSIST SMALL BUSINESSES.—

(1) REPORTS BY THE BANK.—

(A) INITIAL REPORT.—Within 60 days after the date of the enactment of this Act, the President of the Export-Import Bank of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on—

(i) the efforts made by the Bank to carry out subparagraphs (E)(ix) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

(ii) if the Bank has been unable to comply with such subparagraphs—

(I) an analysis of the reasons therefor;

(II) what the Bank is doing to achieve, and the date by which the Banks expects to have achieved, such compliance; and

(III) the name of each Bank officer who is responsible for ensuring that the Bank achieves, and the name of the person to whom the Bank officer reports on progress in achieving, such compliance.

(B) SUBSEQUENT ANNUAL REPORTS.—Section 8(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(c)), as amended by section 4(d)(1)(B)(ii) of this Act, is amended to read as follows:

''(c) TECHNOLOGY TO ASSIST SMALL BUSINESSES.—The Bank shall include in its annual report to the Congress under subsection (a) of this section for each of fiscal years 2007 through 2011 a separate section that contains—

''(1) a report on the efforts made by the Bank to carry out subparagraphs (E)(ix) and (J) of section 2(b)(1) of this Act, the total amount expended in the fiscal year to do so, and how the efforts are assisting small business concerns (as defined under section 3(a) of the Small Business Act); and

''(2) if the Bank has been unable to comply fully with such subparagraphs—

''(A) an analysis of the reasons therefor;

''(B) a description of what the Bank is doing to achieve, and the date by which the Banks expects to have achieved, such full compliance; and

''(C) the name of each Bank officer who is responsible for ensuring that the Bank achieves, and the name of the person to whom the Bank officer reports on progress in achieving, such full compliance.''.

(2) REPORT BY THE INSPECTOR GENERAL OF THE BANK.—Within 120 days after the date of the enactment of this Act or, if later, within 30 days after the date the vacancy in the position of the Inspector General of the Export-Import Bank of the United States is filled, the Inspector General of the Export-Import Bank of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(A) a report on the efforts made by the Bank to carry out subparagraphs (E)(ix) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, the total amount expended to do so, and how the efforts are assisting small business concerns (as defined under section 3(a) of the Small Business Act); and

(B) if the Bank has been unable to comply with such subparagraphs—

(i) an analysis of the reasons therefor;

(ii) a description of what the Bank is doing to achieve, and the date by which the Banks expects to have achieved, such compliance; and

(iii) the name of each Bank officer who is responsible for ensuring that the Bank achieves, and the name of the person to whom the Bank officer reports on progress in achieving, such compliance.

(f) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i–5(a)(1)) is amended by inserting after the first sentence the following: ''Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.''.

SEC. 9. EFFECT OF THE BANK ON THE BUDGET OF THE UNITED STATES.

Within 90 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit to the appropriate committees of the Congress a report on the revenues, expenditures, and resulting annual net income or expense to the United States for each of the 10 years most recently completed before the date of the report.

SEC. 10. COMPETITIVENESS INITIATIVES.

(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.—

(1) CONSOLIDATION AND REORGANIZATION OF PROVISIONS.—The Export-Import Bank Act of 1945 (12 U.S.C. 635–635i–9) is amended by inserting after section 8 the following:

''SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

''(a) IN GENERAL.—Not later than June 30 of each year, the Bank shall submit to the appropriate committees of the Congress a report that includes the following:

''(1) ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.—A description of the actions of the Bank in complying with the 2nd and 3rd sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined in section 10(h)(7)) and indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

''(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

''(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

''(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

''(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the efforts undertaken under section 2(b)(1)(K).

''(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

''(A) compares the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

''(B) makes recommendations with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

''(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which shall include a list of which countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and an explanation of why such a memorandum is not in effect with the countries with which such a memorandum is not in effect.

''(8) AFTER-MARKET SERVICES SUPPORT BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for after-market services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for after-market services, and an explanation of any differences among the facilities in providing the support.

''(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases of export finance that are not in compliance with the Arrangement (as defined in section 10(h)(3)) or that exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage.

''(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), are not in compliance with the Arrangement and may not be consistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities.

''(b) BOARD VOTE ON REPORT REQUIRED.—The Board of Directors shall vote to approve and shall sign each report required by subsection (a).

''(c) INCLUSION OF DISSENTING VIEWS, ETC.—Each report required by subsection (a) shall include such dissenting views and additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.''.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the 3rd sentence.

(b) REPORT ON INVOLVEMENT OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES IN REGIONAL MULTI-BUYER INSURANCE PROGRAMS AND WORKING-CAPITAL GUARANTEE PROGRAMS.—Section 8 of such Act (12 U.S.C. 635g), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(i) REPORT ON INVOLVEMENT OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES IN REGIONAL MULTI-BUYER INSURANCE PROGRAMS AND WORKING-CAPITAL GUARANTEE PROGRAMS.—The Bank shall include in its annual report to the Congress under subsection (a) of this section a separate section that contains a report on—

''(1) regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank, which shall include an analysis of the effectiveness of the programs and of how effective the programs would be in increasing export-related jobs in the United States if the programs were larger;

''(2) the size of similar programs of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined in section 10(h)(7)); and

''(3) as a detailed explanation, with respect to the programs, of the working relationship between the Bank and the Small Business Administration, the Department of Commerce, and other United States Government agencies concerned with increasing the number of export-related jobs in the United States.''.

(c) CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended—

(1) in subsection (a)—

(A) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''two'' and inserting ''3'';

(ii) in subparagraph (A)(iv), by striking ''and''; and

(iii) by adding at the end the following:

''(C) third, the Bank should support United States exporters when the exporters face foreign competition that is supported by foreign export credit agencies or other entities sponsored by a foreign government that are not party to the Arrangement; and''; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting ''including those that are not a party to the Arrangement'' after ''countries'';

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement,''; and

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking ''in consultation with the Secretary and''; and

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''Secretary and the Bank jointly'' and inserting ''Bank'';

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking ''Secretary and the'';

(bb) in subclause (I), by inserting '', and to bring into the Arrangement those countries that are not a party to the Arrangement'' before the period; and

(cc) in subclause (III), by adding at the end the following ''In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.''; and

(II) in clause (ii), by adding at the end the following: ''The President of the United States shall notify the Congress of such a determination within 30 days, including an explanation for the determination.'';

(iii) in subparagraph (C), by striking ''the Secretary and''; and

(iv) in subparagraph (E), by striking ''Secretary and the Bank jointly'' and inserting ''Bank''.

(d) EXPANSION OF COUNTRIES IN COMPETITION WITH WHOM THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the 2nd sentence by inserting '', including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))'' before the period.

(e) AUTHORITY TO SEEK USE OF MIXED FORMS OF CONCESSIONAL FINANCING.—Section 10 of such Act (12 U.S.C. 635i–3) is amended by adding at the end the following:

''(i) AUTHORITY TO SEEK USE OF MIXED FORMS OF CONCESSIONAL FINANCING.—For purposes of improving the effects of Bank financing on development in tied aid eligible markets (as defined under the Arrangement) and of improving the competitiveness of the Bank in the markets, the Bank shall, in consultation with United States government aid agencies and, as appropriate, multilateral aid institutions, seek to establish, consistent with the Arrangement, a mixed credit program consisting of longer term financing and other forms of more flexible repayment terms, financing of transactions in local currencies, and other forms of concessional financing that meets the needs of the product sector and foreign market involved.''.

(f) INSTRUCTIONS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—The Secretary of the Treasury shall instruct the designee of the Secretary to the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) to inform the other participants in the negotiation that the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) in regards to export finance, and seeking appropriate action within the World Trade Organization if such a country is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 11. CONSIDERATION OF ENVIRONMENTAL MATTERS BY THE ADVISORY COMMITTEE.

Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''15'' and inserting ''17''; and

(B) in subparagraph (B), by inserting ''environment,'' before ''production,''; and

(2) in paragraph (2), by adding at the end the following:

''(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization. Environmental organizations represented shall have demonstrated experience with environmental issues associated with the Bank, the Export Credit Group of the Organization for Economic Cooperation and Development, or both.''.

SEC. 12. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORTS.

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORTS TO THE CONGRESS.—

(1) INTERIM REPORT.—Within 6 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, an interim report that contains the results of the study required by subsection (a).

(2) FINAL REPORT.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing a final report that contains the results of the study required by subsection (a).

SEC. 13. REVIEW OF ENVIRONMENTAL SCREENING REQUIREMENT.

(a) IN GENERAL.—Within 6 months after the position of Inspector General of the Export-Import Bank of the United States is filled, the Inspector General of the Export-Import Bank of the United States shall submit to the Committee on Resources and the Committee on Financial Services of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the implications of limiting the requirement to conduct environmental screenings of projects proposed to be financed by the Bank to only those involving at least $10,000,000.

(b) CONTENTS OF REPORT.—The report shall—

(1) determine whether the $10,000,000 limitation prevents the identification of any project that may have an adverse effect on the environment; and

(2) propose guidelines for how project applications may be screened more effectively to determine whether a project may have such an effect.

SEC. 14. OFFICE OF RENEWABLE ENERGY PROMOTION.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 4(a)(1) of this Act, is amended by adding at the end the following:

''(j) OFFICE OF RENEWABLE ENERGY PROMOTION.—

''(1) ESTABLISHMENT.—Within 1 year after the date of the enactment of this subsection, the President of the Bank shall establish and maintain in the Bank an office which shall be known as the 'Office of Renewable Energy Promotion' (in this subsection referred to as the 'Office').

''(2) FUNCTIONS.—The Office shall be responsible for proactively identifying new opportunities for renewable energy financing and carrying out section 2(b)(1)(K). In carrying out its function of promoting renewable energy technologies, the Office should, among other things, consider the recommendations made by the Renewable Energy Export Advisory Committee.

''(3) STAFF.—The President of the Bank shall ensure that the Office has staff with appropriate expertise in renewable energy technologies.

''(4) ANNUAL REPORTS.—The Bank shall submit annually to the Committee on Resources and the Committee on Financial Services of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs of the Senate, a report that contains, for the fiscal year covered by the report—

''(A) a detailed description of the activities of the Office; and

''(B) an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

''(5) RENEWABLE ENERGY TECHNOLOGIES DEFINED.—In this subsection, the term 'renewable energy technologies' means technologies for producing power through the use of solar energy, wind energy, and energy from biomass, fuel cells, or geothermal

sources, and technologies for producing less than 10 megawatts in hydropower.''.

SEC. 15. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 8(b) of this Act, is amended by adding at the end the following:

''(6) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

''(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

''(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the views of the public and interested parties.

''(B) NOTICE AND COMMENT REQUIREMENTS.—

''(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall cause to be published in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee. In addition, the Bank shall seek comments on the effects from the Department of Commerce, the International Trade Commission, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

''(I) the name of the applicant;

''(II) the country to which the goods involved in the transaction will be shipped;

''(III) the type of goods being exported;

''(IV) the amount of the loan or guarantee involved;

''(V) the goods that would be produced as a result of the provision of the loan or guarantee;

''(VI) the amount of increased production that will result from the transaction;

''(VII) the potential sales market for the resulting goods;

''(VIII) the value of the transaction; and

''(IX) any other relevant information.

''(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

''(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall cause to be published in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

''(II) MATERIAL CHANGE DEFINED.—In subclause (I), the term 'material change', with respect to an application, includes—

''(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

''(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

''(C) REQUIREMENT TO CONSIDER AND ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee from the Bank to which this subsection applies, the Bank shall consider and address in writing the views of any person who may be substantially adversely affected by the provision of the loan or guarantee.

''(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

''(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

''(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting ''of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)'' after ''comment period''.

SEC. 16. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 8(b) and 15(a) of this Act, is amended—

(1) in paragraph (1), by adding after and below the end the following:

''In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce products in addition to or other than the product specified in the application and whether the production of the products may cause substantial injury to United States producers of the same, or a similar or competing, commodity.'';

(2) in paragraph (2), by adding at the end the following:

''(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of a trade law order or determination referred to in subparagraph (A).''; and

(3) by adding at the end the following:

''(7) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.''.

SEC. 17. PERFORMANCE STANDARDS APPLICABLE TO BANK ASSISTANCE FOR SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIAL AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) DEVELOPMENT OF PERFORMANCE STANDARDS.—Within 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall develop and transmit to the Board of Directors of the Export-Import Bank of the United States—

(1) a set of standards which may be used to determine the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1)(A), (f)(5)(A), and (h)(2) of section 3 of such Act; and

(2) a set of rules for measuring the performance of the Bank against the standards.

(b) REPORT ON PERFORMANCE.—Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g), as amended by sections 4, 5, and 10(b) of this Act, is amended by adding at the end the following:

''(j) REPORT ON ACHIEVEMENT OF PERFORMANCE STANDARDS APPLICABLE TO SMALL BUSINESS CONCERNS, SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONERNS, AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—The Bank shall submit annually to the Congress, and include in a separate section of the annual report to the Congress under subsection (a) of this section, a report on the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1), and the functions described in subsections (f)(1)(A), (f)(5)(A), and (h)(2) of section 3, of this Act, using the performance standards and measuring rules developed pursuant to section 12(a) of the Export-Import Bank Reauthorization Act of 2006. ''.

SEC. 18. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE ANY RAIL CONNECTIONS OR RAILWAY-RELATED CONNECTIONS THAT TRAVERSE OR CONNECT BAKU, AZERBAIJAN, TBILISI, GEORGIA, AND KARS, TURKEY, AND THAT SPECIFICALLY EXCLUDE CITIES IN ARMENIA.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following:

''(13) The Bank shall not guarantee, insure, extend credit, or participate in an extension of credit in connection with the development or promotion of any rail connections or railway-related connections that do not traverse or connect with Armenia, and do traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey. ''.

SEC. 19. TECHNICAL CORRECTIONS.

Section 2(b)(2)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)(B)(ii)) is amended by striking subclauses (I), (III), (VII), (VIII), and (IX), and redesignating subclauses (II), (IV), (V), and (VI) as subclauses (I) through (IV), respectively.

SEC. 20. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York (Mrs. Maloney) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Speaker, I yield myself 30 seconds.

I rise in support of H.R. 5068, the Export-Import Bank Reauthorization Act of 2006. I would like to thank the gentlewoman from Ohio, Chairman Pryce, for her leadership on this bill. It has been a long process of meetings and negotiations, but I believe that we have crafted a solid product that focuses on the core mission of the Ex-Im Bank. This mission is to increase U.S. exports and, most importantly, U.S. jobs.

Mr. Speaker, I yield 3 minutes to my colleague from Illinois, the chairman of the Small Business Committee, Mr. MANZULLO.

Mr. MANZULLO. Mr. Speaker, I also want to join in praising Chairmen OXLEY and PRYCE for the tremendous work that they have done on reauthorizing the Ex-Im Bank.

Mr. Speaker, now more than ever we need the Ex-Im Bank. With the collapse of the Doha round of the WTO,

other nations will continue to vigorously use their government-sponsored export credit agencies to promote their exports. The unfortunate reality is that American companies often win export sales on quality and price only to later lose because their competitors were able to obtain faster, less expensive export credit funded by other countries. Supporting this bill will ensure that an attractive foreign financing package will not be the deciding factor in winning an export opportunity. Defeating the bill will amount to unilateral disarmament in global trade.

While Ex-Im Bank supports large business deals, this bill should actually be renamed the Small Business Exporters Acts of 2006. H.R. 5068 restores a viable small business division and creates a Small Business Committee within Ex-Im Bank to better serve the needs of America's small exporters. The legislation also enhances the bank's delegated loan authority with respect to medium-term transactions by private lenders for small businesses.

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This is one key tool to help Ex-Im reach and exceed its 20 percent statutory mandate for small businesses.

The manager's amendment contains further improvements to the bill to make small business truly the focus of the bank. This reform designates adequate staff at each of the bank's operating divisions to specialize in the needs of small business exporters. This staff will also be jointly supervised by the Small Business Division. Furthermore, these small business specialists will have the authority under appropriate guidelines to approve loan guarantee and insurance applications of up to $10 million. This provision will help small business exporters overcome the obstacles of the slow internal approval process within Ex-Im Bank.

Finally, the manager's amendment automatically appoints these small business specialists to serve as members of the Small Business Committee at the bank. These small business specialists will be on the front line of assisting small business and will have firsthand knowledge of Ex-Im products at work and what needs to be changed.

I was pleased to work with many of the industry groups which support Ex-Im Bank, particularly the Small Business Exporters Association, in the development of the small business provisions in H.R. 5068.

Mr. Speaker, passage of this bill will send a powerful positive signal to small business exporters around the Nation that there will be internal advocates for them within the bank from the time they enter the door until the time they exit with a decision. With these new legislative enhancements to Ex-Im's charter, small business exporters will have strong shoulders to stand on to win trade deals overseas.

I urge the adoption of H.R. 5068.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Financial Services Subcommittee with jurisdiction over the Export-Import Bank, I am delighted to stand and speak in support of H.R. 5068, the Export-Import Bank Reauthorization Act of 2006, introduced by our Subcommittee Chair, DEBORAH PRYCE.

This bipartisan legislation was overwhelmingly supported in the Financial Services Committee and is also supported by the Small Business Committee on a bipartisan basis. The original cosponsors include not only Representative PRYCE and myself, but the majority and minority leadership of both committees. We have all worked together in this bill to fairly address the concerns of many viewpoints, and I want to thank those Members and their staffs for their hard work and effort to listen to many points of view and to produce a bill on which we can all agree.

I also want to take a moment to thank Chairman OXLEY for his leadership on this bill and on so many others throughout his tenure. The Financial Services Committee and this Congress will feel his absence. This bill is a good example of the bipartisan work of the committee that Chairman OXLEY helped to make possible. We don't always agree, but we can often work together to find points of agreement, as we have done on this bill.

This bill responds to concerns that the committees involved have had for some time and that we heard repeatedly from our constituents, both businesses and interest groups, as we began work on this very important piece of legislation.

First, the bill reaffirms Congress' strong intent that the bank support small businesses to a greater extent than at present, consistent with sound lending practices. To this end, the bill creates a Small Business Division within the bank run by a senior VP who reports directly to the chairman. The staff of this new division are dedicated exclusively to small business transactions, reflecting the fact that these deals and these clients need unique skills. Within this division, the bill creates an office charged with expanding outreach to women and minority-owned businesses. On these sections, the leadership of the Small Business Committee was especially valuable, and I want to thank my colleague Representative VELÁZQUEZ from New York.

Secondly, based on numerous comments, we also concluded that the bank could increase its activity in Sub-Saharan Africa consistent with sound lending principles by being more flexible in its financing and underwriting terms. And the bill contains a mandate to that effect.

Third, as a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant Armenian-American community, I support the provisions which would prohibit the Export-Import Bank from funding railroad projects in South Caucasus region that deliberately exclude Armenia.

Fourth, in listening to my constituents and others talk about their experiences with the bank, it became clear to me that businesses, large and small, were frustrated by the lack of transparency and unfriendliness in the bank process. Several of them said that their applications simply disappeared.

At my initiative, the bill contains several transparency reforms that respond to this concern. I expect these relatively low-cost changes will provide significant benefits to Ex-Im clients. They include notification requirements, so that applicants know what is happening to their application.

Ex-Im has recently put up an improved Web site, and the bill requires that applicants be able to access their application on that site and see where it is in the process. Most colleges manage student applications in a similar manner, and it is time for Ex-Im to implement simple steps like this to help the American public.

In the same vein, the bill contains a requirement for board action on applications that have been subject to economic impact analysis. These applications tended to die a lingering death as Ex-Im sat on them. That is really not fair. The bank should tell applicants whether it can support them or not in a reasonable time frame.

Finally, and very important, the bill contains new provisions to make the bank more competitive with other countries' export credit agencies, or ECAs, so that the bank and U.S. companies are not fighting with one hand tied behind their backs. In particular, the bill gives the bank authority to use the Tied Aid Fund, a fund established several years ago by Congress to combat unfair export practices by other countries' ECAs. To date, Treasury has blocked the use of this fund as Congress intended, and this underlying bill will correct that.

This reform and reauthorization legislation is urgently needed. Today, more than ever, the future of the Export-Import Bank is of great interest and concern because it has significant potential to affect the national economy, job growth and our trade imbalance.

We are faced with the need to pass reauthorization legislation for our Nation's export credit agency at a time when the demands of the global marketplace seem increasingly pressing and difficult and the agenda of the Ex-Im Bank is more critical to our economy than ever before.

The Ex-Im Bank has long played a key role in the economy of many of the districts we each represent. As the independent U.S. Government agency that assists in financing the export of U.S. goods and services to markets around the world, through export credit insurance, loan guarantees and direct loans. But the bank's mission of creating and maintaining U.S. jobs through financing exports takes on a

new urgency and importance in the new global economy.

Tom Friedman's book, The World is Flat, brought home to many of us the fact that an economic tsunami is occurring under our feet. The convergence of events that have brought India, China and many other countries into the global supply chain for services and manufacturing has created an explosion of wealth in the middle classes of the world's two biggest nations, giving them a huge new stake in globalization.

As former Chairman Greenspan was fond of telling us when we asked him about the loss of jobs in this country, we need to recognize, he said, that all of a sudden a huge number of highly educated people from formally noncompetitive countries have entered the global workforce. We cannot afford to be uncompetitive in the rapidly changing global market or complacent about our status in the global market.

As leadership on both sides of the House recognize, we must empower and support Ex-Im now more than ever. I think we have crafted a bill that Members from both sides can support and that is much needed. I urge my colleagues to support H.R. 5068.

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

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan bill will strengthen the Ex-Im Bank's ability to help our exporters increase their businesses abroad. During a February roundtable meeting held in my district, many businesses said that they only learned about the bank's tremendous resources by accident. I am pleased that this and other suggestions made by these businesses were incorporated into the bill, including language that directs the bank to increase its outreach to small business.

I encourage Members of this body to spread the word about the bank's export financing opportunities, and I encourage Members to contact the bank to determine what businesses, large and small, directly and indirectly, are being supported by the bank's services.

For example, I learned that Ex-Im financing for one aircraft can translate into work for over 100 small businesses in my district alone. And I received a report issued by the bank last Friday that showed businesses in my district, ranging from a knee guard company to one that makes printing presses, have benefited from about $4.6 million in Ex-Im products over the past decade.

On another note, I would like to take this opportunity commend the bank's new chairman, Jim Lambright and his team for aggressively moving on several important fronts; helping our U.S. businesses to keep a competitive edge in the global marketplace, listening to businesses and implementing bank reforms.

For example, to help them beat foreign competitors, businesses in my district suggested that the bank enhance application transparency and provide electronic on-line processing. The bank has done just that. A business can now register with the Ex-Im Bank online and easily track its application as it moves through the review process.

Mr. Speaker, in our increasingly competitive global environment, we must ensure that we provide every advantage, and remove every disadvantage, for U.S. businesses to ''win the sale'' over foreign competitors. Make no mistake about it: Ex-Im is one of the best tools we have to ensure that our businesses are allowed to beat the competition abroad. More importantly, it is jumper cables to the economy, helping U.S. businesses increase exports and create more and better U.S. jobs.

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

Mrs. MALONEY. Mr. Speaker, I yield 3 minutes to the honorable gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee. I thank her once again for her leadership on this legislation.

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Speaker, I would like to take this opportunity to thank the gentlelady from New York for yielding, and also for the great leadership that she exhibited in working in a bipartisan manner on this legislation.

Mr. Speaker, I rise in strong support of H.R. 5068, the Export-Import Bank Reauthorization Act of 2006. The legislation before us today will increase lending opportunities for all of our Nation's exporters and will improve the country's trade performance.

The Nation's rapidly and exponentially rising trade deficit indicates that our businesses are losing their competitive edge in the global economy. One sector of American industry, small businesses, has bucked this trend, demonstrating success exporting to markets across the world. Today, these businesses are the Nation's leading exporters, dominating many sectors, operating with a trade surplus, and are growing two times faster than their corporate counterparts. However, due to limited finances and production capacity, these firms face obstacles trading internationally.

The Export-Import Bank was established to increase the capacity for all United States businesses to competitively engage in international trade by providing access to affordable financing and insurance. Yet the bank has failed to fulfill its congressional mandate established in the previous reauthorization to ensure that small businesses are a priority in lending decisions.

To establish a culture that prioritizes these businesses, the bank's institutional structure on policies must be enhanced to focus on small exporter issues. I believe the new changes adopted in the legislation will significantly expand lending opportunities as it creates a new Small Business Division, an Office for Minority Exporters and a minority financing goal at the bank. These changes will ensure that the bank fulfills its mandate to support a successful component of the Nation's trade strategy.

The country will significantly benefit from challenging the bank to expand financing opportunities for all of our entrepreneurs. By approving this legislation, we have the opportunity to keep small and minority businesses on the path to success. By supporting a diverse and successful set of exporters, we will also ensure that the Nation improves its trade performance.

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I urge Members to support the bill to ensure that all of our promising businesses can succeed in the global economy.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, Congress should reject H.R. 5068, the Export-Import Reauthorization Act, for economic, constitutional, and moral reasons. The Export-Import Bank takes money from American taxpayers to subsidize exports by American companies. Of course it is not just any company that receives Ex-Im support.

The vast majority of Ex-Im Bank funds benefit Enron-like outfits that must rely on political connections and government subsidies to survive and/or multinational corporations who can afford to support their own efforts without relying on the American taxpayers.

In fact, according to journalist Robert Novak, Enron itself received over $640 million in taxpayer-funded assistance from Ex-Im. The taxpayer-provided largess no doubt helped postpone Enron's inevitable day of reckoning. It is not only bad economics to force working American small businesses and entrepreneurs to subsidize the exports of large corporations; it is also immoral.

Redistribution from the poor and middle class to the wealthy is the most indefensible aspect of the welfare state, yet it is the most accepted form of welfare.

Mr. Speaker, it never ceases to amaze me how Members who criticize welfare for the poor on moral and constitutional grounds see no problem with the even more objectionable programs that provide welfare for the rich.

The moral case against Ex-Im is strengthened when one considers that one of the governments which benefits most from Ex-Im funds is Communist China. In fact, Ex-Im actually underwrites joint ventures with firms owned by the Chinese Government. Whatever

one's position is on trading with China, I would hope all of us would agree that it is wrong to force taxpayers to subsidize in any way this regime.

Unfortunately, China is not an isolated case. Colombia and Sudan benefit from taxpayer subsidized trade as well, courtesy of the Ex-Im Bank. At a time when the Federal Government is running huge deficits and Congress is once again preparing to raid Social Security and Medicare trust funds, does it really make sense to use taxpayers' funds to benefit future Enrons, Fortune 500 companies, and Communist China?

One project funded by Ex-Im in China is an $18 million loan guarantee to expand steel manufacturing. This is not an isolated example of how Ex-Im helps foreign steel producers. According to the most recent figures available, the five countries with the greatest Ex-Im exposure are all among the top 10 exporters of steel and of steel-to-products to the United States.

In fact, Ex-Im provides almost $20 billion of U.S. taxpayer support to these countries. Mr. Speaker, I find it hard to see how taxing American steel producers to benefit their foreign competitors strengthens the American economy.

Proponents of continued American support for the Ex-Im Bank claim that the bank creates jobs and promotes economic growth. However, this is a fallacy worth looking in to.

However, this claim rests on a version of what the great economist Henry Hazlitt called the ''broken window'' fallacy. When a hoodlum throws a rock through a store window, it can be said he has contributed to the economy, as the storeowner will have to spend money having the window fixed. The benefits to those who repaired the window are visible for all to see, therefore it is easy to see the broken window as economically beneficial. However, the ''benefits'' of the broken window are revealed as an illusion when one takes into account what is not seen: the businesses and workers who would have benefited had the store owner not spent money repairing a window, but rather had been free to spend his money as he chose.

Similarly, the beneficiaries of Eximbank are visible to all. What is not seen is the products that would have been built, the businesses that would have been started, and the jobs that would have been created had the funds used for the Eximbank been left in the hands of consumers. Leaving the resources in the private sector ensures the resources will be put to the use most highly valued by individual consumers. In contrast, when the government diverts resources into the public sector via programs such as the Eximbank, their use is determined by bureaucrats and politically powerful special interests, resulting in a distorted market and a misallocation of resources. By distorting the market and preventing resources from achieving their highest valued use, Eximbank actually costs Americans jobs and reduces America's standard of living!

Some supporters of this bill equate supporting Eximbank with supporting ''free trade,'' and claim that opponents are ''protectionists'' and ''isolationists.'' Mr. Speaker, this is nonsense, Eximbank has nothing to do with free trade. True free trade involves the peaceful, voluntary exchange of goods across borders, not forcing taxpayers to subsidize the exports of politically powerful companies. Eximbank is not free trade, but rather managed trade, where winners and losers are determined by how well they please government bureaucrats instead of how well they please consumers.

Finally, Mr. Speaker, I would like to remind my colleagues that there is simply no constitutional justification for the expenditure of funds on programs such as Eximbank. In fact, the drafters of the Constitution would be horrified to think the Federal Government was taking hard-earned money from the American people in order to benefit the politically powerful.

In conclusion, Mr. Speaker, Eximbank distorts the market by allowing government bureaucrats to make economic decisions in place of individual consumers. Eximbank also violates basic principles of morality, by forcing working Americans to subsidize the trade of wealthy companies that could easily afford to subsidize their own trade, as well as subsidizing brutal governments like Red China and the Sudan. Eximbank also violates the limitations on congressional power to take the property of individual citizens and use it to benefit powerful special interests. It is for these reasons that I urge my colleagues to reject H.R. 5068, the Export-Import Bank Reauthorization Act.

Mrs. MALONEY. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore. The gentlewoman from New York has 9½ minutes remaining, and the gentlewoman from Illinois has 11 minutes remaining.

Mrs. MALONEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), the ranking member of the housing subcommittee of the Financial Services Committee.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 5068, the Export-Import Bank reauthorization bill.

I would like to thank the Committee on Financial Services chairman, Mr. OXLEY, and Ranking Member FRANK for moving this important measure through our committee.

Ms. PRYCE, the chairwoman on the Subcommittee on Domestic and International Monetary Policy, Trade and Technology, and, of course, our ranking member, Mrs. MALONEY, who has provided leadership on this issue as well as many other issues, has done a fabulous job on making sure that the members of our committee understood very well the importance of the Ex-Im Bank and how it benefits our entire country and small businesses as well as some large businesses. I thank her for bringing this measure to the floor.

The reauthorization of the Export-Import Bank, H.R. 5068, is particularly important in light of our current trade deficit which stands at more than $60 billion. Indeed, we must continue to be proactive in terms of programs that will encourage the expansion of our exports. The export sector of our economy is critical to job creation at the local level.

This bill makes the Ex-Im Bank more relevant in today's global economy, because it better supports U.S. exports. Last year the bank was engaged in more than 3,000 transactions, with an export value of $17.9 billion and returned over $1.7 billion to the Treasury.

This bill should increase the overall level of exports. Of course, I am encouraged by the provisions of the bill related to small businesses. Under the bill, an Office of Small Business is established to be dedicated to small business issues.

Ex-Im needs to be viewed as a resource, not just for large exporters but for small exporters as well. The management of the office of our senior official sends a strong signal to the small business community that small businesses are an important part of the Export-Import equation. Equally important, the office should be required to interface with the U.S. Small Business Administration, which has built an excellent reputation as a repository of information for small exporters.

This reverses a trend that I believe developed as a result of the weakening of policies at the bank that have been in place to encourage the participation of small businesses in our export market, particularly minority-and women-owned business.

During markup of this bill, an amendment that I sponsored had been made part of the bill reported to the full House. It requires the bank to develop performance measures related to minority- and women-owned business programs. This will ensure that the management of Ex-Im Bank is directly involved in developing programs designed to increase participation of minority- and women-owned businesses in Ex-Im Bank programs.

The performance measures will be developed in concert with GAO and will enable Congress to determine how the small business programs for minorities and women that are put in place are performing. In addition, I am pleased that the bill contains a provision to promote increased trade with Africa.

I consider Mr. PAUL as a serious person. I take him seriously. I will look into some of that which he has said.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY), the vice chair of the Financial Services Committee.

Mrs. KELLY. Mr. Speaker, I rise in strong support of today's H.R. 5068, to reauthorize the Export-Import Bank. I want to thank Chairwoman PRYCE, Chairman OXLEY, and Chairman MANZULLO. We have created a strong bill that will empower small businesses in America to export.

This legislation gives small businesses dedicated loan officers and creates a structure for dealing with small business concerns that ensures that they are dealt with at the highest level of the bank. America's competitiveness and economic growth depends on small business exporters.

American-made products are still the best in the world, and they deserve to

have the same support from our government in making sales that our foreign rivals do. Today's bill recognizes that fact and challenges Ex-Im to meet its commitment that 20 percent of all the lending goes to small business.

Passage of H.R. 5068 today will not end the strong oversight of Ex-Im that Chairmen MANZULLO and PRYCE have provided in the last few years. Our success will not be measured by passing this bill, but it will be measured by the number of small business jobs that we create through increased exports by supporting America's small businesses. I urge passage of H.R. 5068.

Mrs. MALONEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York for yielding me time.

Mr. Speaker, I acknowledge the leadership of the Small Business Committee and your leadership, the leadership of the Financial Services Committee. I would like to say that this bill spells relief, r-e-l-i-e-f, I believe. The reason is because we have heard over and over again that Export-Import Bank gives gifts to large corporations, tax giveaways, if you will, using the American people's money simply to provide to those who already have.

I have repeatedly said that the backbone of America are small and medium-sized businesses. These are the businesses that are in our neighborhoods, in our cities, large and small, our counties, our rural hamlets.

The opportunity for small business to engage in Export-Import with the financial assistance and the collaboration with the Small Business Administration is long in coming. And this fix is long in coming.

I would argue that many of the regions that we are attempting to engage and break the barriers or break the concrete wall of a trade deficit has to do with small and medium-sized businesses, because the continent of Africa is filled with small and medium-sized businesses.

Their cultural traditions, their tribal traditions focus on the tribal hierarchy of women entrepreneurs in the marketplace. We find in south Asia, in India, Pakistan, Bangladesh there are opportunities for small and medium-size businesses to work with our small and medium-sized businesses, or for our small and medium-sized businesses to be able to engage internationally, if you will.

China, to break that very huge trade deficit, this now gives the financial anchor for small and medium-sized businesses to get the job done. I have always supported the Ex-Im Bank. I do think that any leg up or leverage that we can get, as we are on the international trade arena or development, is an important one; but now we have an opportunity to build on small and medium-sized businesses, and I hope as this legislation is passed, the word will go quickly out and that the lines will form to the left and the right for small businesses to become engaged.

With that, again, let me thank the proponents of the legislation. I ask my colleagues to support it.

Mrs. BIGGERT. Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, at this point we do not have any further speakers. I urge a strong vote on this bill. It is supported by the Financial Services Committee, the Chair and the ranking member, the Chair and the ranking member of the subcommittee, and the Chair and ranking member of the Small Business Committee.

It has a very special focus on enabling small businesses to compete in the global market, and it will help America's competitiveness and economic growth.

I urge a ''yes'' vote on this bill.

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

Mrs. BIGGERT. Mr. Speaker, I would just like to say that looking at my district, and seeing the value of exports, $4.6 million that our companies have found for export value, and that works down to $295 million for small businesses.

I think that the Ex-Im Bank is one that is, the mission is so important that we increase U.S. exports and more importantly U.S. jobs. I think that is exactly what this bill is set up to improve and to make sure that that happens.

We are in a global economy. We are in competition with countries from all over the world. If we are to maintain our high standards, we have got to compete in the export market. I think this bill will help to do that. I would urge all Members to support the bill.

Mr. Speaker, I would be remiss not to thank Chairman OXLEY for all the work that he has done on this bill, again Chairman PRYCE and Ranking Member MALONEY for all of the work that they have put into this.

Mr. Speaker, I would urge an ''aye'' vote.

Mr. CROWLEY. Mr. Speaker, I rise in support of the Export-Import Bank Reauthorization under suspension vote today.

This is a sound, bipartisan bill.

So often, people see the acrimonious side of this House rife with partisanship and member distrust.

We do not have that on the Financial Services Committee, and that is due in large part to the leadership of Chairman MIKE OXLEY and our Ranking Member, BARNEY FRANK.

While I am working hard to see BARNEY become our chairman in the 110th Congress, I just want to salute our outgoing Chair, MIKE OXLEY.

He is a hard working member who is not afraid to roll up his sleeves and work with people across the aisle to get the important work done. He is results oriented.

Legislatively, he has a long list of accomplishments to be proud of, including this bill, but it is his spirit of bipartisanship, friendship and class for which we should all look to him for.

But he can also be a formidable foe, from the committee room to the baseball diamond.

He will be missed next year.

Stating that I do support this bipartisan bill—it is a real jobs bill.

This bill will strengthen the Export-Import Bank's abilities to allow American companies to compete in the global market as we try to increase our exports, increase our global competitiveness and create more and better paying jobs in the U.S.A.

This is a bill about exporting products not jobs.

Additionally, besides the overall nature of this bill, I was able to add important language to this reauthorization pertaining to the nation of Armenia—a strong U.S. ally in the Caucasus.

My amendment, done with Congressmen ED ROYCE and BRAD SHERMAN, prohibits the Export-Import Bank from funding any railway projects from Azerbaijan, through Georgia and Turkey, which specifically bypass Armenia. I am very pleased that this language was included in the final version of this legislation being debated on the House floor today.

This language will assist in promoting stability in the Caucasus region, help in ending long standing conflicts, and save U.S. taxpayers the responsibility of funding a project that goes against U.S. interests.

For over 10 years, Armenia has fought an illegal blockade, imposed on them by the countries of Turkey and Azerbaijan. These two countries continually exclude Armenia from regional development.

Just recently, Turkey, Azerbaijan, and Georgia finished construction on the Baku-Tblisi-Ceyhan pipeline. This pipeline does not pass through Armenia, even though the fastest and most economically sound route is through the country.

Now Turkey, Azerbaijan, and Georgia plan on constructing a railway that will completely bypass Armenia once again; once again excluding Armenia from regional development.

Exclusion of one country in regional projects only fosters instability. Having Export-Import Bank support a railway project which excludes Armenia is not the way to include all countries in regional development. I am pleased that the Bank is now prohibited from doing so in this bill.

Besides possibly creating a regional crisis, this project, if funded by the Export-Import Bank could cost taxpayers millions. I do not believe that U.S. taxpayers should be funding a project that goes against U.S. interests.

I am pleased this good language was added to an already good bill—a jobs bill for America

Therefore, I urge my colleagues to support the Export-Import Reauthorization.

Mr. KNOLLENBERG. Mr. Speaker, today the House is considering H.R. 5068, legislation that will reauthorize the Export-Import Bank for the next 5 years. I support this legislation.

Since it was created over 60 years ago, the Export-Import Bank has provided crucial support for American exporting businesses—especially small businesses. Because small businesses provide the majority of jobs here in the U.S., the work of the Bank translates into real jobs for American workers.

I am particularly pleased this bill includes a provision that prohibits assistance from the Export-Import Bank for a proposed new railroad that would connect Turkey, Georgia, and

Azerbaijan, but would intentionally circumvent Armenia. This provision is extremely similar to H.R. 3361, the South Caucasus Integration and Open Railroads Act, legislation I introduced to ensure U.S. taxpayer funds are not used to promote a proposal or program that directly undermines the United States goal of fostering integration and cooperation among the countries in the South Caucasus.

Open and integrated transportation routes among Armenia, Azerbaijan, Georgia, and Turkey are necessary to promote cooperation, support economic growth, and help resolve regional conflicts. Unfortunately, this policy is being undermined in an effort to push Armenia further into isolation.

The design for the new rail line defies logistical and geographical logic, and intends to prevent future economic development from reaching Armenia. The proposed rail link would cost between $400 million and $800 million and would take years to construct, even though a perfectly workable rail link that goes through the city of Gyumri, Armenia already exists and would be fully operational with a few minor repairs.

Mr. Speaker, I commend my colleagues on the House Financial Services Committee that included this provision into this bill and I urge support for passage of H.R. 5068.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 5068, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

□ 1430

PROMOTING TRANSPARENCY IN FINANCIAL REPORTING ACT OF 2006

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5024) to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting, as amended.

The Clerk read as follows:

H.R. 5024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Promoting Transparency in Financial Reporting Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge [to the quality and transparency of financial reporting].

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

SEC. 3. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2007, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in ''plain English''.

The SPEAKER pro tempore (Mr. HAYES). Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from New York (Mr. ISRAEL) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I want to recognize this bill as a result of a true bipartisan effort. I want to thank Chairman OXLEY and Ranking Member FRANK for their support, and particularly our original cosponsors Congressman ISRAEL from New York and Congressman SCOTT from Georgia. This has been an effort that has come together across the aisle to provide a bill which would improve financial reporting, simplify our regulatory system over time to ultimately help our country compete in a global economy.

In the post-Enron financial era, transparent reporting has become an increasingly important component promoting a healthy corporate environment. Financially stable, accountable corporations are essential for expanding the U.S. business sector, promoting investor confidence, and for strengthening the economy. However, it is important to examine ways in which such accountability and reporting standards can become more efficient and more transparent. A cumbersome, costly system will only reduce our competitiveness in a connected world economy and ultimately will cost us jobs.

I regularly hear complaints from business owners and executives in Kentucky about the cost and the complexity of financial reporting requirements mandated by the Federal Government. As a former business consultant, I know firsthand the difficulties faced during the time-consuming and costly process of accounting and financial disclosure. We must update our methods of accountability to reflect 21st century technology in a global marketplace.

Unfortunately, financial reporting remains an arduous task with too many opportunities for error and for manipulation. Reassessing outdated accounting standards and improving the ability of the average investor to understand and utilize financial literature is essential to the livelihood of American business and the protection of American investors.

Requiring annual congressional testimony by the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board stresses that simplification, cost reduction, and transparency in accounting standards and financial reporting are public priorities. We must assure continuity in our markets and continuity in the process.

This bill will provide the Federal Government the opportunity to apply a philosophy of continuous improvement, looking for ways to improve the regulatory structure and to reduce costs.

As stated in the bill, we would like to direct attention to several areas of particular concern. First, I would like to point out that H.R. 5024 will give Congress a way to measure progress on the efforts of these organizations over the next 5 years, and ensure that they are working to streamline and modernize the process of financial reporting.

First, we need to reassess complex and outdated accounting standards. We need to improve understandability, consistency, and the overall usability

of the existing accounting and auditing literature. We need to develop principle-based accounting standards. We need to encourage the use and acceptance of interactive data, or extensible business reporting language, XBRL, and, finally, in the end to promote disclosure in plain English.

Simplifying the process of accountability will do two things: First, it reduces the risk of error and misuse by making the process simpler and more transparent. And, second, it will help working families have visibility to information they can understand without needing to ask a CPA or a tax attorney.

I appreciate the efforts of these organizations thus far to reduce complexity, and I recognize the public statements of support for such efforts by SEC Chairman Chris Cox and FASB Chairman Robert Herz. As SEC Chairman Cox said at the SEC Historical Society meeting in June, this process is going to be a long one, but it is worth it to make sure that the capital markets remain strong and remain vibrant. I urge my colleagues to support this important legislation.

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

Mr. ISRAEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the Promoting Transparency in Financial Reporting Act, and I want to thank my very good friend from Kentucky (Mr. DAVIS) for introducing this important measure. I was pleased to cosponsor it and I am very pleased to work with him on the bill.

I also want to thank the chairman and ranking member of the Financial Services Committee, Mr. OXLEY and Mr. FRANK, for bringing this bipartisan legislation to the floor today.

H.R. 5024 requires that the chairpersons of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board provide oral testimony to the Committee on Financial Services on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors. These appearances before the committee would begin in 2007 and continue annually for 5 years.

Madam Speaker, the ability of America's investors to make informed decisions is severely compromised when financial reporting is inaccurate, when it is incomplete, when it is unclear. We saw the consequences of bad financial reporting years ago during the corporate accountability scandals at Enron and WorldCom, among others. Those bankruptcies not only revealed weaknesses in many aspects of our financial reporting system, but showed the devastating financial impact when their financial statements are not held to the highest standards.

In many cases, the complexity of financial reporting requirements has made it very difficult to detect purposeful violations of those standards. Congress, regulators, and the industry assessed these financial reporting failures and reacted with efforts aimed at strengthening the financial reporting system. Sarbanes-Oxley made very important initial strides to this end; however, more needs to be done.

This measure is an important next step. By calling on the SEC, PCAOB, and FASB to testify each year on the steps they are taking to improve financial disclosures, Congress is ensuring that it can and will effectively carry out its oversight function. We can gather the necessary information to ensure that, should we need to act legislatively, we are doing it in a sober, thoughtful manner based on data rather than in haste as we respond to the latest news cycle.

Madam Speaker, this legislation will help us as we work with the FEC, FASB and the PCAOB to improve our financial reporting system. It is important that we maintain a consistent focus on this issue. And, to that end, I urge all of my colleagues to support the measure. Again, I was pleased to work closely with the gentleman from Kentucky.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Madam Speaker, again, I want to reiterate my thanks to the gentleman from New York. It has been a great process to see this come to pass. Let's pass this bill as a first step toward creating a process for continuous improvement that will simplify and improve our financial reporting regulatory framework.

Madam Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. ISRAEL. Madam Speaker, everything that can be said has been said. We have no speakers, and I yield back my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5024, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISASTER RECOVERY PERSONAL PROTECTION ACT OF 2006

Mr. KUHL of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5013) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies, as amended.

The Clerk read as follows:

H.R. 5013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Disaster Recovery Personal Protection Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Second Amendment to the Constitution states that a ''well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed'', and Congress has repeatedly recognized this language as protecting an individual right.

(2) In the wake of Hurricane Katrina, State and local law enforcement and public safety service organizations were overwhelmed and could not fulfill the safety needs of the citizens of the State of Louisiana.

(3) In the wake of Hurricane Katrina, the safety of these citizens, and of their homes and property, was threatened by instances of criminal activity.

(4) Many of these citizens lawfully kept firearms for the safety of themselves, their loved ones, their businesses, and their property, as guaranteed by the Second Amendment, and used their firearms, individually or in concert with their neighbors, for protection against crime.

(5) In the wake of Hurricane Katrina, certain agencies confiscated the firearms of these citizens in contravention of the Second Amendment, depriving these citizens of the right to keep and bear arms and rendering them helpless against criminal activity.

(6) These confiscations were carried out at gunpoint by nonconsensual entries into private homes, by traffic checkpoints, by stoppage of boats, and otherwise by force.

(7) The citizens from whom firearms were confiscated were either in their own homes or attempting to flee the flooding and devastation by means of motor vehicle or boat, and were accosted, stopped, and arbitrarily deprived of their private property and means of protection.

(8) The means by which the confiscations were carried out, which included intrusion into the home, temporary detention of persons, and seizures of property, constituted unreasonable searches and seizures and deprived these citizens of liberty and property without due process of law in violation of fundamental rights under the Constitution.

(9) Many citizens who took temporary refuge in emergency housing were prohibited from storing firearms on the premises, and were thus treated as second-class citizens who had forfeited their constitutional right to keep and bear arms.

(10) At least one highly-qualified search and rescue team was prevented from joining in relief efforts because the team included individuals with firearms, although these individuals had been deputized as Federal law enforcement officers.

(11) These confiscations and prohibitions, and the means by which they were carried out, deprived the citizens of Louisiana not only of their right to keep and bear arms, but also of their rights to personal security, personal liberty, and private property, all in violation of the Constitution and laws of the United States.

SEC. 3. PROHIBITION ON CONFISCATION OF FIREARMS DURING CERTAIN NATIONAL EMERGENCIES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5201) is amended by adding at the end the following:

''SEC. 706. FIREARMS POLICIES.

''(a) PROHIBITION ON CONFISCATION OF FIREARMS.—No officer or employee of the United States (including any member of the uniformed services), or person operating pursuant to or under color of Federal law, or receiving Federal funds, or under control of

any Federal official, or providing services to such an officer, employee, or other person, while acting in support of relief from a major disaster or emergency, may—

''(1) temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under Federal, State, or local law, other than for forfeiture in compliance with Federal law or as evidence in a criminal investigation;

''(2) require registration of any firearm for which registration is not required by Federal, State, or local law;

''(3) prohibit possession of any firearm, or promulgate any rule, regulation, or order prohibiting possession of any firearm, in any place or by any person where such possession is not otherwise prohibited by Federal, State, or local law; or

''(4) prohibit the carrying of firearms by any person otherwise authorized to carry firearms under Federal, State, or local law, solely because such person is operating under the direction, control, or supervision of a Federal agency in support of relief from the major disaster or emergency.

''(b) LIMITATION.—Nothing in this section shall be construed to prohibit any person from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used for rescue or evacuation during a major disaster or emergency.

''(c) PRIVATE RIGHTS OF ACTION.—

''(1) IN GENERAL.—Any individual aggrieved by a violation of this section may seek relief in an action at law, suit in equity, or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities secured by this section.

''(2) REMEDIES.—In addition to any existing remedy in law or equity, under any law, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the United States district court in the district in which that individual resides or in which such firearm may be found.

''(3) ATTORNEY FEES.—In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5013, as amended.

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

There was no objection.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

In the wake of Hurricane Katrina, State and local enforcement and public safety service organizations were overwhelmed, and many citizens felt threatened. Many of these citizens lawfully kept firearms for the safety of themselves, their loved ones, their businesses, and their property as guaranteed to them by the second amendment, and used their firearms for protection against crime.

Following the hurricane, certain agencies confiscated the firearms of these law-abiding citizens, rendering them helpless against criminal activity. H.R. 5013, the Disaster Recovery Personal Protection Act of 2006, was introduced by Representative JINDAL on March 28, 2006. I am a proud cosponsor of this bill which amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of lawfully possessed firearms by an individual operating under the color of Federal law while acting in support of a major disaster or emergency declaration, unless the confiscation is otherwise permitted by law.

This bill ensures that law-abiding citizens can continue to protect themselves, their loved ones, their businesses, and their property as guaranteed by the second amendment during disasters when law enforcement is most likely to be overwhelmed and unable to fulfill the safety needs of the citizens they serve. It prevents agencies from arbitrarily depriving law-abiding citizens of their private property and means of protecting themselves during a disaster.

Additionally, this bill clarifies that an individual may require the temporary surrender of firearms as a condition for entry into any mode of transportation used for rescue or evacuation during a disaster or emergency. For example, rescuers such as the Coast Guard can require the surrender of guns before an individual enters their vessel.

In short, this bill provides some commonsense limitation on the wholesale confiscation of guns during disasters without limiting the enforcement of local, state, or Federal laws.

Madam Speaker, I support this measure and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield to Mr. NADLER from New York such time as he may consume.

Mr. NADLER. I thank the gentlewoman for yielding.

Madam Speaker, I rise in opposition to H.R. 5013, the so-called Disaster Recovery Personal Protection Act of 2006. There is really only one word to describe this bill: Insane. The proper title of this bill should be The Right to Sue Cops and National Guardsmen Act of 2006.

The premise of the bill is that following Hurricane Katrina, and possibility other disasters, law enforcement personnel illegally seized guns from people who had legal permits to own a gun.

□ 1445

In some cases, they may have been seized because law enforcement did not want guns inside a public shelter. In other cases, people evacuated and left guns behind, and the police collected these guns so they would not fall into the hands of looters.

The NRA claimed this was illegal and sued the New Orleans Police Department. The New Orleans Police Department stated it had to determine who were the rightful owners of the guns before they could return them. I believe the lawsuit has since been settled, and the guns are being returned to their rightful owners.

Yet, today, we are considering a bill that would ostensibly solve this so-called problem of guns being illegally seized following a disaster. Since the lawsuit arises from this issue that has been resolved, I do not see why the legislation is necessary.

But how does this bill solve the supposed problem? It actually creates a private right of action for gun owners to sue personally cops, National Guardsmen, FBI officers, and other law enforcement personnel who are simply carrying out their jobs following a disaster or emergency situation.

The bill says that no Federal employer officer, including the military, National Guardsmen, or any person connected to the Federal Government, such as members of police departments, local police departments, that receive Federal funding, or anyone acting in support of relief to a major disaster or emergency, may seize any firearm which is allowed under Federal or local law. If they do seize such a gun, it would allow a gun owner to sue a cop or National Guardsman personally, not the government, sue the cop personally, even if the officer was carrying out his official duties. And the gun owner can even recover attorneys fees.

Aside from the fact that the entire premise of the bill is ridiculous, there are a number of serious problems with the legislation.

First, the presumption is all in favor of the gun owner and not the cop. There is no requirement that the gun owner prove the gun is legal at the time it is seized. So, if a cop sees someone with a gun, he has no evidence of his right to have a gun, maybe the cop suspects he was a looter, if the cop takes the gun, he is personally liable if it turns out he had a legal right to it later. Also, if a cop finds a gun on the floor or in a store or in a home and takes it to prevent it from getting into the hands of looters, that cop can now be sued. So let us leave the guns lying around for the looters to pick up and shoot people with.

Second, if this bill passes, Federal response officials and aid workers, such as the Red Cross, would have no say where guns are carried. They could not prohibit guns in public shelters where kids are present, nor could they prevent armed gangs and vigilantes from showing up and wandering the streets with guns. Private volunteers with guns can show up in any disaster situation, and law enforcement would have no say.

Third, the bill applies to a ''major disaster or emergency,'' which includes a terrorist attack. So if the New York Police Department responds at the World Trade Center, or the military responds to an attack at the Pentagon, and there is a group of guys with guns, law enforcement cannot disarm them without risking being sued. Why would we want to tie the hands of the military responding to a terrorist attack?

This bill has a chilling effect on law enforcement responding to a major disaster or to a terrorist attack. If law enforcement illegally seizes firearms, or seizes firearms that turn out to be legally owned, even though they have no reason to believe they are at the time, aggrieved parties already have the right to sue, as was the case when the NRA sued the NOPD. I should restate that. If law enforcement illegally seizes firearms, aggrieved parties today can sue, as was the case when the NRA sued the New Orleans Police Department. The only reason for this bill, to give an additional right, seems to be vindictive, to force some poor police officer or National Guardsman doing his job into bankruptcy.

If there really is a problem, this legislation is not the way to fix it. It is too broad, it is poorly drafted, and it will create more dangers in times of major disasters.

That is why the International Brotherhood of Police Officers and the Violence Policy Center have expressed opposition to this bill. I also have a letter in opposition from the Major Cities Chiefs Association, which represent 57 major law enforcement organizations. I urge my colleagues to oppose the bill.

MAJOR CITIES CHIEFS,
OFFICE OF THE PRESIDENT,
June 19, 2006.

Re H.R. 5013 and S. 2599, the ''Disaster Recovery Personal Protection Act of 2006.''

UNITED STATES CONGRESS,
Washington, DC.

DEAR LEGISLATOR: The Major Cities Chiefs (MCC) Association represents fifty-seven (57) major law enforcement organizations in the United States and Canada who are located in a metropolitan area of more than 1.5 million population and employ more than 1,000 law enforcement officers. All our officers are actively engaged in providing law enforcement, public safety and homeland security to the citizens of our communities every day. We are writing in opposition to H.R. 5013 and S. 2599, the ''Disaster Recovery Personal Protection Act of 2006.''

As law enforcement professionals, we understand and acknowledge the Constitutional limitations on police power to confiscate personal property. These limitations, however, must be balanced with the need to maintain public safety and security during emergency situations. We are concerned that the bill would void local laws that guide police actions regarding firearms in emergency situations. We also feel that police should be allowed to take into safekeeping any dangerous weapons and/or explosives they find abandoned in a building or home.

Additionally, as law enforcement executives, we feel if the President, a governor and/or mayor declares a state of emergency for a devastated area after a disaster, these officials should also be allowed to temporarily include provisions for a weapon-free zone during the area's recovery. For example, law enforcement may need to ensure that evacuation sites are free of weapons. Sister law enforcement agencies responding to a disaster must also be free to carry their firearms into another jurisdiction and help maintain law and order until the devastated area recovers.

Finally, we are concerned that the bill creates a new right to file lawsuits against police who take abandoned guns for safekeeping in an emergency or create emergency secure areas free from weapons. The bill should not create a new right to file lawsuits against law enforcement seeking to safeguard the public in emergency situations.

Should you need additional information, please feel free to contact MCC's General Counsel Craig Ferrell for further clarification of our position.

Sincerely,

HAROLD L. HURTT,
MCC President.

NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, SEIU, INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,

Alexandria, Va.

The IBPO stands by our brothers and sisters in law enforcement and disapproves of any legislation that may interfere with a police officer's discretion to react as he or she sees fit under extreme emergency circumstances. Furthermore, the IBPO believes that responsible gun owners who continue to act in accordance with federal, state and local law are unlikely to have their guns confiscated unless they use or possess the guns in a manner or place that would be prohibited or threatening. The IBPO does not endorse the Vitter amendment #4615.

Signed,

STEVE LENKART,
Special Asst. to the President, Director of Legislative Affairs.

Mr. KUHL of New York. Madam Speaker, I yield as much time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Transportation and Infrastructure Committee.

Mr. YOUNG of Alaska. Madam Speaker, I thank the gentleman for yielding.

I would like to suggest one thing. I deeply respect the individual from New York that just spoke against the legislation.

H.R. 5013 does not specifically address gun possession in emergency shelters. It addresses only housing except to prohibit future guns regulations above and beyond the Federal, State, and local law. This requirement was included to prevent the repeat of a short-lived FEMA effort to ban gun possession in the FEMA trailer parks in Louisiana.

H.R. 5013 does not override Federal, State or local laws restricting gun possession in various locations often used as shelters such as schools, government buildings and sports arena. That is what this bill does not do.

We address these issues, including the one where the Coast Guard was rescuing someone with a helicopter, they could not bring a firearm on board that vessel or that aircraft.

I would like to suggest this would never have had to happen if someone, and I will say government people, of what branch or other had decided they would take law into their own hands and go into a law-abiding home and confiscate a gun from a citizen who had done no wrong, was only trying to protect their home. That is the premise of our democracy and our Republic, is the right to protect your castle. Regardless of whether it is the hoodlum, the burglar, the murderer, the rapist, or the government, no one has the right to take away my ability to defend myself, nor my cherished ones from he would intrude upon my being and my home. That is the second amendment; that is my right.

To have a government, during a time of duress, the hurricane as bad as it was, to go into areas that were trying to protect themselves, and by the way, they went on television and said they did not have the manpower to address the looting, the rioters and the hoodlums but they had the manpower to go in and to take and confiscate arms from the law-abiding citizens of Louisiana, and by the way, I believe this is the only area it did occur.

So what I am suggesting in this legislation, I want to thank Mr. JINDAL especially being the prime sponsor, this legislation precludes the government from taking away what is my cherished personal right to protect those I love, in a time a duress and, yes, even in a time of peace because you will never know when that peace will be eroded and taken away from you.

So this legislation is a step because someone else misstepped, and some would say it is not necessary, it will not happen again. I have been around here long enough to know never say it will not happen again.

So we should look forward to this legislation and pass it. Get on with it and let those government agencies that misstepped know that they now are under the scope of reality and what is right for this great Nation.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota (Mr. OBERSTAR) will control the time.

There was no objection.

Mr. OBERSTAR. Madam Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Madam Speaker, once again, number one, I want to say that I stand by the remarks of my colleague from New York (Mr. NADLER), but once again, this Congress is waging a war on common sense.

House leadership accuses the New Orleans Police Department of going door to door confiscating guns in the aftermath of Hurricane Katrina, but the superintendent of the department states that this was not the case at all. Does anybody really think that after a disaster of that magnitude a police department's first priority is to go door to door and harass gun owners? Of course not.

Police merely arrested people who were breaking the law on the streets of

New Orleans. They were doing what they could to stop the looting and the sniper fire that slowed down the rescue workers. They never entered homes with the intent of collecting law-abiding citizens' guns, and by the way, we do not believe in that. We do not believe in going into someone's home without due cause on getting someone's gun.

This latest scheme to appease the gun lobby will tie the hands of our police officers during times of crisis. The streets of an American city immediately after a disaster are no place to abandon common sense, and this bill does not do it, not even for the future.

This bill allows guns in emergency shelters, provided the guns are legal. What if the gun owner does not have his license with him? Is the Red Cross official supposed to conduct background checks on gun owners to make sure they are legal? Can you imagine the chaos if loaded guns were allowed in the Superdome during Katrina? Again, it defies common sense.

Everyone agrees that the government failed when responding to Hurricane Katrina; but instead of addressing the real shortcomings revealed by Katrina, the House chooses to make our first responders' jobs more difficult in the critical hours following a natural disaster or even a terrorist attack.

This Congress has already cut funding to police officers and firefighters. Congress refused to make sure that the most at-risk communities received their fair share of homeland security funding, and now Congress is giving looters and criminals the upper hand in the aftermath of disaster.

It is time for common sense. Vote ''no'' on this irresponsible bill.

Madam Speaker, I now want to address some questions to the manager of H.R. 5013. To my colleague from New York (Mr. KUHL) may I ask, Would this bill permit a person to bring a gun into a rescue shelter?

I yield to the gentleman from New York.

Mr. KUHL of New York. Thank you for yielding the time, but I would yield to the sponsor of the bill, Mr. JINDAL from Jefferson Parish. He can tell you exactly what the bill deals with and the detail. I am simply the manager.

Mr. JINDAL. I thank the gentlewoman for yielding.

This bill does not create nor does it delete any existing rights or State laws. So for example if there are existing State laws prohibiting guns in State shelters, this bill would do nothing to remove that prohibition. For example, many States already have existing laws prohibiting guns or firearms in schools, in sports arenas, or in other areas commonly used as shelters. Nothing in this bill would override that prohibition.

Mrs. MCCARTHY. Taking back my time, I understand that, but I know there are 17 States that already do not have any laws on the books. So the Federal law would not supercede what you are trying to do.

May I ask another question. If a State law gives a Governor or mayor broad powers under a state of emergency, may that official order temporary confiscation in the name of public safety? Or must the State law be specific? I yield again to the gentleman from New Orleans.

Mr. JINDAL. Madam Speaker, I thank the gentlewoman again for yielding.

Again, if there is existing law allowing the Governor in a state of emergency or other circumstances to take extraordinary measures, nothing in this legislation would prohibit that Governor from doing so, or in Louisiana's case, it may by the primary law enforcement officer of the parish, we call them parishes, not counties, nothing in this bill would override, supercede existing State laws that allow the Governor or chief executive officer from doing so.

Mrs. MCCARTHY. I thank the gentleman for that answer, and one more question. Who is liable in any lawsuit authorized by this bill? Is it the officer who confiscates a gun or the city or the State? The language, even though I know you worked to change the language, is still a little bit confusing. I will state my question again: Who is liable in any lawsuit authorized by this bill? Is it the officer who confiscates a gun or the city or the State? Can the Federal Government be sued if the confiscation is made by a Federal officer? Can a person seek monetary damages in addition to the return of the gun?

I yield again to the gentleman.

Mr. JINDAL. Madam Speaker, again, let us be clear. I know there has been a lot of confusion and a lot of rhetoric about the private right of action contained in this bill.

In Louisiana's case, going back to what happened specifically after Katrina, our State has already passed a State law prohibiting anybody in State or local law agencies from confiscating legally owned guns. The intent of this law is to apply to those agencies receiving Federal funds. The intent of the right of action was to counteract what happened last year when, even despite a court judgment, despite a ruling from a judge, there was still not compliance with that court ruling to return the firearms.

So the intent is to be able to allow the individuals to recover, for example, attorneys fees, court costs to put some teeth into this bill to make sure that if a judge does indeed rule in favor of a plaintiff that action will be taken. That did not always happen last year in Louisiana after Katrina.

Mrs. MCCARTHY. Reclaiming my time, and let me follow up with what you had just said. Because the language in the bill, as it stands right now, there is not really a clarification on that, and I hope that we can work on that.

Mr. KUHL of New York. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. JINDAL), the sponsor of the bill.

□ 1500

Mr. JINDAL. I thank my colleague from New York for handling this bill and for supporting this in committee.

Madam Speaker, I have a letter from the Fraternal Order of Police endorsing H.R. 5013, which I am pleased to submit for the RECORD.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, July 24, 2006.

Hon. BOBBY JINDAL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JINDAL, I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R 5013, the ''Disaster Recovery Personal Protection Act,'' which is scheduled to be considered by the House tomorrow

This legislation would prohibit the use of any Federal funds from being used to seize firearms during a major disaster or emergency, except under circumstances currently applicable under Federal or State law. As we witnessed in the communities along the Gulf Coast in the wake of Hurricane Katrina, large scale critical incidents demanded the full attention of law enforcement officers and other first responders. During this time, the preservation of life—search and rescue missions—is the chief priority of every first responder. Further, breakdowns in communications systems and disaster-related transportation or other infrastructure failures will lengthen a law enforcement agency's response times, increasing the degree to which citizens may have to protect themselves against criminals. A law-abiding citizen who possess a firearm lawfully represents no danger to law enforcement officers or any other first responder.

On behalf of the more than 324,000 members of the Fraternal Order of Police, I am pleased to offer our support for this bill and look forward to working with you to getting it passed. If I can be of any further assistance on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office,

Sincerely,

CHUCK CANTERBURY,
National President.

Madam Speaker, a lot has been made and said about this bill, H.R. 5013, and I want to take people back into the days, the hours right after Hurricane Katrina that devastated my home State. I want to remind people my constituents, many of them, were sitting in their homes without power, without water, and without communication. It was literally impossible to pick up a phone and call 9/11. For many, there was no recourse or ability to call for the police.

Now, the first responders, the local and State law enforcement agents, many did a heroic job; however, they couldn't physically be at every place at every time. Indeed, many law enforcement officials advised residents to only return if they had firearms. Members of my staff were advised only to return if they were in possession of a firearm. It was a very different time than what we are normally accustomed to in our cities.

H.R. 5013 makes sure that those that are obeying the law, lawful residents, are able to keep their legally owned

firearms, whether it be in their home, in their cars, in their businesses. There were instances where people were deprived of this right. Now, let me repeat this. At the same time that we had looters, at the same time we had other problems in our State and in our city, we absolutely had bureaucrats depriving people of their legal constitutional rights to possess a legally owned firearm.

Now, contrast that with the situation in our neighboring State of Mississippi where the Governor famously said, ''If you loot, we will shoot.'' There were literally signs put up saying, ''If you loot, we will shoot.'' This bill is intended to make sure that, God forbid, if there is another hurricane, another natural disaster, another calamity in my home State, that my constituents aren't left defenseless, they aren't left without the ability to call 9/11, they are not left without the ability to defend their homes, defend their properties, or defend their families.

Now, indeed, Ronald Reagan once famously said, and I will paraphrase, at the very least, we want any potential looters to have to think twice before they go through that front door. We want them to at least think twice that maybe those potential victims are armed and maybe that can serve as a useful deterrence.

There are many things this bill does not do. It does not create any new rights or any other limitations under Federal, State, or local law. Now, I was pleased to answer the questions of my colleague from New York. This bill, further, does not prevent, does not prevent confiscating guns from felons. It has no effect on law enforcement operations outside of the disaster relief situation.

It does not have any impact on law enforcement's ability, for example, to go after criminals and looters, to stop suspect behavior. It has no impact on law enforcement's ability to secure weapons, for example, that may be lying outside of somebody's possession. States are able, under this bill, to regulate their own shelters. States are able to adopt their own laws.

For example, in Minnesota, a firearm cannot be brought on private property when the owner has posted a notice of that prohibition. My bill does not change this. This bill specifically allows the Coast Guard and others who are evacuating individuals to have their own regulations, to have their own requirements for getting on those boats, or getting on those helicopters.

For example, it allows the temporary surrender of a firearm as a condition of entry. If a State, and many do, if a State does give express authority to ban possession of a firearm to the government, to others, my bill does nothing to supersede that.

In conclusion, I am proud that my bill has the support of over 150 Members of this House, Democrats and Republicans, and it has the support of the national Fraternal Order of Police. A similar bill has been adopted in my home State of Louisiana. It does one simple thing: it merely protects residents' legal right to own firearms.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentleman from New York.

Mr. NADLER. If the gentleman will yield for a question, under this bill, if a law enforcement officer had completed evacuating people from someplace and saw a few guns lying around in a house, and didn't know who they belonged to but wanted to take them up so that looters who might come by later couldn't take them and present a menace to the public, would this prevent him from doing that?

Would this subject him to a lawsuit later personally if it turned out that the owner of the house came back and said, why did he take my legally owned guns?

Mr. JINDAL. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Louisiana.

Mr. JINDAL. What happened actually in New Orleans, let's actually go back to what happened.

Mr. NADLER. Answer the question, please.

Mr. JINDAL. I will, but let me actually tell you what happened in New Orleans. I would like to offer a few facts for the record as well.

There was looting, for example, of stores, where guns were potentially going to fall into the wrong hands. Nothing in this bill would prohibit law enforcement, after arresting those looters, from securing those firearms.

Mr. NADLER. Reclaiming my time, I am not talking about after arresting looters. Law enforcement people see guns lying around in a house. They don't know who they belong to.

Mr. JINDAL. If the gentleman will continue to yield, I am talking about the instance of firearms lying around this store that has been looted. In the situation the gentleman describes, there is no reason for law enforcement officers to be in somebody's home that has been abandoned.

Mr. NADLER. Let me say this. There are lots of reasons why law enforcement may be going by: to check on the safety of people, to look into a house to see if anybody is there lying wounded or whatever. They see guns lying around. No one is there, thank God. They are all out, but they see guns lying around. Under this bill, if they pick up those guns, lest looters come and find them later and it later turns out that those guns legally belonged to the homeowner, when that homeowner returned, he could sue the individual privately. And, therefore, no cop in his right mind would pick up those guns. He would have to leave it for the looters.

This bill, as I said before, is insane.

Mr. KUHL of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania, the chairman of the Emergency Management Subcommittee, Mr. SHUSTER.

Mr. SHUSTER. I thank the gentleman, and, Mr. Speaker, I rise today in strong support of H.R. 5013, to help ensure the American people retain their rights to defend their families and property during the chaos which may follow during a disaster.

I also want to commend Congressman JINDAL, the sponsor of this bill, and Congressman KUHL for their hard work in bringing it to the floor today. The gentleman from Louisiana saw the breakdown of law and order following Hurricane Katrina and understands more than most why we need this bill. Congressman KUHL serves with me on the Emergency Management Subcommittee and is a long-standing champion of our second amendment rights. They both deserve the lion's share of credit for protecting our rights today.

I wish I could say that this bill wasn't needed, but after Katrina I know that it is. Following Katrina's devastation, thousands of law-abiding citizens found themselves in a desperate situation where chaos reigned and the police were overwhelmed. Under these circumstances, bedrock American principles, such as neighbor helping neighbor, self-reliance, self-defense, and even the right to bear arms were often the key to survival.

This bill is needed, because under those horrible conditions, too many Americans were denied their basic rights and had their legal firearms seized. That is simply wrong and must be changed before the next disaster strikes.

I also want to make clear, as I believe Mr. JINDAL has made clear, that this bill does not suspend any existing law enforcement, local, State, or Federal; nor does it somehow make it legal to use firearms in a way that is otherwise illegal. I want to repeat that, because some today are trying to confuse that. This bill does not spend any existing law enforcement power, local State, or Federal; nor does it somehow make it legal to use firearms in a way that is otherwise illegal.

If people use their guns illegally, then law enforcement has the legal authority to apprehend suspects and seize their guns. Nothing in this bill changes that.

In closing, let me again thank Mr. JINDAL and Mr. KUHL for their leadership on this issue, and I look forward to working with them and other Members to move this bill forward.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Minnesota has 8½ minutes remaining, and the gentleman from New York has 9½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise in strong support of

H.R. 5013, the Disaster Recovery Personal Protection Act of 2006. This good bipartisan effort will protect individuals' rights to maintain their personal firearms during an emergency.

Unfortunately, we know what happened just a few months ago in the aftermath of Hurricane Katrina. Many in the gulf coast region had their personal firearms confiscated by authorities. Many families lost valuable heirlooms this way. H.R. 5013 would allow individuals in future disasters to maintain possession of their personal property, including their firearms.

I urge all of my colleagues on both sides of the aisle to support this commonsense and much-needed legislation.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in support of the Disaster Recovery Personal Protection Act, H.R. 5013, of which I am a cosponsor.

While looting and other criminal activity were taking place in New Orleans, many civilians chose to protect themselves and their property. Many of these citizens kept firearms for the safety of themselves, their businesses, their families, and their property. They used firearms individually or in concert with their neighbors for protection against crime.

However, these lawful weapons were confiscated at gunpoint by nonconsensual entries into private homes, traffic checkpoints, by stopping of boats, and otherwise by force. The citizens from whom firearms were confiscated were either in their own homes or attempting to flee the flooding and devastation by means of motor vehicle or boat and were accosted, stopped, and arbitrarily deprived of their private property.

The means by which the confiscations were carried out, which included intrusion into the home, temporary detention of persons, and seizures of property, constituted unreasonable searches and seizures and deprived these citizens of liberty and property without the due process of law, in violation of fundamental rights under the Constitution.

Many of the confiscated firearms were family heirlooms, gifts given as a child, or were collectors' items. All firearms were taken with a handwritten receipt on a stray piece of paper or no receipt at all. Individuals with proof of purchase and serial number are still not able to get their firearms back. Of the few firearms that have been returned, some are ruined beyond repair due to water damage. Many of the firearms lost or stolen will never be returned.

H.R. 5013 clearly states the rights of people who own firearms during a major disaster or emergency. H.R. 5013 protects civilians' rights to bear arms, and H.R. 5013 allows people the right to protect themselves and their property as our forefathers intended.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal problem with this bill is that it didn't have any hearings. The bill was introduced and moved through the committee without deliberation, without consideration. Many of the issues that have been discussed this afternoon on the floor were issues that could and should have been raised in the course of hearings, and that would have been resolved, as they have been resolved in the bill now under consideration, but not in the bill introduced nor in the bill reported from committee.

Now, the appropriate order of business in our committee is we, unless there is overwhelming consensus, we have a hearing on a bill. And even on bills in which there is overwhelming consensus on both sides, we have hearings on the legislation, because there is always something that may come up that we hadn't thought about. And there were things that came up in this bill that the drafters hadn't thought about, and those were issues of law enforcement, public safety officials, specifically the Coast Guard.

The Coast Guard is mobilized to deal with a disaster when it has to evacuate persons stricken by disaster, hurricanes, floods, at sea under tempestuous circumstances, as we see on the Weather Channel the Coast Guard nobly rescuing people under extraordinary adverse circumstances. The bill, as introduced, would have prohibited a Coast Guard officer from requiring a person boarding a rescue helicopter, boarding a rescue vessel, a search and rescue ship, would have prohibited those persons from surrendering their firearm. Not to seize the firearm, not to take it away permanently, but to say we will keep this for you until you are safely onshore. There is no law that gives the Coast Guard the authority to do that.

Now, we should have had the bill under consideration in the committee, and we should have provided that authority to the Coast Guard, and that authority would be perfectly acceptable to advocates of firearm ownership. I have been, for 32 years, an advocate for firearm ownership. I have supported the right to keep and bear arms for all my service in the Congress and long before that, as a young lad growing up in northern Minnesota going out hunting before school and after school and on the weekends. But this is a different situation, and we needed that authority for the Coast Guard.

So now we have it in this language that is on page 5, line 19 of the bill before us. Subsection (b) Limitation: nothing in this section shall be construed to prohibit any person from requiring the temporary surrender of a firearm as a condition for entry into any mode of transportation used to rescue or evacuate during a major disaster or emergency.

□ 1515

That is sensible. That is reasonable. It is not confiscation. The Coast Guard in this case, the agency that we have in mind, will hold the firearm and, after the rescue is completed, the person gets the firearm back. Now, we should have had that in the bill before it even came to the House floor.

The other problem was that, on the face of it, it would prohibit operators of shelters from requiring the surrender of a weapon as a condition for entry into the shelter. Now, this same, similar language, operates to protect those who operate shelters, such as the Super Dome or the Convention Center.

Now, the principal author of the bill, the gentleman from Louisiana, spoke with accuracy about the circumstances in New Orleans and with some detail. I know of circumstances myself. My brother-in-law, who still lives in New Orleans, in fact, both my brother-in-laws live in New Orleans were affected by the flood.

I have a very close friend whose home was broken into. They were on the second floor. They heard the people looting the place. His gun was on the first floor. He had no access to the gun. He couldn't protect the house, so to save themselves, they fled into the attic while the looters were stripping their house. They might have been able to do something if they had had the gun on the second floor and had more access to it.

There are many circumstances of this kind, where the person, as the gentleman from Louisiana said, should be able to protect him or herself in their own home. But you don't need a gun to go into the Superdome. You don't need a gun when you are in the Convention Center. If you have one and you are there, this legislation permits, under and in accordance with State and local law, the surrender of that firearm for the time of keeping or refuge in the center. That is what it does. So we have a good balance between the second amendment rights of our fellow citizens, the responsibilities of the Coast Guard, protection of the Coast Guard against frivolous actions, and protection of fellow citizens who operate in all good faith, shelters for victims of disaster. In that spirit, this legislation ought to be enacted, and we ought to support the bill and it ought to pass handily in this House.

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

Mr. KUHL of New York. Mr. Speaker, in conclusion, let me simply thank the subcommittee chairman of Emergency Management, Mr. SHUSTER, for bringing this bill through the subcommittee, and certainly Chairman YOUNG for moving the bill through the Transportation and Infrastructure Committee, and most importantly, I think we owe a great deal of thanks to Mr. JINDAL for recognizing a situation which was very, very, I am sure, difficult for some of the residents of his district and the people of New Orleans to face.

It is one thing to face a tragedy, but then also to be thrown into a situation where, in fact, you are not only

stripped of your guns, your means of protection, but you are stripped of your constitutional rights. And that was what was done to the people of New Orleans whose guns and protection for their family was actually occurring in front of their very eyes. So, you know, this body is all about adopting laws that are meant to face situations that we haven't faced before, and certainly Katrina was one of those instances we did not face before, a storm of this magnitude.

So, Mr. Speaker, I urge my colleagues to support this bill. I think it is a terrific bill to insure the second amendments rights to the people of not only New Orleans and future disasters, but certainly the people of this country. And I would urge all my colleagues to support it.

Mrs. CUBIN. Mr. Speaker, I hail from a state where we cherish the fundamental Second Amendment right of law-abiding citizens to own firearms. The Second Amendment is one of the most meaningful ways in which the founders of our great Nation worked to guarantee our freedom and liberty.

Nowhere does the principle of liberty exist more fully than in the right to protect yourself, your loved ones and your property. With the breakdown of law and order in New Orleans following Hurricane Katrina, thousands were confronted with grave threats to their health and safety. Calls to 911 went unanswered. Police failed to stop the violence and looting. Many of the law-abiding people of New Orleans were on their own to protect themselves.

I was outraged that authorities illegally confiscated firearms from many of these citizens at the time they needed them most. The government rendered individuals and families defenseless and helpless in the face of imminent danger. In one case, a search and rescue team was banned from assisting in relief efforts because some of them had firearms. There are also reports of officials arbitrarily searching homes, cars, and boats in search of firearms. This is not only unacceptable, it is a violation of our Nation's Constitution.

I cosponsored the Disaster Recovery Personal Protection Act of 2006 to ensure that the confiscation of firearms in New Orleans will not become a precedent for crises in the future. H.R. 5013 will prohibit federal officials, or state and local officials under federal control, from seizing firearms or restricting firearms possession outside of applicable federal, state or local law.

I urge my colleagues to support this important legislation, which makes it clear that citizens can count on their constitutional right to bear arms at times when they need it the most.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to oppose this bill, the Disaster Recovery Personal Protection Act.

As you may know, I am from Florida. I do not hide that fact and am very proud of it. Occasionally, we get hurricanes in Florida and it is dangerous for us to stay in our homes.

When I go to a shelter, I do not want to have to worry that the person next to me has a gun. The shelter is a safe haven, and if that man over there has a gun, I am not safe.

The police are there for a reason. If a person has a gun, that is a threat to the public safety.

Looting is bad. I do not deny that. However, possessions can be replaced. Things are just that: things.

Your life cannot be replaced.

Vote no on this bill today.

Let us debate this bill in Committee and hold hearings to hear all sides of the issue before we decide whether we are putting our first responders into greater danger.

Mrs. DRAKE. Mr. Speaker, I am proud to come to the floor today to voice my support for H.R. 5013, the Disaster Recovery Personal Protection Act.

In the wake of Hurricane Katrina, we heard reports regarding the seizure of firearms from law-abiding citizens by representatives of the federal government. I was disheartened by these reports.

As we know, the Second Amendment to the Constitution firmly establishes our right to keep and bear arms. This fundamental right is all the more necessary in the aftermath of a major disaster when government is unable to provide reliable protection from crime. The denial of this right by federal officials in the aftermath of Katrina was deplorable.

The Second Congressional District of Virginia, which I represent, encompasses the entire Atlantic coastline of the Commonwealth. While we have not experienced a natural disaster on the scale of Hurricane Katrina, the Second District is itself very susceptible to the threat of Hurricanes and other natural disasters.

With enactment of this legislation, we will codify the right of law-abiding citizens in areas affected by disasters to be able to protect themselves, their families, and their property.

I am a cosponsor of the Disaster Recovery Personal Protection Act because I believe this Congress should be committed to protecting our Constitutional right to keep and bear arms. I am proud to support this legislation and I urge my colleagues to do the same.

Mr. KUHL of New York. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 5013, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KUHL of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING ADDITIONAL APPROPRIATIONS FOR THE KENNEDY CENTER

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5187) to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

The Clerk read as follows:

H.R. 5187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.

(a) MAINTENANCE, REPAIR, AND SECURITY.—Section 13(a) of the John F. Kennedy Center Act (20 U.S.C. 76r(a)) is amended—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking '', 2006, and 2007.'' and inserting ''and 2006; and''; and

(3) by adding at the end the following:

''(3) $19,100,000 for fiscal year 2007.''.

(b) CAPITAL PROJECTS.—Section 13(b) of such Act (20 U.S.C. 76r(b)) is amended—

(1) in paragraph (1) by striking ''and'' at the end;

(2) in paragraph (2) by striking '', 2006, and 2007.'' and inserting ''and 2006; and''; and

(3) by adding at the end the following:

''(3) $20,000,000 for fiscal year 2007.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5187.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5187 was introduced by Chairman YOUNG and Ranking Member OBERSTAR on April 25, 2006. The bill amends the John F. Kennedy Center Act to authorize additional appropriations for the Kennedy Center for fiscal year 2007.

The current authorization for fiscal year 2007 is $36 million for the capital projects and the maintenance, repair and security accounts. H.R. 5187 raises the previously authorized level for fiscal year 2007 from $36 million to $39.1 million to align the authorized level with that requested in the President's budget.

The slight increase in authorization will allow the Kennedy Center to proceed with the scheduled renovation of the Eisenhower Theater. Programing for the theater has been cancelled because of the renovation. It is critical that renovation proceed as scheduled to minimize the time the theater is offline. The additional authorization will also allow the Kennedy Center to continue necessary operations, maintenance requirements, including many life safety upgrades.

H.R. 5187 will help ensure that the Kennedy Center is authorized to use all funds appropriated in support of the President's budget for fiscal year 2007.

I support this measure, and urge my colleagues to do the same.

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

Mr. OBERSTAR. Mr. Speaker, the gentleman from Pennsylvania has indeed explained the principal provisions

of the bill. We did here increase the capital program authorization to $20 million for fiscal 2007 from the current $18 million. And we increase the maintenance, repair and security authorization to $19.1 million, from the previous level of 18 million. That will allow the Center to proceed with renovation of the Eisenhower theater, and life safety projects associated with the roof terrace.

A major assessment of the Center indicated needs to enhance safety, and these are costs in addition to what the Center is capable of providing, so the authorization level will be consistent with those recommendations.

And the bill is also consistent with the administration's budget request to provide funding, and for the appropriation amounts included in the Interior, Environment and Related Agencies Appropriation bill.

The Kennedy Center is the Nation's outstanding center for the performing arts. It is a world renowned center for the performing arts, and is a national treasure. It is, in fact, a national historic site. It is under the jurisdiction of the Committee on Transportation and Infrastructure. We treat it as a national treasure.

These are investments in the future well-being of that structure. And the investments that we have made through this committee over many years at the time that the chairman of the subcommittee, the gentleman from Pennsylvania, Mr. SHUSTER, and the previous chairman of the full committee, Mr. SHUSTER, has seen to the needs, the investment that keep this Center for the Performing Arts a world premiere facility.

As President John F. Kennedy said, ''a Nation without the arts has nothing to look backward to with pride, nor forward to with hope.''

The investment that we make in the facility of the Kennedy Center for the Performing Arts allows us to look forward with hope to the grandeur and the joy of the spirit, the human spirit that is provided by the performing arts.

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

Mr. SHUSTER. Mr. Speaker, we have no further speakers. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 5187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS IN SUPPORT OF A NATIONAL BIKE MONTH

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 145) expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling.

The Clerk read as follows:

H. CON. RES. 145

Whereas there are over 57 million adult cyclists in the United States;

Whereas it is estimated that 100 million United States citizens of all ages cycle each year;

Whereas 5 million United States citizens commute by bicycle to work;

Whereas the bicycle industry generates more than $5 billion dollars a year and is an important part of the economy of the United States;

Whereas recreational cycling is a safe, low-impact, aerobic activity for all ages;

Whereas when an individual cycles as a form of regular exercise, the health of the individual may be increased;

Whereas a national bike month would provide an opportunity to educate United States citizens about the importance of bicycle safety and the health benefits of cycling;

Whereas most communities in the United States officially recognize May 20th as Bike to Work Day; and

Whereas the month of May has officially been celebrated as National Bike Month by the League of American Bicyclists and the majority of the international cycling community since 1956: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) United States citizens should observe a national bike month to educate citizens of the United States about the importance of bicycle safety and the health, transportation, recreational, and environmental benefits derived from cycling;

(2) health and transportation professionals and organizations should promote bicycle safety and the benefits of cycling; and

(3) United States citizens should salute the more than 57 million cyclists in the United States and the national and community organizations, individuals, volunteers, and professionals associated with cycling for promoting bicycle safety and the benefits of cycling.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Con. Res. 145.

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

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Since 1956, the international cycling community and the League of American Bicyclists have celebrated May as National Bike Month. This resolution expresses the sense of Congress that U.S. citizens should observe a National Bike Month.

Over 100 million American citizens of all ages cycle each year. In addition, 5 million people commute by bike to work.

But these people are the exception, not the rule. Over 57 million people in the United States are overweight. 78 percent of Americans do not meet the recommended basic levels of activity.

During this time when childhood obesity and type II diabetes are rising at alarming rates, it is important that we encourage people to a more active lifestyle.

Cycling is a safe, low impact, aerobic activity for all ages. As more people participate in activities such as cycling, the recent trends in obesity and type II diabetes can be reversed.

Mr. Speaker, as a member of the Bike Caucus and cosponsor of this bill, I support efforts to publicize the benefits of cycling and of bicycle safety. My home State of Wisconsin is a leader among the States in the number of trails our residents can enjoy and more than half a million people in Wisconsin ride a bike at least once a month.

On the business side, we are the proud home of manufacturers of bikes and bike products. Even the President of the United States rides a Trek, headquartered in Wisconsin, as does seven-time Tour-de-France winner Lance Armstrong.

Mr. Speaker, I urge all of my colleagues to support H. Con. Res. 145. By establishing a National Bike Month we are providing the opportunity to educate people about the importance of bicycle safety and the health benefits of cycling.

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

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the 50th year we have observed Bike Month, and it has been somewhat delayed coming to the floor this year, but I think it is all the more significant.

We just witnessed this last week, American Floyd Landis in his heroic victory in the Tour-de-France, just in time for him to proceed with surgery to replace his hip.

We have watched this summer as gasoline prices have exceeded $3 a gallon across the country, and record high oil prices. To say nothing of the continued congestion, pollution and parking nightmares suffered by so many Americans. It is appropriate for us to reflect on the contributions of the bicycle today and its potential for the future.

□ 1530

The bicycle is the most efficient form of urban transportation yet designed by man. It is fun, healthy, inexpensive. It is often identified with kids; and that is appropriate. We are working hard to make it safe and attractive for children. The recent reauthorization of the Surface Transportation Act authorized almost two-thirds of $1 billion for our historic Safe Routes to School program. We are watching safety education for young cyclists around the country.

But it is important to note, as my colleague from Wisconsin pointed out, that this is not just for children. We do have over 57 million Americans who take part in cycling as part of their regular routine. It is the seventh most popular recreational activity in America.

It is also serious transportation. Those 5 million American bicycle commuters that my colleague referenced in his comments a moment ago burn 90,000 calories a year for a 5-mile commute on average instead of seven barrels of oil, a savings of 35 million barrels of oil at a time when we are concerned about our energy dependence on oil from imported sources.

It is serious in terms of our economy. That commuter who was cycling was saving money. I did a little back-of-the-envelope calculation. Since I came to Congress 10 years ago and made a decision that I was going to bring a bicycle to our Nation's capital instead of an automobile, I have been able to save, conservatively, $40,000.

The economic impact goes beyond individuals who use bikes. It is a significant part of our Nation's economy, somewhere between $5.5 billion and $6 billion a year in economic activity just in terms of the direct bicycle industry. Worldwide there are three times as many bicycles manufactured as cars, and even in the United States we sell more bikes than automobiles. There are some 5,000 independent specialized bicycle shops around the country, 2,000 companies that are involved with the marketing of bicycles, and manufacture of accessories.

In my community, we have recently completed an economic impact statement for cycling in Portland, Oregon. We have been able to identify well over 800 jobs and over $63 million in direct economic impact in our little community. It has dramatic ripple effects across the country.

We are also seeing an explosion in the number of bicycle events, in my community, every day across the country, hundreds of them. Bicycle tourism has assumed a very significant role, starting with the historic Ragbride, the ride across Iowa. State after State are now involved with similar activities. Oregon has the Cycle Oregon, a week-long adventure that often is sold out the day that the route is announced. But there are others in terms of mountain bike adventures, cycling events on behalf of charity. This is an important mixing of charitable, economic, and recreational activity.

Our celebration of cycling also should include reflecting on the effects of integrating bicycling into the fabric of our community. There is nothing that is a better expression of a livable community. Indeed, some would suggest that a family that is able to cycle safely down the street is an indicator species of a livable community. Making bicycles available on transit vehicles, having bike parking, all of these make a difference in terms not just of the adventure but the utility of cycling in everyday life.

Mr. Speaker, since we formed the Bicycle Caucus here in Congress, and my colleague referenced his membership, we have 164 bike-partisan members of the Congressional Bicycle Caucus that are active in terms of not just promoting some recreational activity on the Hill for Members, their families and staff but also advocating on behalf of cycling in our Nation's capital and around the country.

We have been able, through a collective effort, to invest in the most recent reauthorization, not just the two-thirds of $1 billion I mentioned for Safe Routes to School but some $4.5 billion of bicycle path trail amenities, several thousand projects that are priority projects of Members. It seems that every Member that I talked to has a bicycle story, something that makes a difference to them individually or to their community.

We are celebrating Bicycle Month and its importance to the country not a moment too soon. Cycling is important for the health of our citizens. It is playing a larger role for the health of our economy and our environment and literally the health of our communities and our planet. We are recognizing not just a Bicycle Month but the role in cycling in making a livable community, making all our families safer, healthier, and more economically secure.

Mr. OBERSTAR. Mr. Speaker, I strongly support H. Con. Res. 145 to recognize May as National Bike Month and to acknowledge efforts of bicycling advocates to promote the limitless benefits of cycling, including reduced congestion, healthier lifestyles, and an environmentally friendly and efficient mode of transportation.

May has officially been celebrated as National Bike Month by the cycling community since 1956 to educate Americans about bike safety and the benefits of cycling.

H. Con. Res. 145 provides an opportunity to salute the more than 100 million people of all ages who cycle each year, and the national and community-based volunteers and professionals associated with cycling for promoting bicycle safety and the benefits of cycling.

Bicycling is the most efficient form of urban transportation in history. This transportation choice helps ease congestion on our roads and reduce environmental pollution while allowing cyclists to incorporate exercise into their everyday lives.

National Bike Month has inspired countless bike rides, safety inspections, commuter challenges, ribbon cuttings, share the road promotions, and other varied celebrations of bicycling in communities throughout the Nation.

Bicycling became popular in the 1880s, when cyclists formed the League of American Wheelman—still in existence and now called the League of American Bicyclists. The league began the first organized lobby for better roads, literally paving the road for the automobile.

This body has had a major hand in encouraging greater use of human-powered travel modes, increasingly recognizing the importance of bicycling as an alternative to travel by motorized vehicles by providing unprecedented funding opportunities in the Nation's surface transportation bill.

Funding provided in the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users, SAFETEA–LU, will further help communities change transportation habits by building bike lanes and paths, adding sidewalks, installing crosswalks and organizing safer, more efficient ways for children to get to school.

I want to thank my colleague from Oregon for introducing this important resolution, and I want to thank this body for continuing to recognize the important role that cycling plays in our Nation's transportation system.

I urge my colleagues to join me in supporting H. Con. Res. 145.

Mr. BLUMENAUER. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 145.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING CANDIDATES FOR DRIVER'S LICENSES

Mr. PETRI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 235) expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

The Clerk read as follows:

H. CON. RES. 235

Whereas many people in the United States who are blind or otherwise visually impaired have the ability to travel throughout their communities without assistance;

Whereas visually impaired individuals encounter hazards that a pedestrian with average vision could easily avoid, many of which involve crossing streets and roadways;

Whereas the white cane and guide dog should be generally recognized as aids to mobility for visually impaired individuals;

Whereas many States do not require candidates for driver's licenses to associate the use of the white cane or guide dog with potentially visually impaired individuals; and

Whereas visually impaired individuals have had their white canes and guide dogs run over by motor vehicles, have been struck by the side-view mirrors of motor vehicles, and have suffered serious personal injury and death as the result of being hit by motor vehicles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that each State should require any candidate for a driver's license in such State to demonstrate, as a condition of obtaining a driver's license, an ability to associate the use of the white cane and guide dog with visually impaired individuals and to exercise

greatly increased caution when driving in proximity to a potentially visually impaired individual.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 235.

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

There was no objection.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 235 expresses the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

Each year too many visually impaired individuals have their white canes and guide dogs run over by motor vehicles or are struck by the side-view mirrors of motor vehicles. Others suffer serious personal injury and death as a result of being hit by cars.

Unfortunately, many States do not require candidates for driver's licenses to demonstrate the ability to associate the use of the white cane or guide dog with potentially visually impaired individuals. With a little education by the States and some extra attention paid by drivers, we can greatly improve the safety along our surface streets for those individuals who are visually impaired.

Mr. Speaker, I want to commend the sponsor of this resolution, our colleague LANE EVANS, who will be leaving the Congress at the end of the year. Representative EVANS has always been a champion of our Nation's veterans, and this resolution has the strong support of veterans groups and other organizations. Representative EVANS has long had a record of distinguished public service, and our thoughts are with him at this difficult time.

Mr. Speaker, I urge the passage of House Concurrent Resolution 235.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 235.

House Concurrent Resolution 235 expresses the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greater increased caution when driving in the proximity of visually impaired individuals.

More than 1 million individuals are blind in the United States. Even more are visually impaired. Many of these individuals are veterans. These individuals face many obstacles in their daily lives and travel. The white cane and the guide dogs have become means to gain greater independence and mobility. The white canes have become one of the symbols of a blind person's ability to come and go on their own.

Unfortunately, many States do not require candidates for driver's licenses to associate the use of white canes or guide dogs with potentially visually impaired individuals. Many drivers are not aware of the white cane as a symbol of a visually impaired or blind individual. And, tragically, hundreds of visually impaired individuals have had their white canes and guide dogs run over by motor vehicles and have suffered serious personal injury and death as a result of being hit by cars.

If our Nation's visually impaired are to maintain their independence, it is important that drivers understand and respect State white cane laws. With a little education by States and some extra attention paid by drivers, we can greatly improve safety along our streets for those individuals who are visually impaired. H. Con. Res. 235 will make pedestrian travel a little safer for visually impaired individuals using mobility aids.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. EVANS) for introducing this legislation. Mr. EVANS has been a friend and mentor to me during my 10 years of serving on the Veterans' Affairs Committee.

I urge my colleagues to give this resolution their full support.

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

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our distinguished colleague from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I thank the gentleman from Wisconsin, Chairman PETRI, for yielding me this time.

I would like to thank Congressman LANE EVANS for his leadership on this matter. Congressman EVANS and I serve together on the Veterans' Affairs Committee, and he is a tireless advocate for all veterans. I also want to thank Chairman PETRI for his leadership and support of the legislation.

H. Con. Res. 235 proposes that all States require that candidates for driver's licenses demonstrate the knowledge to use increased caution when driving in the vicinity of what may be a visually impaired individual.

As a member of the Veterans' Affairs Committee, I appreciate all the hard work the Blinded Veterans Association has done to support this legislation. The Blinded Veterans Association has received hundreds of letters and e-mails concerning individuals who have had their white canes hit or have been hit themselves in crosswalks by drivers who are unaware of what a white cane or guide dog indicated.

As an optometrist, I know firsthand that many people with visual impairments live normal, independent lives. They too should be able to travel without fear. Unfortunately, many States do not require people who are applying for driver's licenses to indicate awareness in regards to recognition of visually impaired pedestrians. Simple education can greatly increase the much-needed protection for visually impaired fellow citizens.

Again, I would like to thank Congressman EVANS for his leadership on this matter, and I urge my colleagues to support House Concurrent Resolution 235.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

As you heard, this resolution has been fully supported by major associations for the blind, principally, the American Council for the Blind, the American Foundation for the Blind, and the Blinded Veterans Association.

□ 1545

It also has the support of the American Association of Motor Vehicle Administrators.

I want to thank the chairman and ranking member of the House Transportation Committee for this resolution introduced by my good friend, Congressman LANE EVANS. I urge my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I strongly support House Concurrent Resolution 235, expressing the Sense of Congress that States adopt procedures for driver's lioense education or I certification that improve driver awareness of the white cane or guide dog used by vision-impaired pedestrians.

There are 1.5 million visually impaired Americans, who seek to gain and maintain their mobility independence.

Through the agile use of the white cane, or a guide dog, our visually impaired citizens move about independently in their sight-limited world.

Unfortunately, America's drivers do not always recognize the white cane or guide dog as a warning that the user is visually impaired or blind. Many States do not require driver license candidates to associate the use of the white cane or guide dog with visually impaired individuals.

The visually impaired report they have had their white canes and guide dogs run over by motor vehicles, have been struck by sideview mirrors, and have suffered serious personal injury as a result of being hit by cars.

The National Highway Traffic Safety Administration (NHSTA) reports that 4,827 pedestrians were killed in 2003, and approximately 70,000 were injured. People who are blind and visually impaired face an increased risk of serious personal injury and death while maneuvering America's streets and intersections.

A heightened awareness by our Nation's drivers of what a white cane or guide dog indicates will remove a potential obstacle from the safe mobility of the visually impaired.

H. Con. Res. 235 is supported by the American Association of Motor Vehicle Administrators (AAMVA), the American Council for the Blind (ACB), and the Blinded Veterans Association (BVA).

H. Con. Res. 235 will help the blind find their way to the greater freedoms associated with safer mobility.

I thank the gentleman from Illinois (Mr. EVANS) and Ranking Member of the Committee on Veterans' Affairs for introducing this Concurrent Resolution.

I urge my colleagues to join me in supporting H. Con. Res. 235.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in support of the legislation introduced by my good friend from Illinois, LANE EVANS.

I have worked for years with the distinguished Ranking Member on the Veterans Committee and am sorry to see him leave this fine institution. I have been blessed to have known him and this Congress will be diminished without him.

However, I am here to speak on legislation to improve driver awareness when driving around visually impaired persons.

There are 1.5 million visually impaired Americans.

The bill requests that every State in the country include information in the driver education material and driver license application manuals. Such information would instruct drivers of motor vehicles to approach persons with white canes or guide dogs with recognition that such individuals are blind and that extra caution should be exercised.

It is common sense legislation that will help save a life.

This legislation was passed by the House of Representatives in the 108th Congress, but could not come to an agreement with the Senate before the end of the session. I hope we can agree to this legislation and pass it before the end of this Congress.

Ms. JACKSON–LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 235, a resolution that would require candidates for driver's licenses to demonstrate an ability to exercise heightened caution when driving in the proximity of a potentially visually impaired person. It would also require these candidates to be able to relate the use of the white cane and guide dog with visually impaired individuals.

Each year, dozens of visually impaired persons are involved in car collisions. For example, a blind person may be crossing a street intersection and be hit by a reckless driver. There is simply no reason for a driver to strike a visually impaired pedestrian. H. Con. Res 235 will help to reduce the likelihood of this happening in the future by educating drivers about visually impaired persons. This resolution will therefore help to safeguard visually impaired individuals and make our streets safer.

I strongly support H. Con. Res 235, and I urge my colleagues to join me in supporting it.

Mr. MICHAUD. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RAILROAD RETIREMENT TECHNICAL IMPROVEMENT ACT OF 2006

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5074) to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes.

The Clerk read as follows:

H.R. 5074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Railroad Retirement Technical Improvement Act of 2006''.

SEC. 2. DISBURSEMENT AGENT.

Section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) is amended so that subparagraph (A) reads as follows:

''(A) The Secretary of the Treasury shall serve as the disbursing agent for benefits payable under this Act, under such rules and regulations as the Secretary may in the Secretary's discretion prescribe.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Florida (Ms. CORRINE BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5074.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this bipartisan legislation. In 2001, after several years of intense labor management negotiations, the most comprehensive reform of the railroad retirement system in nearly 2 decades was enacted. The ERISA-type investment trust in which Tier II pension assets are invested has been performing extremely well. Payroll tax rates have gone down for both the railroads and workers, benefits have increased and the investment trust has experienced a nearly 50 percent growth in asset value in those 5 short years.

At the time of the 2001 legislation, we included a retirement that Tier II pension benefit checks be issued through a private contractor. This rested on the belief, since proven wrong, that this would be more efficient than continuing the use of the Treasury for this purpose.

In fact, the Railroad Retirement Board, the trustees of the investment trust and the Congressional Budget Office have all found that by using an outside disbursing agent, actually costs to the program are increased by $2 million a year more than they would have been if we had used the Treasury.

As a temporary expedient, the mandate to use an outside disbursing agent has been legislatively postponed in appropriations measures since 2001, but is it is obviously time to make the correction permanent. H.R. 5074 does this by amending the permanent Railroad Retirement Act to designate the U.S. Treasury as the disbursing agent for the benefits.

This legislation has been fully bipartisan from the outside. I particularly want to commend the chairman of the full committee, Mr. YOUNG, the ranking member of the full committee, Mr. OBERSTAR, and my ranking member on the subcommittee, Ms. BROWN, for their leader in moving this bill forward expeditiously. It means greater efficiency for a system that is critical to the well-being of the Nation's retired railroad workers and deserves the endorsement of the House.

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my chairman for his strong leadership on the committee. I am proud that our Railroad Subcommittee has been dedicated to protecting and improving the retirement benefit the hard-working employees who are part of the railroad retirement system. Too often we look at an industry and we forget about the devoted men and women who are working very hard every day to serve their customers.

This legislation teaches us a very valuable lesson, particularly as we begin to debate legislation sunsetting Federal agencies. We learn that sometimes government can do better and cheaper than the private sector can. I want to repeat that. Sometimes government can do better and cheaper than the private sector can.

In 2001, the Railroad Retirement and Survivors Improvement Act made several changes to the railroad benefit system, including requiring the Railroad Retirement Board to contract with a private firm for distributing Tier II benefits. However, the Railroad Retirement Board quickly learned that an outside company would cost $3 million more than using the U.S. Treasury Department.

Since the 2001 legislation was enacted, the Appropriations Committee has provided a waiver for this requirement, but this bill would permanently make the U.S. Treasury Department the distribution agent for Tier II railroad retirement benefits and end the need for this yearly benefit.

This plan was proposed by the Railroad Retirement Board and the Railroad Retirement Investment Trustees and is supported by both railroad management and labor. I urge my colleagues to support speedy passage of this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5074, the Railroad Retirement Technical Improvement Act of 2006. This legislation, requested by the Railroad Retirement Board (Board), amends the Railroad Retirement Act to provide for continued payment of railroad retirement annuities by the U.S. Department of the Treasury.

Although the Railroad Retirement Board could use a private, nongovernmental disbursing agent for payment of railroad retirements benefits, as outlined in the Railroad Retirement and Survivors' Improvement Act of 2001, the Board has determined that utilizing a private disbursing agent would cost considerably more than continuing to have the Treasury Department make the payments. The annual cost of paying railroad retirement benefits through the Department of Treasury is about $800,000. In contrast, initial procurement inquiries have indicated that the first-year costs of paying railroad retirement benefits under contract with a private disbursing agent would be more than $3 million and, approximately $2.3 million in each subsequent year.

These substantial costs would be borne by the railroad retirement trust funds, which were established to support the disability, retirement and survivor benefit programs provided for railroad workers and their families under the Railroad Retirement Act. The Board believes that using a nongovernmental disbursing agent would diminish service to its railroad worker beneficiaries.

Finally, the Railroad Retirement Board and the Board's Inspector General believe that using a nongovernmental disbursing agent would make it more difficult to collect incorrect payments and other Federal debts because the agent would not have the considerable debt collection tools of the Treasury Department.

For all of these reasons, the Railroad Retirement Board has sought and received deferrals of the private disbursing agent requirement via annual appropriations acts in prior years.

This legislation amends the underlying statute to authorize the continued use of the Department of the Treasury for such disbursements.

At the time of consideration of the Railroad Retirement and Survivors' Improvement Act in 2001, I had reservations about the claims that a private disbursing agent would save money. The Board's estimates that the private sector would cost millions of dollars more per year have confirmed my suspicions. In this case, as in many others, despite claims of ''the private sector can do it better and cheaper'', the facts show that the government is able to do the job most efficiently, effectively, and cheaply. I am pleased that we are able to revisit this issue today.

I strongly support the bill and urge my colleagues to support it.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5074.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMEMORATING 60TH ANNIVERSARY OF HISTORIC 1946 SEASON OF BASEBALL HALL OF FAME MEMBER BOB FELLER

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 449) commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

The Clerk read as follows:

H. CON. RES. 449

Whereas Robert William Andrew Feller was born on November 3, 1918, near Van Meter, Iowa, and resides in Gates Mills, Ohio;

Whereas Bob Feller enlisted in the Navy 2 days after the attack on Pearl Harbor in 1941;

Whereas, at the time of his enlistment, Bob Feller was at the peak of his baseball career, as he had been signed to the Cleveland Indians at the age of 16, had struck out 15 batters in his first Major League Baseball start in August 1936, and established a Major League record by striking out 18 Detroit Tigers in a single, 9-inning game;

Whereas Bob Feller is the first pitcher in modern Major League Baseball history to win 20 or more games before the age of 21;

Whereas Bob Feller pitched the only opening day no-hitter in Major League Baseball history;

Whereas, on April 16, 1940, at Comiskey Park in Chicago, Bob Feller threw his first no-hitter and began the season for which he was awarded Major League Baseball Player of the Year;

Whereas Bob Feller served with valor in the Navy for nearly 4 years, missing almost 4 full baseball seasons;

Whereas Bob Feller was stationed mostly aboard the U.S.S. Alabama as a gunnery specialist, where he kept his pitching arm in shape by tossing a ball on the deck of that ship;

Whereas Bob Feller earned 8 battle stars and was discharged in late 1945, and was able to pitch 9 games at the end of that season, compiling a record of 5 wins and 3 losses;

Whereas 60 years ago, amid great speculation that, after nearly 4 seasons away from baseball, his best pitching days were behind him, Bob Feller had 1 of the most amazing seasons in baseball history;

Whereas, in the 1946 season, Bob Feller pitched 36 complete games in 42 starts;

Whereas, on April 30, 1946, in a game against the New York Yankees, Bob Feller pitched his second career no-hitter;

Whereas, in 1946, Bob Feller pitched in relief 6 times, saving 4 games;

Whereas, in 1946, Bob Feller routinely threw between 125 and 140 pitches a game, a feat not often seen today;

Whereas, in 1946, Bob Feller pitched 371⅓ innings and had 348 strikeouts;

Whereas, in 1946, Bob Feller had an earned run average of 2.18;

Whereas, in 1946, a fastball thrown by Bob Feller was clocked at 109 mph;

Whereas Bob Feller was the winning pitcher in the 1946 All Star Game, throwing 3 scoreless innings in a 12–0 victory by the American League;

Whereas, in 1946, Bob Feller led the American League in wins, shutouts, strikeouts, games pitched, and innings;

Whereas the baseball career of Bob Feller ended in 1956, but not before pitching his third no-hitter against the Detroit Tigers on July 1, 1951, pitching 12 1-hit games, amassing 266 victories and 2,581 strikeouts, and leading the league in strikeouts 7 times;

Whereas Bob Feller was inducted into the Baseball Hall of Fame in 1962; and

Whereas Bob Feller, a beloved baseball figure known as ''Bullet Bob'' and ''Rapid Robert,'' placed service to his country ahead of playing the game he loved and is a decorated war veteran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress commemorates the 60th anniversary of the 1946 season of Bob Feller and his return from military service to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include Dextraneous material on H.Con.Res 449.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. LATOURETTE. Mr. Speaker, I want to, first of all, thank the chairman of the full committee, Mr. DAVIS of Virginia, for moving this legislation forward. This measure recognizes my constituent, Baseball Hall of Famer Bob Feller, for his military service to our country and also commemorates the 60th anniversary of his greatest baseball season.

It is my honor to have introduced this measure, together with a number of our colleagues that you will hear from this afternoon, and it will be our honor to host Bob Feller tomorrow when he visits Capitol Hill on the eve of his trip to Cooperstown for the annual Hall of Fame weekend.

Mr. Speaker, in 1941, Bob Feller was at the peak of his baseball career. The right-hander from Van Meter, Iowa, had signed with my beloved Cleveland Indians at the age of 16 and became an instant sensation. Feller made quick work of rewriting the record books and thrilling fans. In his first major league start, he struck out 15 St. Louis Browns.

In 1938, Feller established a new major league strikeout record by striking out 18 Detroit Tigers in a single nine-inning game. He was the first pitcher in modern major league history to win 20 or more games before the age of 21.

He pitched his first no-hitter on opening day at Comiskey Park against the Chicago White Sox on April 16,

1940. It remains today as the only no-hitter ever thrown on a major league opening day.

Two days after the attack on Pearl Harbor, Mr. Speaker, in 1941, Bob Feller did what seems almost unthinkable with some of today's professional athletes. A month after his 23rd birthday, he enlisted in the Navy and volunteered for combat, placing service to his country above the sport he loved. It didn't matter that his father was dying of cancer and that his mother and sister depended upon him for financial support. His country needed him, and Feller didn't think twice.

Bob Feller was sworn in by heavyweight champion Gene Tunney and was off to fight in World War II.

For the next 44 months, Feller's life was devoted to his country and his fellow sailors aboard the USS Alabama, where he served as an anti-aircraft gunner. Feller participated in the famous 1944 Battle of the Marianas Turkey Shoot, where 219 of Japan's 326 planes were downed in a single day. He has called the Marianas shootout the greatest day of his life. He left the Navy a war hero, earning eight battle stars.

Bob Feller missed nearly four full seasons to defend our great Nation and returned at the end of the 1945 season just in time to pitch a handful of games. He tried to keep his fastball in shape during the war, often tossing the ball on the deck of the Alabama. Still, there were a number of whispers that perhaps his best days were behind him.

Sixty years ago, in 1946, Feller silenced the critics. He had his best season ever, one for the record books and the stuff of Hollywood movies. The season reminds us why baseball is so revered.

In 1946, Feller pitched a remarkable 36 complete games in 42 starts. To gauge this feat, consider this: The five teams in the American League Central Division had just 35 complete games between them all of last year.

Feller led the American League in wins, shutouts, strikeouts, games pitched and innings. He struck out 348 batters, then a major league record.

In April of 1946, he pitched his second no-hitter, this time against the Yankees in New York. He went 26–15 with 10 shutouts, including the no-hitter, and had a career low 2.18 earned run average. He pitched in six relief games, saving four of them.

He pitched a total of 371–1/3 innings and often threw 125 to 140 pitches a game. He says today that he never iced his arm, if you can imagine that. He had a fastball clocked at 109 miles an hour that year, again, after a 4-year hiatus.

The Baseball Hall of Fame has said Feller's ''blazing fastball set the standard against which all of his successors have been judged.''

He was the winning pitcher in the 1946 All-Star Game and threw three scoreless innings in a 12–0 victory by the American League. He achieved all of this while my beloved Indians that year, 1946, only won 68 games.

Mr. Speaker, Bob Feller has been a member of the Baseball Hall of Fame since 1962. Purists can recite his stats: His three no-hitters, his 12 one-hitters, his 266 wins, his 2,581 strikeouts and his 18 years with the Indians.

What many sports fans don't know, however, is that none of these records or accolades are as important to Bob Feller as was his service to our country. Bob has said, ''It was more important for me to be in the military trying to protect the sovereignty of this country than playing professional baseball or any other sport.'' He also said that the only win he ever wanted was World War II.

Bob Feller today says that he is no war hero, but rather a survivor, because he is one of the lucky ones to have made it home.

Mr. Speaker, I would argue that ''Rapid Robert'' Feller is a hero in every sense of the word, both on and off the field. Now 87 years old and part of the Greatest Generation, he remains completely devoted to his sport, to the Indians, and to our men and women in uniform. He is a wonderful and selfless American.

I urge my colleagues to support the resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I must confess that I grew up as a Brooklyn Dodger fan, but I also confess that Bob Feller was one of the brightest stars in major league baseball.

Though only 5 years into his career in 1941 with the Cleveland Indians, he had already set the major league record for the most strikeouts in a game and for the most wins by a pitcher under the age of 21. He already had accomplished baseball's elusive and exhilarating no-hitter, and he had done so in an opening day game, no less. When the same season came to a close, Feller was named major league baseball's Player of the Year.

On the heels of that season, at a point of great promise and mounting reward, Feller took off the rich colors of his Cleveland Indians and put on the uniform of his country. Two days after the attack on Pearl Harbor, he left baseball to enlist in the Navy.

Feller fought as an anti-aircraft gunner aboard the USS *Alabama*. He served with valor for 4 years and earned eight battle stars for heroism. His service and sacrifice offer the kind of inspiration that warms people's hearts, energizes their spirits and awakens their faith in what man and woman can do for his or her country and for their fellow persons.

Feller missed nearly four full seasons of the game he loved, but the story of what Feller did upon his return to baseball adds nearly unbelievable athletic feats to the heroism he displayed at sea.

''Bullet Bob,'' as he was called, pitched a second no-hitter in 1946, his first full year back as a major league player. He also led the American League in wins, shutouts, strikeouts, games pitched and innings pitched that season. Feller went on to pitch for almost 10 more years and led the league in strikeouts in seven of those years.

The 60th anniversary of Feller's triumphant 1946 season and his return from military service to the United States is certainly cause for commemoration. They also give us cause for thanks and reflection upon a professional athlete who is a model in his play and in his principles for all generations.

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

□ 1600

Mr. LATOURETTE. Mr. Speaker, in my opening remarks I mentioned Van Meter, Iowa. It is now my pleasure to yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), who represents Van Meter, Iowa.

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding. As an original cosponsor of H. Con. Res. 449, I rise today in strong support of this resolution and urge my colleagues to vote in favor of it. Bob Feller may best be known for his heroics on the pitching mound, but Bob Feller is also a war hero who unselfishly put his baseball career on hold while he fought to save America, a true patriot, a native Iowan who deserves special recognition and great thanks from our Nation.

As a teenager in Van Meter, Iowa, Bob Feller's unique baseball talent was making headlines. At age 16, he was drafted by the Cleveland Indians. He immediately had an astounding impact on America's greatest pastime.

With a dominating fastball and commanding slider, Bob Feller was the first pitcher to strike out his age in a single major league baseball game, 17 strikeouts at 17 years of age.

Subsequently, Bob Feller would continue to etch his name in baseball's record books by being the only pitcher in history to throw an opening day no-hitter and the first to reach 20 wins in a single season, all by the age of 21.

But what is most impressive to me and most important to our country is the sacrifice Bob Feller made to defend America in what would prove to be the deadliest war in the history of mankind, World War II.

On December 8, 1941, just one day after the attack on Pearl Harbor, Bob Feller left the pitcher's mound to enlist in the Navy. Choosing America over baseball, this Major League Baseball Player of the Year forfeited an opportunity to be recorded as the greatest pitcher to ever live so he could join his fellow Americans in defense of America's freedom.

As an anti-aircraft gunman aboard the USS *Alabama*, Bob Feller battled Nazi Germany and its fascist allies. In the process he earned five campaign

ribbons and eight battle stars in a successful effort to save the world from tyranny.

Upon his return, Bob Feller would continue to make his mark on major league baseball, setting a Cleveland Indians franchise record of 266 wins, and was a unanimous choice for the Baseball Hall of Fame in his first year of eligibility in 1962.

Bob Feller, Iowa is proud of its native son, and this Nation is thankful for your service. Bob Feller's dedication and leadership deserve to be honored. Again, I urge my colleagues to support H. Con. Res. 449.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to another boy wonder of Cleveland, the gentleman from Ohio (Mr. KUCINICH).

Although he was not so much known as a young athlete, he was indeed the mayor of Cleveland before he was 30 years old. He is a distinguished Member of this body.

Mr. KUCINICH. Mr. Speaker, I thank my colleague for yielding me time. I also want to thank Mr. LATOURETTE for the work that he has done to bring this resolution to the floor of the House.

As someone who grew up in the city of Cleveland and had the opportunity as a young boy to watch the Cleveland Indians, or to listen to them on the radio, and to have had the opportunity to go to a baseball game with my father to see Bob Feller pitch, to dream that from that point to this moment that so many years later we would have the opportunity to personally recognize his achievements through this congressional resolution, for any of us who were Cleveland Indians fans back then to be here now in this Chamber, it is an honor for us.

Bob Feller epitomized everything that any of us ever hoped our professional athletes would be. In the fifties, there was a different type of iconography of professional athletes. They were people who we would aspire to emulate, people who carried with them not only exceptional prowess on the field, but also had stories of personal achievement that were so extraordinary.

The story then wasn't about how much money an athlete made. The story was about their quality of heart, and in Bob Feller's case, the quality of commitment to our Nation.

Is there any question that with the tremendous number of records he held in major league baseball that he could have set marks that would never, ever be reached had he pitched those 4 years in which he decided instead to serve his country at a much higher level.

But he enlisted in the Navy at the peak of his career, missing those four seasons, serving in World War II, served as an anti-aircraft gunner on the USS *Alabama*.

He earned five campaign ribbons and eight battle stars. Oh, yes, he played on eight All-Star teams as well. As a major leaguer, he took the Cleveland Indians to two World Series, in 1948 and 1954. I remember in the Kucinich household the World Series pennants from 1948, and I remember how proud we were of the fact that Bob Feller and then what was known as the Big Four of our pitchers helped to guide the Indians' fortunes for quite a few years.

We have such pride in our community and in baseball's link to the tradition of Cleveland, and Bob Feller has been an important part of that. He was elected to baseball's Hall of Fame in January of 1962 and inducted in July of the same year. As we know, he spent his entire career with the Cleveland Indians, from 1936 to 1956.

He pitched three no-hitters. And the first, as has been recounted, pitched on an opening day. Pitched his second no-hitter in 1946, and his third in 1951. He also pitched 12 one-hitters. Think about it: 12 one-hit games. And he won more than 20 or more games in a season six times.

Cleveland's Bob Feller, also known as Rapid Robert, amassed 226 wins and 2,581 strikeouts; led the league in strikeouts seven times during his career; voted the Cleveland Indians' Man of the Year twice.

Well, he is always going to be our baseball man of the year because he is someone who if you go outside of the Cleveland stadium, you will see a monument to Bob Feller. It shows him basically rearing back, ready to throw that fastball that always went over 90 miles an hour.

And it shows him in that perfect form of his youth, immortalized as the great pitcher. It also shows him as someone who carried with him the hopes and dreams of a community during times that were often very difficult. We love you, Bob Feller, and we love the fact that our Congress is recognizing not only what you have done for Cleveland, Ohio, but what you did for major league baseball and what you did for the morale of our country. Thanks, Rapid Robert.

Mr. LATOURETTE. Mr. Speaker, when we introduced this resolution with all of the folks that are speaking here today, we got a call from Representative GINGREY's office. I said to myself, well, he is not from Iowa, he is not from Cleveland, why would a guy from Georgia want to talk about Bob Feller? He is about to tell us.

It is my pleasure to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank Representative LATOURETTE and my colleagues from Ohio and Iowa, as obviously this is their native son, and to hear them talk about Bullet Bob. I, like so many of the male Members of this body in particular growing up in the early fifties had one of these invaluable collections of baseball cards and almost a complete collection for each team.

Right at the top of the stack for the Cleveland Indians was, of course, Bob Feller. I, later on, many years later in fact, met my wife. We married 36 years ago. And to tell you the thrill it was when I found out that her dad, Bill Ayers, who died in 1980 of a heart attack, was also a professional baseball player, in fact, a major league baseball player.

During those years I had an opportunity to pepper Bill with baseball questions. He was originally an Atlanta Cracker and had signed with the Atlanta Crackers when he was 19 years old. But listen to some of these similarities between Bullet Bob Feller and my father-in-law Bill Ayers.

Of course, Bob Feller was a Hall of Fame baseball player, and my father-in-law spent, I think, a year and a half in the majors, playing for the New York Giants under Leo Durocher. They were the exact same age, almost. Bob Feller born in November of 1918; my father-in-law, August of 1918. They both served in the military; interrupted a professional career. Bob Feller serving from 1941 to 1945 in the Navy; my father-in-law, Bill Ayers, serving under General Patton's Third Army 1943 to 1946 in the United States Army in Europe.

Of course, Bob Feller signed a contract, as we know, at age 16. My father-in-law signed a contract at age 19. They were both pitchers. I asked my father-in-law, Bill Ayers, one time about who was the greatest hitter he ever pitched against. And his answer was Joe DiMaggio.

I said, well, who was the toughest, the greatest pitcher that you ever batted against? And, Mr. Speaker, you know in those days there was no such thing as a designated hitter. And the Cleveland Indians and the New York Giants actually did their spring training in Tucson, Arizona. And my father-in-law, Bill Ayers, was pitching in an exhibition game against Bob Feller.

He told me, he said, Phil, without question, Bob Feller was the greatest pitcher that I have ever faced. He said, in fact, he batted against him one time, and he struck out on three straight pitches, never getting the bat off his shoulder.

I said, Bill, why didn't you swing at the ball? He said, because I never saw it. And as I read the resolution by Representative LATOURETTE and realize that Bullet Bob was throwing a 109 mile-an-hour fastball, it is understandable.

So for me to have an opportunity to take just a few minutes to relate that anecdote to my colleagues and say, God bless Bob Feller. Representative LATOURETTE assures me I will have an opportunity to meet him tomorrow.

I really look forward to that. I don't know if he will remember Bill Ayers, but certainly that is a great memory for me and my family.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I know that Dr. GINGREY had a great time in terms of all of those memories

and being as close to all of that action as he was. And so I would simply say that Bob Feller was indeed one of the greatest athletes that we have ever known; and this resolution is indeed a tribute to not only his athletic abilities, but his great spirit as an American.

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

Mr. LATOURETTE. Mr. Speaker, when we called up Bob Feller and said we were going to be doing this and invited him to Washington tomorrow, he said there are two people I need to see, my good friend Senator JIM BUNNING, who he knows, of course, from the Baseball Hall of Fame, and I have to see my great friend, SHERRY BOEHLERT, who represents Cooperstown, New York.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I have to start with a confession. And here is the confession: Bob Feller is one of my heroes.

I say that unabashedly. It is not because to me as the ultimate baseball junkie I appreciate the great game and the great players; it is not just because baseball's mecca, the Baseball Hall of Fame, is the epicenter of my district. No, I appreciate and applaud Bob Feller for all the things he has done on the diamond, but he is one of my heroes because of the person that he is, the guy inside.

I have been privileged to get to know Bob Feller quite well over the last several years. As a matter of fact, Memorial Day 2002, when the Baseball Hall of Fame announced the policy that forevermore all veterans would be admitted free into that shrine, the mecca of baseball, they had a special ceremony to recognize the greats of the game who served in the military when the Nation needed them most. And it was my high honor to present Bob Feller's submission.

□ 1615

There is there in the Hall of Fame this plaque, a great big plaque with some of the greats of the game, Ralph Kiner, Warren Spahn, Phil Rizzuto, all people who served in time of the Nation's need. But the one that got the most attention was Bob Feller. And I will tell you this, think about the dynamics. In 1941, 23-year-old ace of the Cleveland Indian staff, he won 23 games that year. His record was 23–15. What would that command in today's market? He would have 14 agents and he would have a gillion dollars' worth of offers from every club in the major leagues because pitching is such a premium. So this ace, this admittedly acknowledged one of the best in the business anywhere, 2 days after Pearl Harbor, became the first member of Major League Baseball to pack his belongings and sign up for his Nation. And he served with great distinction all during the war, World War II, in the U.S. Navy. And when he came back, he resumed his career. You know the rest of the story, so many of my colleagues have said it so well. He was just absolutely a breathtaking talent on the mound.

Mr. GINGREY reported on his father-in-law mesmerized by what he saw. He was just wonderful. But that typifies the inner man. He is wonderful every single day of his life, in his personal life, and I am privileged to salute Bob Feller and his very fine partner, his wife Ann. They are truly great Americans.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mr. LATOURETTE. Mr. Speaker, when we introduced this resolution, I was riding over for a vote yesterday and saw Mr. LEACH of Iowa, and his eyes lit up when I said we were going to do this, because he too has some remembrances that he wants to share about Bob Feller. It is now my pleasure to yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman particularly for bringing a resolution about this son of Iowa.

I might just mention, Bob Feller comes from a small county west of Des Moines called Dallas County. My family was originally from this county. This county produced a series of very fine athletes in a given era. One was our State's great hero, a Heisman trophy winner by the name of Nile Kinnick who lost his life in World War II. Another was a first cousin of Bob Feller's named Hal Manders. Hal also pitched major league baseball.

A number of years ago, Bob and Hal visited me here in Washington, and Hal gave me a small gift that I will treasure for the rest of my life. It was a picture of Bob Feller and Hal as ballplayers at about the age of 12, and they were oversized kids on a small team, and across the uniform was marked, I believe, the Braves. And I asked Bob Feller, what was the background of this little league team? And Bob said, you know, we lived kind of in the country, we didn't have a team, so our two fathers who were brothers-in-law started this team. And I said to Bob, well, what would have happened if your father and your uncle didn't start this team? And he said, well, I never would have pitched ball again.

And it is kind of a beautiful story for all of us, because what he was saying was that Bob Feller would not be Bob Feller if he didn't have a father who dedicated some time to starting a little league baseball team. And that is really the American system, the American dream, the American family. I think we give honor to Bob because we give honor not just to a great athlete, but to the idea of sport and to the idea and the ideals of American competition, which he has always reflected the best of. I thank you, Steve, for this moment.

Mr. DAVIS of Illinois. Mr. Speaker, simply to close, I would just simply reiterate that America has never known a greater athlete nor a greater spirit in terms of one who would interrupt his career as a professional athlete, join the military, and go and fight for a cause greater than the World Series. Bob Feller was a hero to thousands and thousands and thousands and will continue to be.

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

Mr. LATOURETTE. Mr. Speaker, in closing, I just want to thank everyone who spoke, Mr. BOEHLERT, Mr. LATHAM, Mr. KUCINICH, Mr. DAVIS, again, and thank Mr. DAVIS of Virginia and Mr. LEACH for talking about Bob Feller. I again would tell folks that at 87 years old, he will be here tomorrow, and, if schedules permit, I hope you take time to say hello to him. I urge passage of the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 449.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE ALPHA PHI ALPHA FRATERNITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

Mr. OSBORNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 384) recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans.

The Clerk read as follows:

H. CON. RES. 384

Whereas the Alpha Phi Alpha Fraternity was founded on December 4, 1906, by seven young men, respectfully known as the Seven Jewels, at Cornell University in Ithaca, New York;

Whereas Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, the founders of the Fraternity, recognized the need for a strong bond of brotherhood among African descendants in this country;

Whereas the aims of the Alpha Phi Alpha Fraternity are manly deeds, scholarship, and love for all mankind;

Whereas, for 100 years, the Alpha Phi Alpha Fraternity has played a fundamental role in the positive development of the character and education of more than 175,000 men;

Whereas the brothers of Alpha Phi Alpha have shared countless friendships and a common belief in the founding ideals of the Fraternity;

Whereas alumni from Alpha Phi Alpha include many noteworthy leaders in the areas of government, business, entertainment, science, and higher education;

Whereas the Alpha Phi Alpha Fraternity has 350 college campus chapters and 350 alumni chapters in 44 States, the District of Columbia, Africa, Asia, the Caribbean, and Europe; and

Whereas the Alpha Phi Alpha Fraternity continues to enrich the lives of its members who, in turn, carry out in their communities a commitment to service and the uplifting of humanity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity;

(2) commends all Alpha Phi Alpha brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and

(3) expresses its best wishes for the Alpha Phi Alpha Fraternity's continued success and growth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 384.

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

There was no objection.

Mr. OSBORNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 384 offered by my colleague, the gentleman from New York (Mr. HINCHEY). House Concurrent Resolution 384 honors the Alpha Phi Alpha Fraternity on the occasion of its 100th anniversary.

The Alpha Phi Alpha Fraternity was founded in 1904 at Cornell University in Ithaca, New York by seven young men who recognized the need to fill the void of social and cultural interaction on an Ivy League campus left behind by segregation. These founders, who came to be known as the Seven Jewels, were no ordinary achievers, for they had founded the first intercollegiate Greek-letter fraternity established for African Americans, no small feat given the racial attitudes of the time.

For 100 years, the Alpha Phi Alpha Fraternity has initiated more than 175,000 men. The goals of the fraternity are manly deeds, scholarship, and love for all mankind. I might add parenthetically that several of my student athletes over a number of years joined this fraternity. The successes of the fraternity have continued through the establishment of 700 collegiate and alumni chapters in 44 States, the District of Columbia, Africa, Asia, the Caribbean, and Europe.

Moreover, aside from being the first African American Greek-letter organization for college men, the Alpha Phi Alpha Fraternity was the first to integrate its membership in 1945. By doing so, they proved to the world that people of different ethnic backgrounds could effectively work together in peace.

In addition, the Alpha Phi Alpha Fraternity has implemented a number of national programs which have benefited the African-American community and all communities as a whole. The programs include, ''A Voteless People is a Hopeless People,'' which concentrates on voter registration and awareness, and the ''Go to High School, Go to College'' program, which focuses on the educational enrichment of African American youth. The fraternity also jointly leads programming initiatives with March of Dimes, Head Start, Boy Scouts of America, and Big Brothers and Big Sisters of America.

Lastly, the Alpha Phi Alpha Fraternity has played a fundamental role in the positive development in the character and education of these young men that has served as a foundation for success and achievements in all fields of endeavor, from the sciences, to education, to business, to professional athletics, and to public service.

Mr. Speaker, it is my pleasure to recognize and honor the Alpha Phi Alpha Fraternity for the celebration of its 100th anniversary, and commends all Alpha Phi Alpha brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3½ minutes to the sponsor of this resolution who represents the area where Alpha Phi Alpha was indeed founded, Representative Maurice Hinchey from New York.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to my friend and colleague, Mr. DAVIS, for providing me with this time. I also want to express my appreciation to my friends on both sides of the aisle for managing this resolution and allowing it the opportunity to come here to the floor this afternoon.

Cornell University is one of the most important and one of the most significant colleges and universities in America. It is an outstanding source of education, as well as a place of great scientific and other intellectual research. A great many events have taken place at Cornell University, located in Ithaca, New York, over the many years that it has been in existence.

Among those significant events was the founding of the Alpha Phi Alpha Fraternity, founded on December 4 of 1906. This first intercollegiate Greek-letter fraternity, which was established for African Americans, was founded at Cornell University, New York, which is located in the congressional district that I am honored to represent, and it was done so by seven college men at that time, Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy.

It is important that this resolution is passed today because obviously, this year marks the 100th anniversary of the founding of this fraternity. In fact, it happens not coincidentally this week the Alphas are holding a centennial convention right here in the Nation's capital of Washington, D.C.

Since its inception, the Alpha Phi Alpha Fraternity has played a very crucial role in the educational and character development of more than 175,000 men. Now this fraternity has 350 college campus chapters and 350 alumni chapters that are located in 44 of our States as well as the District of Columbia. It also has additional chapters in Africa, Asia, the Caribbean, and Europe. It has become in fact one of the most significant fraternities in the world.

Alpha Phi Alpha alumni include noteworthy leaders who serve in the areas of science, politics, the military, education, and social justice, and there are a large number of members of this fraternity who have served this country and then passed on. I will mention just a few of those outstanding Americans. They include Dr. Martin Luther King, Jr., W.E.B. DuBois, Justice Thurgood Marshall, and John H. Johnson. Alpha Phi Alpha alumni also include eight other distinguished colleagues in our House. They are CHARLIE RANGEL, BOBBY SCOTT, CHAKA FATTAH, GREGORY MEEKS, DANNY DAVIS, DAVID SCOTT, AL GREEN and EMANUEL CLEAVER. It gives me a great deal of pleasure, Mr. Speaker, to offer this resolution to the Members of our House, and I certainly hope it passes unanimously.

□ 1630

Mr. OSBORNE. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today to salute my brother fraternity, Alpha Phi Alpha, on the occasion of their centennial celebration and in support of H. Con. Res. 384, a resolution honoring the Alpha Phi Alpha fraternity as the first Greek letter fraternity established for African American men.

As a member of Alpha Kappa Alpha Sorority, Incorporated, the first female and sister sorority of Alpha Phi Alpha, I know well the hard work and dedication that goes towards their goals: their mission of education, their mission of civic engagement and participation, and their civil rights leadership.

I was extremely honored to be declared a Golden Soror at the fall Alpha Kappa Alpha's Boule last week.

The Brothers of the Black and Gold have watched their mission grow and evolve in the 100 years since the fraternity's founding. They have taken their original collegiate support system and expanded it to serve as a role model in high school and college mentoring programs, a practice that I as a former educator and school psychologist highly endorse as one of the best routes to success.

Their 70-year-old mission to increase civic participation by instilling the adage, ''A Voteless People is a Hopeless People,'' is still relevant today, as we just passed the Voting Rights Act amid some claims that it is no longer needed. Unfortunately, intimidation, threats, innuendo and deception are still used to discourage voter turnout; and so the Alphas, as they are known on college campuses, continue to lead the charge for a free vote and fair representation.

My last commendation to my brothers is to applaud them on their efforts to enshrine Dr. Martin Luther King, Jr.'s legacy by building a memorial to him on the National Mall. I was pleased to carry the legislation in the year 2003 authorizing such a monument to our Nation's foremost pacifist and civil rights legend where it belongs, in a highly visible, national area.

I know that the Alpha Phi Alpha fraternity is working in a determined way to raise the funds for the Martin Luther King, Jr., memorial; and I am pleased as usual to go into partnership with them in reaching their goal.

I want to congratulate them, all of you, my brothers of the Alpha Phi Alpha fraternity, for founding this long-lasting organization and for your tenacity in engaging us on crucial issues that transcend time.

Congratulations.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Education and the Workforce Committee, Judiciary Committee, and Budget Committee and known to those of us in the Alpha fraternity as Brother Constitutional Scholar.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding. Thank you, Brother Davis.

Mr. Speaker, it is truly an honor for me to congratulate Alpha Phi Alpha fraternity on our centennial celebration, commemorating 100 years of civil service and social progress.

Alpha Phi Alpha fraternity was founded on December 4, 1906, at Cornell University in Ithaca, New York, by seven young men known as the Seven Jewels. As the first intercollegiate Greek letter fraternity established for African Americans, Alpha Phi Alpha initially served as a brotherhood and study and support group for minority students at Cornell, but it also recognized the need to help correct the educational, economic, political and social injustices faced by African Americans.

From that, the foundation of Alpha Phi Alpha principles of scholarship, fellowship, good character and the uplifting of humanity were laid. Alpha Phi Alpha now has a presence on hundreds of college campuses as well as in hundreds of alumni chapters in 44 States, the District of Columbia, Africa, Asia, Europe and the Caribbean islands.

Over the years, Alpha Phi Alpha has played a fundamental role in the positive development of the character and education of more than 175,000 men, and it has been paramount in the fight to advance civil rights and enhance the socioeconomic status of all in American society.

Notable Alphas include Thurgood Marshall, W.E.B. DuBois, Adam Clayton Powell, Martin Luther King, Jr., Edward Brooke, Andrew Young, William Gray, Paul Robeson, and there are countless others who have served or now serve as leaders in government, business, entertainment, science and education.

Today, in Congress, the eight Members have already been identified, but I would like to mention at this time three national programs that have been designed by Alpha Phi Alpha to benefit the future of African Americans and humanity as a whole. Every Alpha chapter is committed to the implementation of these programs.

The Go-to-High-School, Go-to-College program was established in 1922 and focuses on the importance of African American youth completing secondary and collegiate education as a road to advancement. Statistics prove that school completion is the single best predictor for future success, and Alpha Phi Alpha is committed to promoting education among African American youth and the importance of completing one's education.

''A Voteless People is a Hopeless People'' began as an Alpha Phi Alpha program during the 1930s when many African Americans had the right to vote, but were prevented from doing so due to poll taxes, threats of reprisal, and lack of education about the voting process. The program, which focus on voter education and voter registration, also facilitates town meetings and candidate forums to improve political awareness and empowerment.

Project Alpha was started by a chapter in Chicago in the late 1970s and is now a national Alpha program implemented in collaboration with the March of Dimes Birth Defects Foundation. It is designed to provide education, motivation, and skill-building on issues of responsibility, relationships, teen pregnancy, and sexually transmitted diseases for young males 12 to 15 years of age. Project Alpha reaches hundreds of communities and thousands of teen males to teach them the importance of responsibility in their personal lives.

Mr. Speaker, on this centennial anniversary, it is my privilege to recognize the 100th anniversary of Alpha Phi Alpha fraternity; to commend all Alpha brothers, past and present, for their bond of friendship, common ideals and service to the community; and to wish Alpha Phi Alpha success in the next 100 years as it continues to enrich the lives of its members, its alumni, and through them, communities around the world.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3½ minutes to the gentleman from Georgia (Mr. SCOTT), an Alpha brother who holds a master's degree in business administration from the Wharton School of Business, a distinguished businessman before becoming an elected official, who hails from Atlanta, Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I thank very much Representative DAVIS, and what a pleasure it is to join all of my fellow Members of Congress on this historic day for this historic occasion, which is to truly recognize 100 years of sojourning for truth by this extraordinary fraternal organization.

I stand before you as living proof of the greatness of our Alpha Phi Alpha. I was brought into Alpha Phi Alpha when I was 18 years old, 1964, at Florida A&M University in the Beta Nu chapter, and it is not a stretch to say that if it were not for Alpha Phi Alpha, David Scott would not be standing in this prestigious place called the Congress of the United States, for I, like every Alpha member, and every Alpha brother, owe so much to the sturdiness of that organization to at an early age instill in so many young men, African American young men or boys and turn African American boys into men, to understand the importance of brotherhood, to understand the importance of commitment, of discipline, of focus, to learn early in your life that if you want to be something, if you want to be somebody, the first place you have to look is in the mirror because the answer lies deep within yourself.

1906 to 2006, 100 years of greatness that mirrors 100 years of greatness in the greatest country on the face of the Earth, the United States of America; and at every step of the way in that great journey of the last 100 years, the men of Alpha have played a pivotal role, all the way from World War I, where we had Alpha men who fought in Europe; all the way up through the Great Depression, when America had to go through the great economic throes that we did, men and women of Alpha worked in the work plant, worked right there with Franklin Delano Roosevelt's plan. When Franklin Delano Roosevelt looked America in the eye and said we do not have anything to fear but fear itself, Alpha was there to take that challenge.

Through World War II, Alpha men fought on the beaches of Normandy. All the way from the halls of Montezuma to the shores of Tripoli, Alpha men were there fighting for this country. And when the challenge came to desegregate the schools, the leader of

that, Thurgood Marshall, was an Alpha man who stood tall. And when the call came out, who would go for us and who shall we send to lead the charge in the civil rights movement, Martin Luther King stood strong, a 26-year-old man, and said here I am, Lord, send me. Alpha.

So it is with great feeling and great expression that I join every Member of this House of Representatives to give the proper respect to an organization on whose shoulders we in this House rest. We are eight Members of Alpha in this House, and we are so proud because as we look back through our history, we know that we stand here on the shoulders of Adam Clayton Powell. When there were only a few, maybe one, maybe two, African Americans that sat in this Chamber, it gave hope that we, too, could one day come.

I am so proud and I thank this House of Representatives for recognizing Alpha Phi Alpha.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3½ minutes to the distinguished gentlewoman from the great State of Texas (Ms. JACKSON-LEE) who, of course, is not an Alpha, but of course, she could indeed marry an Alpha man if she chose to do so, but a tremendous leader from the State of Texas.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, although this esteemed body is filled with aura and history, I might imagine that today there is more history, more aura, more feeling, more acknowledgment of the struggles and the success of the Alpha Phi Alpha fraternity. How many can claim 100 years?

And so today I rise to add my appreciation to the Members of Congress who are Alphas, in particular the men that are on this floor today, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, and Mr. SCOTT of Virginia, representing a wide array of men who are in the United States Congress who are Alpha brothers.

Might I just for a moment claim to be a sister of their fraternity as a member of the Alpha Kappa Alpha sorority, but that is not why we rise today.

It is worth noting Alpha brothers who are founding members of the Houston chapter and others who are part of that great chapter such as Gerald Womack, Prince Cartwright, Larry Green, James Ward and, yes, the former national President, Mr. Harry Johnson. Additionally, other such leaders are Horace William, Walter Criner, Lew Don Buney, Sr. and L.W. Garrett, and many, many other good brothers.

I salute the Alphas who has been here for 100 years of life and liberty and freedom and salute them for understanding the first line of defense is an education in their Go-to-High-School, Go-to-College program, and of course, A Voteless People is a Hopeless People.

Doing that for 100 years, 175,000 African American men have been educated in the fundamental role of developing character and education; but I think if we speak to the heart and soul of Alphas, I want to speak to their commitment to civil rights.

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I want to speak to their commitment, to the stairsteps of opportunity. I want to thank them for embracing a man like Thurgood Marshall, who had the good reason to, one, be an Alpha man but still stand in the courthouse door as he argued Brown versus Topeka Board of Education.

And, yes, who would have ever thought that this great august Capitol, that had not yet honored in completeness the life and legacy of Martin King, an Alpha, would have embraced the mission of the Alpha Phi Alpha Fraternity that decided that they would bring about this monument of honoring Dr. King and his legacy with a monument. For all the years to come, after 100 years, 120 years, 130, 200, 300 years, we will have the privilege of coming to the Capitol of the United States and because of the Alpha Phi Alpha Fraternity we will be able to look to the vision, the hope, the inspiration of Martin King.

So I believe that this resolution, authored by Mr. HINCHEY, who I express great appreciation for, is, in fact, needed as we honor Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, the founders of the fraternity. May they live in legacy forever. Congratulations. One hundred years doesn't come very often. Congratulations to this great and wonderful fraternity.

Mr. OSBORNE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time, and, first of all, I want to thank Representative HINCHEY from New York for introducing this resolution. I also want to thank my colleague from Nebraska for his management of the bill, Representative OSBORNE, a tremendous educator and legislator. And let me thank all of those who have spoken.

Mr. Speaker, when I think of Alpha Phi Alpha I think of its motto: First of all, servants of all, we shall transcend all. Alpha is a great service organization, and I want to congratulate our national president Daryl Matthews and brother Harry Johnson, who is leading the effort to build the Martin Luther King monument on the mall.

Alpha is a great role model for young boys and men seeking manhood. Every chapter has mentoring programs, educational programs, creating opportunity for young boys to become young men, and then to become the distinguished leaders that our country is so greatly in need of.

One of the things that I always liked about Alpha was that it helped one learn to communicate. And, of course, in my chapter, in order to get in, you had to say these poems and you had to go through all these processes. So I will end with this one:

Out of the night that covers me, black as the pit from pole to pole, I thank whatever gods may be for my unconquerable soul. In the fell clutch of circumstance I have not winced nor cried allowed. Under the bludgeonings of chance, my head is bloody but unbowed. It matters not how straight the gate, how charged with punishments the scroll, I am the master of my fate, I am the captain of my soul.

That is the teaching of the Alpha Phi Alpha Fraternity. We commend Alpha for its 100 years of existence.

Mr. Speaker, I yield my next 30 seconds to end to Mr. CHAKA FATTAH, from the great City of Brotherly Love, Philadelphia.

Mr. FATTAH. Mr. Speaker, could I ask the gentleman from Nebraska if he could yield another 30 seconds of his time?

Mr. OSBORNE. I would certainly yield the extra time.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Pennsylvania is recognized for 1 minute.

Mr. FATTAH. Mr. Speaker, I rise to acknowledge the 100 year anniversary of the Alpha Phi Alpha Fraternity, which is a great institution in our country and will be having its centennial conference starting tomorrow here in Washington.

As a member of the Alphas, I know of its reputation for academic involvement. One of the first programs of our fraternity was an effort to get young men to stay in school and to go to college, and our work here in the Congress continues that effort.

I want to welcome all the Alpha brothers from across the country and the world who are coming here to Washington, DC. It is a proud day for this great organization, and I thank the Congress for honoring this organization and its great contributions to our country.

Mr. DAVIS of Illinois. Mr. Speaker, I want to express my thanks to Dante Polk, my intern, who is also an Alpha brother and is in the audience today.

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

Mr. OSBORNE. Mr. Speaker, I would like to once again congratulate Alpha Phi Alpha on their 100 years of service. I thank Mr. HINCHEY for introducing the legislation, Mr. DAVIS for his management, and also his recitation, which was quite inspiring, and the other members of Alpha Phi Alpha.

Mr. CARDIN. Mr. Speaker, I am pleased to join my colleagues today in support of H. Con. Res. 384, recognizing and honoring the 100th anniversary of the founding of Alpha Phi Alpha Fraternity, Incorporated. I also want to thank Mr. HINCHEY for introducing this resolution, which I am proud to cosponsor.

Mr. Speaker, what a legacy. Founded at Cornell University in 1906, Alpha Phi Alpha is the first black fraternity in the United States.

Alpha Phi Alpha has an illustrious history of service and leadership that is evident through its list of members over the past century. This list includes those who are no longer with us, such as Dr. Martin Luther King, Jr., and Justice Thurgood Marshall, and those with whom we are fortunate to serve today, such as our distinguished colleagues in the House—Congressmen CHARLIE RANGEL, DANNY DAVIS, BOBBY SCOTT, DAVID SCOTT, CHAKA FATTAH, GREGORY MEEKS, and EMANUEL CLEAVER.

The work of Alpha Phi Alpha is as strong as ever. The progress toward creating a national memorial here in Washington to Dr. King would not have been made without the initiative and dedication of Alpha Phi Alpha, and our Nation owes them a debt of gratitude. The fraternity has established the Alpha Disaster Relief Fund to aid the families affected by Hurricanes Katrina and Rita, and they were in the forefront of efforts to secure passage of the Voting Rights Act Reauthorization.

Mr. Speaker, today's resolution is especially important to me because A Phi A is headquartered in my hometown of Baltimore, Maryland, and the fraternity's presence is felt not just on St. Paul Street, but throughout our city.

This week, Alphas around the world will celebrate 100 years of leadership and commitment to humanity. The 2006 Centennial Celebration will be held here in the Nation's Capital, and I am pleased to join my colleagues in welcoming them. I urge my colleagues to unanimously adopt this resolution and to join me in wishing General President Darryl Matthews, Sr., Executive Director Willard Hall, Jr., and all the brothers of Alpha Phi Alpha an outstanding 100th Anniversary.

Mr. OSBORNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 384.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HINCHEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONFERENCE REPORT ON S. 250, CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006

Mr. MCKEON submitted the following conference report and statement on the Senate bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act:

CONFERENCE REPORT (H. REPT. 109–597)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 250), to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT.

(a) SHORT TITLE.—This Act may be cited as the ''Carl D. Perkins Career and Technical Education Improvement Act of 2006''.

(b) AMENDMENT.—The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Carl D. Perkins Career and Technical Education Act of 2006'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''SEC. 2. PURPOSE.

''The purpose of this Act is to develop more fully the academic and career and technical skills of secondary education students and postsecondary education students who elect to enroll in career and technical education programs, by—

''(1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high skill, high wage, or high demand occupations in current or emerging professions;

''(2) promoting the development of services and activities that integrate rigorous and challenging academic and career and technical instruction, and that link secondary education and postsecondary education for participating career and technical education students;

''(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve career and technical education, including tech prep education;

''(4) conducting and disseminating national research and disseminating information on best practices that improve career and technical education programs, services, and activities;

''(5) providing technical assistance that—

''(A) promotes leadership, initial preparation, and professional development at the State and local levels; and

''(B) improves the quality of career and technical education teachers, faculty, administrators, and counselors;

''(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career and technical education schools, local workforce investment boards, business and industry, and intermediaries; and

''(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education and training programs, the knowledge and skills needed to keep the United States competitive.

''SEC. 3. DEFINITIONS.

''Unless otherwise specified, in this Act:

''(1) ADMINISTRATION.—The term 'administration', when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including the supervision of such activities. Such term does not include curriculum development activities, personnel development, or research activities.

''(2) ALL ASPECTS OF AN INDUSTRY.—The term 'all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter, including information as described in section 118.

''(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' means—

''(A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to individuals who are available for study in preparation for entering the labor market;

''(B) the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

''(C) a public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision

of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school; or

''(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than 5 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

''(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment—

''(A) that is agreed upon at the State level or approved annually by the lead administrators of—

''(i) a secondary institution and a postsecondary educational institution; or

''(ii) a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

''(B) to a program that is—

''(i) designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and

''(ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).

''(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

''(A) offer a sequence of courses that—

''(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

''(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

''(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; and

''(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

''(6) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

''(A) IN GENERAL.—The term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

''(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

''(7) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means guidance and counseling that—

''(A) provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future; and

''(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

''(8) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5210 of the Elementary and Secondary Education Act of 1965.

''(9) COOPERATIVE EDUCATION.—The term 'cooperative education' means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

''(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

''(B) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

''(10) DISPLACED HOMEMAKER.—The term 'displaced homemaker' means an individual who—

''(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

''(ii) has been dependent on the income of another family member but is no longer supported by that income; or

''(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and

''(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

''(11) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(12) ELIGIBLE AGENCY.—The term 'eligible agency' means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State.

''(13) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

''(B) a local educational agency providing education at the postsecondary level;

''(C) an area career and technical education school providing education at the postsecondary level;

''(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

''(E) an educational service agency; or

''(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

''(14) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

''(A) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

''(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

''(15) GOVERNOR.—The term 'Governor' means the chief executive officer of a State.

''(16) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term 'individual with limited English proficiency' means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment in which a language other than English is the dominant language.

''(17) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

''(18) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

''(19) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) NON-TRADITIONAL FIELDS.—The term 'non-traditional fields' means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

''(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

''(22) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled college or university; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(23) POSTSECONDARY EDUCATION TECH PREP STUDENT.—The term 'postsecondary education tech prep student' means a student who—

''(A) has completed the secondary education component of a tech prep program; and

''(B) has enrolled in the postsecondary education component of a tech prep program at an institution of higher education described in clause (i) or (ii) of section 203(a)(1)(B).

''(24) SCHOOL DROPOUT.—The term 'school dropout' means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

''(25) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' means research that is carried out using scientifically based research standards, as defined in section 102 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501).

''(26) SECONDARY EDUCATION TECH PREP STUDENT.—The term 'secondary education tech prep student' means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.

''(27) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(29) SPECIAL POPULATIONS.—The term 'special populations' means—

''(A) individuals with disabilities;

''(B) individuals from economically disadvantaged families, including foster children;

''(C) individuals preparing for non-traditional fields;

''(D) single parents, including single pregnant women;

''(E) displaced homemakers; and

''(F) individuals with limited English proficiency.

''(30) STATE.—The term 'State', unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

''(31) SUPPORT SERVICES.—The term 'support services' means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

''(32) TECH PREP PROGRAM.—The term 'tech prep program' means a tech prep program described in section 203(c).

''(33) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given the term in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

''(34) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.—The term 'tribally controlled postsecondary career and technical institution' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

''(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

''(B) offers a technical degree or certificate granting program;

''(C) is governed by a board of directors or trustees, a majority of whom are Indians;

''(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

''(E) has been in operation for at least 3 years;

''(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary career and technical education; and

''(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

''SEC. 4. TRANSITION PROVISIONS.

''The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006) from any authority under the provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998, as in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

''SEC. 5. PRIVACY.

''(a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act.

''SEC. 6. LIMITATION.

''All of the funds made available under this Act shall be used in accordance with the requirements of this Act.

''SEC. 7. SPECIAL RULE.

''In the case of a local community in which no employees are represented by a labor organization, for purposes of this Act, the term 'representatives of employees' shall be substituted for 'labor organization'.

''SEC. 8. PROHIBITIONS.

''(a) LOCAL CONTROL.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act, except as required under sections 112(b), 311(b), and 323.

''(b) NO PRECLUSION OF OTHER ASSISTANCE.—Any State that declines to submit an application to the Secretary for assistance under this Act shall not be precluded from applying for assistance under any other program administered by the Secretary.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic and career and technical content standards or student academic and career and technical achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the requirements under section 113.

''(e) COHERENT AND RIGOROUS CONTENT.—For the purposes of this Act, coherent and rigorous content shall be determined by the State consistent with section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965.

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and title II) such sums as may be necessary for each of the fiscal years 2007 through 2012.

''TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

''PART A—ALLOTMENT AND ALLOCATION

''SEC. 111. RESERVATIONS AND STATE ALLOTMENT.

''(a) RESERVATIONS AND STATE ALLOTMENT.—

''(1) RESERVATIONS.—From the sum appropriated under section 9 for each fiscal year, the Secretary shall reserve—

''(A) 0.13 percent to carry out section 115; and

''(B) 1.50 percent to carry out section 116, of which—

''(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

''(ii) 0.25 percent of the sum shall be available to carry out section 116(h).

''(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3), (4), and (5), from the remainder of the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

''(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

''(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

''(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

''(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

''(3) MINIMUM ALLOTMENT FOR YEARS WITH NO ADDITIONAL FUNDS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

''(B) REQUIREMENT.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year.

''(C) SPECIAL RULE.—

''(i) IN GENERAL.—Subject to paragraph (5), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

''(I) 150 percent of the amount that the State received in the preceding fiscal year; and

''(II) the amount calculated under clause (ii).

''(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

''(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

''(II) 150 percent of the national average per pupil payment made with funds available under this section for that year.

''(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

''(B) SPECIAL RULE.—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

''(i) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year; and

''(ii) the sum of—

''(I) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006 (as such paragraph was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); and

''(II) the product of—

''(aa) ⅓ of the additional funds; multiplied by

''(bb) the quotient of—

''(C) RATIO.—For purposes of subparagraph (B)(ii)(II)(bb)(AA), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

''(i) the amount the qualifying State was allotted under paragraph (2) for fiscal year 2006

(as such paragraph was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); divided by

''(ii) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for the fiscal year for which the determination is made.

''(D) DEFINITIONS.—In this paragraph:

''(i) ADDITIONAL FUNDS.—The term 'additional funds' means the amount by which—

''(I) the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year; exceeds

''(II) the sum of—

''(aa) the amount allotted under paragraph (2) for fiscal year 2006 (as such paragraph (2) was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006);

''(bb) the amount reserved under paragraph (1)(C) for fiscal year 2006 (as such paragraph (1)(C) was so in effect); and

''(cc) $827,671.

''(ii) QUALIFYING STATE.—The term 'qualifying State' means a State (except the United States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

''(5) HOLD HARMLESS.—

''(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

''(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

''(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

''(c) ALLOTMENT RATIO.—

''(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

''(A) 0.50; and

''(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

''(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

''(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

''(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

''(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

''(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

''(d) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

"SEC. 112. WITHIN STATE ALLOCATION.

''(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the eligible agency shall make available—

''(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

''(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

''(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

''(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for non-traditional fields; and

''(3) an amount equal to not more than 5 percent, or $250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

''(A) developing the State plan;

''(B) reviewing a local plan;

''(C) monitoring and evaluating program effectiveness;

''(D) assuring compliance with all applicable Federal laws;

''(E) providing technical assistance; and

''(F) supporting and developing State data systems relevant to the provisions of this Act.

''(b) MATCHING REQUIREMENT.—Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

''(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for career and technical education activities described in section 135 in—

''(1) rural areas;

''(2) areas with high percentages of career and technical education students; and

''(3) areas with high numbers of career and technical education students.

"SEC. 113. ACCOUNTABILITY.

''(a) PURPOSE.—The purpose of this section is to establish and support State and local performance accountability systems, comprised of the activities described in this section, to assess the effectiveness of the State and the eligible recipients of the State in achieving statewide progress in career and technical education, and to optimize the return of investment of Federal funds in career and technical education activities.

''(b) STATE PERFORMANCE MEASURES.—

''(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

''(A) the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2);

''(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(C); and

''(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act.

''(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

''(iii) Student rates of attainment of each of the following:

''(I) A secondary school diploma.

''(II) A General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities).

''(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).

''(iv) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965).

''(v) Student placement in postsecondary education or advanced training, in military service, or in employment.

''(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.

''(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

''(i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

''(ii) Student attainment of an industry-recognized credential, a certificate, or a degree.

''(iii) Student retention in postsecondary education or transfer to a baccalaureate degree program.

''(iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.

''(v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

''(C) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, such as attainment of self-sufficiency.

''(D) EXISTING INDICATORS.—If a State has developed, prior to the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, State career

and technical education performance measures that meet the requirements of this section (as amended by such Act), the State may use such performance measures to measure the progress of career and technical education students.

''(E) STATE ROLE.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

''(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of developing core indicators of performance and additional indicators of performance, an eligible agency shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, is used to meet the requirements of this section.

''(3) STATE LEVELS OF PERFORMANCE.—

''(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

''(II) require the State to continually make progress toward improving the performance of career and technical education students.

''(ii) IDENTIFICATION IN THE STATE PLAN.—Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

''(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

''(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

''(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

''(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

''(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

''(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

''(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

''(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this title.

''(4) LOCAL LEVELS OF PERFORMANCE.—

''(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performances, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in a percentage or numerical form, consistent with the State levels of performance established under paragraph (3), so as to be objective, quantifiable, and measurable; and

''(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.

''(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

''(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

''(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

''(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

''(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients in the State, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

''(II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.

''(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

''(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

''(C) LOCAL REPORT.—

''(i) CONTENT OF REPORT.—Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.

''(ii) DATA.—Except as provided in clauses (iii) and (iv), each eligible recipient that receives an allocation described in section 112 shall—

''(I) disaggregate data for each of the indicators of performance under paragraph (2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

''(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under this Act.

''(iii) NONDUPLICATION.—The eligible agency shall ensure, in a manner that is consistent with the actions of the Secretary under subsection (c)(3), that each eligible recipient does not report duplicative information under this section.

''(iv) RULES FOR REPORTING OF DATA.—The disaggregation of data under clause (ii) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

''(v) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.

''(c) REPORT.—

''(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

''(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

''(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

''(2) DATA.—Except as provided in paragraphs (3) and (4), each eligible agency that receives an allotment under section 111 or 201 shall—

''(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

''(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such category of students served by the eligible agency under this Act has made in meeting the State adjusted levels of performance.

''(3) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

''(4) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2)

shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

''(5) INFORMATION DISSEMINATION.—The Secretary—

''(A) shall make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;

''(B) shall disseminate State-by-State comparisons of the information; and

''(C) shall provide the appropriate committees of Congress with copies of such reports.

''SEC. 114. NATIONAL ACTIVITIES.

''(a) PROGRAM PERFORMANCE INFORMATION.—

''(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.

''(2) COMPATIBILITY.—The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

''(3) ASSESSMENTS.—As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career and technical education for a nationally representative sample of students. Such assessment may include international comparisons in the aggregate.

''(b) MISCELLANEOUS PROVISIONS.—

''(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 118 (if applicable), shall determine the methodology to be used and the frequency with which information is to be collected.

''(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.

''(c) SINGLE PLAN FOR RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION, AND ASSESSMENT.—

''(1) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the career and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

''(2) PLAN.—Such plan shall—

''(A) identify the career and technical education activities described in paragraph (1) that the Secretary will carry out under this section;

''(B) describe how the Secretary will evaluate such career and technical education activities in accordance with subsection (d)(2); and

''(C) include such other information as the Secretary determines to be appropriate.

''(d) ADVISORY PANEL; EVALUATION; REPORTS.—

''(1) INDEPENDENT ADVISORY PANEL.—

''(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (2), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

''(B) MEMBERS.—The advisory panel shall consist of—

''(i) educators, administrators, State directors of career and technical education, and chief executives, including those with expertise in the integration of academic and career and technical education;

''(ii) experts in evaluation, research, and assessment;

''(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and workforce investment entities;

''(iv) parents;

''(v) career guidance and academic counseling professionals; and

''(vi) other individuals and intermediaries with relevant expertise.

''(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (2).

''(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.

''(2) EVALUATION AND ASSESSMENT.—

''(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

''(B) CONTENTS.—The assessment required under subparagraph (A) shall include descriptions and evaluations of—

''(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local career and technical education programs assisted under this Act;

''(ii) the preparation and qualifications of teachers and faculty of career and technical education (such as meeting State established teacher certification or licensing requirements), as well as shortages of such teachers and faculty;

''(iii) academic and career and technical education achievement and employment outcomes of career and technical education, including analyses of—

''(I) the extent and success of the integration of rigorous and challenging academic and career and technical education for students participating in career and technical education programs, including a review of the effect of such integration on the academic and technical proficiency achievement of such students (including the number of such students receiving a secondary school diploma); and

''(II) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations (including those in which mathematics and science skills are critical), or for participation in postsecondary education;

''(iv) employer involvement in, and satisfaction with, career and technical education programs and career and technical education students' preparation for employment;

''(v) the participation of students in career and technical education programs;

''(vi) the use of educational technology and distance learning with respect to career and technical education and tech prep programs; and

''(vii) the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of career and technical education services, including the percentage of career and technical education and tech prep students meeting the adjusted levels of performance described in section 113.

''(C) REPORTS.—

''(i) IN GENERAL.—The Secretary shall submit to the relevant committees of Congress—

''(I) an interim report regarding the assessment on or before January 1, 2010; and

''(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.

''(ii) PROHIBITION.—Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the relevant committees of Congress and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (1) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

''(3) COLLECTION OF STATE INFORMATION AND REPORT.—

''(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113(b).

''(B) REPORT.—The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the relevant committees in Congress.

''(4) RESEARCH.—

''(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary, after consulting with the States, shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center—

''(i) to carry out scientifically based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for addressing the education, employment, and training needs of participants, including special populations, in career and technical education programs, including research and evaluation in such activities as—

''(I) the integration of—

''(aa) career and technical instruction; and

''(bb) academic, secondary and postsecondary instruction;

''(II) education technology and distance learning approaches and strategies that are effective with respect to career and technical education;

''(III) State adjusted levels of performance and State levels of performance that serve to improve career and technical education programs and student achievement;

''(IV) academic knowledge and career and technical skills required for employment or participation in postsecondary education; and

''(V) preparation for occupations in high skill, high wage, or high demand business and industry, including examination of—

''(aa) collaboration between career and technical education programs and business and industry; and

''(bb) academic and technical skills required for a regional or sectoral workforce, including small business;

''(ii) to carry out scientifically based research and evaluation to increase the effectiveness and improve the implementation of career and technical education programs that are integrated with coherent and rigorous content aligned with challenging academic standards, including conducting research and development, and studies, that provide longitudinal information or formative evaluation with respect to career and technical education programs and student achievement;

''(iii) to carry out scientifically based research and evaluation that can be used to improve the preparation and professional development of teachers, faculty, and administrators, and to improve student learning in the career and technical education classroom, including—

''(I) effective in-service and preservice teacher and faculty education that assists career and technical education programs in—

''(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

''(bb) coordinating technical education with industry-recognized certification requirements;

''(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical skills, State academic standards, and related materials; and

''(III) the recruitment and retention of career and technical education teachers, faculty, counselors, and administrators, including individuals in groups underrepresented in the teaching profession; and

''(iv) to carry out such other research and evaluation, consistent with the purposes of this Act, as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

''(B) REPORT.—The center conducting the activities described in subparagraph (A) shall annually prepare a report of the key research findings of such center and shall submit copies of the report to the Secretary, the relevant committees of Congress, the Library of Congress, and each eligible agency.

''(C) DISSEMINATION.—The center shall conduct dissemination and training activities based upon the research described in subparagraph (A).

''(5) DEMONSTRATIONS AND DISSEMINATION.—The Secretary is authorized to carry out demonstration career and technical education programs, to replicate model career and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing career and technical education programs assisted under this Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

''SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

''(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

''(1) make a grant in the amount of $660,000 to Guam;

''(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

''(3) make a grant of $160,000 to the Republic of Palau, subject to subsection (d).

''(b) REMAINDER.—

''(1) FIRST YEAR.—Subject to subsection (a), for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

''(A) teacher and counselor training and retraining;

''(B) curriculum development; and

''(C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.

''(2) SUBSEQUENT YEARS.—Subject to subsection (a), for the second fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

''(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.

''(d) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.

''SEC. 116. NATIVE AMERICAN PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(2) BUREAU-FUNDED SCHOOL.—The term 'Bureau-funded school' has the meaning given the term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

''(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' has the meaning given the term in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

''(b) PROGRAM AUTHORIZED.—

''(1) AUTHORITY.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to or enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.

''(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 (25 U.S.C. 455–457), which are relevant to the programs administered under this subsection.

''(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out career and technical education programs.

''(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

''(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

''(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

''(B) promulgate the regulations under subchapter III of chapter 5 of title 5, United States Code, commonly known as the 'Negotiated Rulemaking Act of 1990'.

''(6) APPLICATION.—Any Indian tribe, tribal organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau-funded school.

''(c) AUTHORIZED ACTIVITIES.—

''(1) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out career and technical education programs consistent with the purpose of this Act.

''(2) STIPENDS.—

''(A) IN GENERAL.—Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in career and technical education programs and who have acute economic needs which cannot be met through work-study programs.

''(B) AMOUNT.—Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

''(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this section, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

''(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

''(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

''(2) applications from tribally controlled colleges or universities that—

''(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

''(B) operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization, and issue certificates

for completion of career and technical education programs.

''(f) CONSOLIDATION OF FUNDS.—Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

''(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

''(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this title; or

''(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

''(h) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with community-based organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

''SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

''(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary career and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.

''(b) USES OF GRANTS.—Amounts made available under this section shall be used for career and technical education programs for Indian students and for the institutional support costs of the grant, including the expenses described in subsection (e).

''(c) AMOUNT OF GRANTS.—

''(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

''(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary career and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

''(3) INDIRECT COSTS.—Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.

''(d) APPLICATIONS.—Any tribally controlled postsecondary career and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

''(e) EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary career and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

''(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

''(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section;

''(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment; and

''(D) institutional support of career and technical education.

''(2) ACCOUNTING.—Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

''(f) OTHER PROGRAMS.—

''(1) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary career and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965, or under any other applicable program for the benefit of institutions of higher education or career and technical education.

''(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary career and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the 'Snyder Act') (25 U.S.C. 13).

''(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary career and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13), may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

''(g) COMPLAINT RESOLUTION PROCEDURE.—The Secretary shall establish (after consultation with tribally controlled postsecondary career and technical institutions) a complaint resolution procedure for grant determinations and calculations under this section for tribally controlled postsecondary career and technical institutions.

''(h) DEFINITIONS.—In this section:

''(1) INDIAN; INDIAN TRIBE.—The terms 'Indian' and 'Indian tribe' have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

''(2) INDIAN STUDENT COUNT.—

''(A) IN GENERAL.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary career and technical institution, as determined in accordance with subparagraph (B).

''(B) DETERMINATION.—

''(i) ENROLLMENT.—For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

''(I) in the case of the fall term, the third week of the fall term; and

''(II) in the case of the spring term, the third week of the spring term.

''(ii) CALCULATION.—For each academic year, the Indian student count for a tribally controlled postsecondary career and technical institution shall be the quotient obtained by dividing—

''(I) the sum of the credit hours of all Indian students enrolled in the tribally controlled postsecondary career and technical institution (as determined under clause (i)); by

''(II) 12.

''(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

''(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

''(I) IN GENERAL.—A credit earned at a tribally controlled postsecondary career and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

''(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

''(III) CREDITS TOWARD SECONDARY SCHOOL DEGREE.—No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

''(v) CONTINUING EDUCATION PROGRAMS.—Any credit earned by an Indian student in a continuing education program of a tribally controlled postsecondary career and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit hour basis in accordance with the system of the institution for providing credit for participation in the program.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

''SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

''(a) NATIONAL ACTIVITIES.—From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized—

''(1) to provide assistance to an entity to enable the entity—

''(A) to provide technical assistance to State entities designated under subsection (c) to enable the State entities to carry out the activities described in such subsection;

''(B) to disseminate information that promotes the replication of high quality practices described in subsection (c); and

''(C) to develop and disseminate products and services related to the activities described in subsection (c); and

''(2) to award grants to States that designate State entities in accordance with subsection (c) to enable the State entities to carry out the State level activities described in such subsection.

''(b) STATE APPLICATION.—

''(1) IN GENERAL.—A jointly designated State entity described in subsection (c) that desires to receive a grant under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity described in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act to inform program development.

''(c) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

''(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;

''(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

''(3) to provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;

''(4) to assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;

''(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;

''(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and

''(7) to provide readily available occupational information such as—

''(A) information relative to employment sectors;

''(B) information on occupation supply and demand; and

''(C) other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant.

''(d) NONDUPLICATION.—

''(1) WAGNER-PEYSER ACT.—The jointly designated State entity described under subsection (c) may use funds provided under subsection (a)(2) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under such section.

''(2) PUBLIC LAW 105–220.—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105–220.

''(e) FUNDING RULE.—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

''(1) not less than 85 percent to carry out subsection (c); and

''(2) not more than 15 percent to carry out subsection (a).

''(f) REPORT.—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

''(1) a description of activities assisted under this section during the prior program year;

''(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

''(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2007 through 2012.

''PART B—STATE PROVISIONS

''SEC. 121. STATE ADMINISTRATION.

''(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of an eligible agency under this title shall include—

''(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for non-traditional fields;

''(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

''(3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually; and

''(4) the adoption of such procedures as the eligible agency considers necessary to—

''(A) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105–220; and

''(B) make available to the service delivery system under section 121 of Public Law 105–220 within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this title.

''(b) EXCEPTION.—Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, or supervision of activities assisted under this title, in whole or in part, to 1 or more appropriate State agencies.

''SEC. 122. STATE PLAN.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

''(2) REVISIONS.—Each eligible agency—

''(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

''(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

''(3) HEARING PROCESS.—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.

''(b) PLAN DEVELOPMENT.—

''(1) IN GENERAL.—The eligible agency shall—

''(A) develop the State plan in consultation with—

''(i) academic and career and technical education teachers, faculty, and administrators;

''(ii) career guidance and academic counselors;

''(iii) eligible recipients;

''(iv) charter school authorizers and organizers consistent with State law;

''(v) parents and students;

''(vi) institutions of higher education;

''(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

''(viii) entities participating in activities described in section 111 of Public Law 105–220;

''(ix) interested community members (including parent and community organizations);

''(x) representatives of special populations;

''(xi) representatives of business and industry (including representatives of small business); and

''(xii) representatives of labor organizations in the State; and

''(B) consult the Governor of the State with respect to such development.

''(2) ACTIVITIES AND PROCEDURES.—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

''(c) PLAN CONTENTS.—The State plan shall include information that—

''(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

''(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

''(i) incorporate secondary education and postsecondary education elements;

''(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

''(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

''(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

''(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);

''(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

''(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

''(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to appropriate technology in career and technical education programs;

''(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan will—

''(i) promote continuous improvement in academic achievement;

''(ii) promote continuous improvement of technical skill attainment; and

''(iii) identify and address current or emerging occupational opportunities;

''(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

''(H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

''(I) how funds will be used to improve or develop new career and technical education courses—

''(i) at the secondary level that are aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111 (b)(1) of the Elementary and Secondary Education Act of 1965;

''(ii) at the postsecondary level that are relevant and challenging; and

''(iii) that lead to employment in high skill, high wage, or high demand occupations;

''(J) how the eligible agency will facilitate and coordinate communication on best practices among successful recipients of tech prep program grants under title II and eligible recipients to improve program quality and student achievement;

''(K) how funds will be used effectively to link academic and career and technical education at the secondary level and at the postsecondary level in a manner that increases student academic and career and technical achievement; and

''(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration;

''(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

''(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical education teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

''(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

''(C) is high quality, sustained, intensive, and focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

''(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

''(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

''(F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and

''(G) promotes integration with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

''(3) describes efforts to improve—

''(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

''(B) the transition to teaching from business and industry, including small business;

''(4) describes efforts to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

''(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

''(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

''(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult level, or both, including the rationale for such allocation; and

''(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

''(7) describes how the eligible agency will—

''(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

''(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

''(ii) career and technical education subjects;

''(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

''(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

''(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;

''(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

''(A) will be provided with equal access to activities assisted under this Act;

''(B) will not be discriminated against on the basis of their status as members of the special populations; and

''(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

''(10) describes—

''(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and

''(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3);

''(11) provides assurances that the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs;

''(12) provides assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity or the employees of the acquiring entity, or any affiliate of such an organization;

''(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

''(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

''(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

''(16) describes how career and technical education relates to State and regional occupational opportunities;

''(17) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

''(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

''(19) describes how funds will be used to serve individuals in State correctional institutions; and

''(20) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105–220 concerning the provision of services only for postsecondary students and school dropouts.

''(d) PLAN OPTIONS.—

''(1) SINGLE PLAN.—An eligible agency not choosing to consolidate funds under section 202 shall fulfill the plan or application submission requirements of this section, and section 201(c), by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 204 by submitting a single local plan.

''(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of Public Law 105–220, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

''(e) PLAN APPROVAL.—

''(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved

State plan, unless the Secretary determines that—

''(A) the State plan, or revision, respectively, does not meet the requirements of this Act; or

''(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

''(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

''(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, tech prep education, and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

''(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

''SEC. 123. IMPROVEMENT PLANS.

''(a) STATE PROGRAM IMPROVEMENT.—

''(1) PLAN.—If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

''(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.

''(3) SUBSEQUENT ACTION.—

''(A) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency—

''(i) fails to implement an improvement plan as described in paragraph (1);

''(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

''(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.

''(b) LOCAL PROGRAM IMPROVEMENT.—

''(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

''(2) PLAN.—If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

''(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.

''(4) SUBSEQUENT ACTION.—

''(A) IN GENERAL.—The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient—

''(i) fails to implement an improvement plan as described in paragraph (2);

''(ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or

''(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.

''(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—

''(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or

''(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

''(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this Act.

''SEC. 124. STATE LEADERSHIP ACTIVITIES.

''(a) GENERAL AUTHORITY.—From amounts reserved under section 112(a)(2), each eligible agency shall conduct State leadership activities.

''(b) REQUIRED USES OF FUNDS.—The State leadership activities described in subsection (a) shall include—

''(1) an assessment of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;

''(2) developing, improving, or expanding the use of technology in career and technical education that may include—

''(A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;

''(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or

''(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

''(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

''(A) provide in-service and preservice training in career and technical education programs—

''(i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

''(ii) on effective teaching skills based on research that includes promising practices;

''(iii) on effective practices to improve parental and community involvement; and

''(iv) on effective use of scientifically based research and data to improve instruction;

''(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;

''(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;

''(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

''(i) stay current with the needs, expectations, and methods of industry;

''(ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;

''(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

''(iv) effectively use applied learning that contributes to the academic and career and technical knowledge of the student; and

''(E) are coordinated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

''(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs, through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education, to ensure achievement in—

''(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

''(B) career and technical education subjects;

''(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

''(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);

''(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;

''(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and

''(9) technical assistance for eligible recipients.

''(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

''(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

''(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

''(B) exposing students to high skill, high wage occupations and non-traditional fields;

''(2) establishment of agreements, including articulation agreements, between secondary school and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech prep programs;

''(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) statewide articulation agreements between associate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

''(B) postsecondary dual and concurrent enrollment programs;

''(C) academic and financial aid counseling; and

''(D) other initiatives—

''(i) to encourage the pursuit of a baccalaureate degree; and

''(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

''(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

''(5) support for public charter schools operating career and technical education programs;

''(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

''(7) support for family and consumer sciences programs;

''(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

''(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

''(10) awarding incentive grants to eligible recipients—

''(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

''(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;

''(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

''(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

''(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or

''(v) other factors relating to the performance of eligible recipients under this Act as the eligible agency determines are appropriate; or

''(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19);

''(11) providing for activities to support entrepreneurship education and training;

''(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;

''(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of Public Law 105–220;

''(14) developing valid and reliable assessments of technical skills;

''(15) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

''(16) improving—

''(A) the recruitment and retention of career and technical education teachers, faculty, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

''(B) the transition to teaching from business and industry, including small business; and

''(17) support for occupational and employment information resources, such as those described in section 118.

''(d) RESTRICTION ON USES OF FUNDS.—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs.

''PART C—LOCAL PROVISIONS

''SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS.

''(a) DISTRIBUTION RULES.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section to local educational agencies within the State as follows:

''(1) THIRTY PERCENT.—Thirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory—

''(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965; or

''(B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system.

''(2) SEVENTY PERCENT.—Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965, compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

''(3) ADJUSTMENTS.—Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

''(A) reflect any change in school district boundaries that may have occurred since the data were collected; and

''(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Affairs.

''(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

''(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula described in subsection (a); and

''(2) includes a proposal for such an alternative formula.

''(c) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than $15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

''(2) WAIVER.—The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

''(A)(i) is located in a rural, sparsely populated area; or

''(ii) is a public charter school operating secondary school career and technical education programs; and

''(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

''(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

''(d) LIMITED JURISDICTION AGENCIES.—

''(1) IN GENERAL.—In applying the provisions of subsection (a), no eligible agency receiving assistance under this title shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

''(2) SPECIAL RULE.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

''(e) ALLOCATIONS TO AREA CAREER AND TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

''(1) IN GENERAL.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for career and technical education activities at the secondary level under this section to the appropriate area career and technical education school or educational service agency in any case in which the area career and technical education school or educational service agency, and the local educational agency concerned—

''(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

''(B) have entered into or will enter into a cooperative arrangement for such purpose.

''(2) ALLOCATION BASIS.—If an area career and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area career and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending career and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years).

''(3) APPEALS PROCEDURE.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area career and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

''(f) CONSORTIUM REQUIREMENTS.—

''(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to—

''(A) form a consortium or enter into a cooperative agreement with an area career and technical education school or educational service agency offering programs that meet the requirements of section 135;

''(B) transfer such allocation to the area career and technical education school or educational service agency; and

''(C) operate programs that are of sufficient size, scope, and quality to be effective.

''(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this subsection shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

''(g) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

''(h) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

''SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY EDUCATION PROGRAMS.

''(a) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

''(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 112(a)(1) to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 135 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

''(3) CONSORTIUM REQUIREMENTS.—

''(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

''(i) provide services to all postsecondary institutions participating in the consortium; and

''(ii) are of sufficient size, scope, and quality to be effective.

''(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

''(4) WAIVER.—The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

''(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

''(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

''(2) includes a proposal for such an alternative formula.

''(c) MINIMUM GRANT AMOUNT.—

''(1) IN GENERAL.—No institution or consortium shall receive an allocation under this section in an amount that is less than $50,000.

''(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

''SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

''(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

''(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 131 or 132, such eligible agency may distribute such minimal amount for such year—

''(A) on a competitive basis; or

''(B) through any alternative method determined by the eligible agency.

''(2) MINIMAL AMOUNT.—For purposes of this section, the term 'minimal amount' means not more than 15 percent of the total amount made available for distribution under section 112(a)(1).

''(b) REDISTRIBUTION.—

''(1) IN GENERAL.—In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 131 or 132, as appropriate.

''(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.—In any academic year in which amounts are returned to the eligible agency under section 131 or 132 and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 112(a)(1) for the following academic year.

''(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

''(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out career and technical education programs at the secondary level in accordance with this title;

''(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult career and technical education programs in accordance with this title; or

''(3) to require a charter school, that provides career and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

''(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering career and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

''SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

''(a) LOCAL PLAN REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

''(b) CONTENTS.—The eligible agency shall determine the requirements for local plans, except that each local plan shall—

''(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

''(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

''(3) describe how the eligible recipient will—

''(A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 122(c)(1)(A);

''(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

''(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

''(ii) career and technical education subjects;

''(C) provide students with strong experience in, and understanding of, all aspects of an industry;

''(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students; and

''(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

''(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical education, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

''(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 117 of Public Law 105–220 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;

''(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

''(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

''(8) describe how the eligible recipient will—

''(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

''(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

''(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

''(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

''(10) describe how funds will be used to promote preparation for non-traditional fields;

''(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

''(12) describe efforts to improve—

''(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

''(B) the transition to teaching from business and industry.

''SEC. 135. LOCAL USES OF FUNDS.

''(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs.

''(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support career and technical education programs that—

''(1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c)(1)(A), to ensure learning in—

''(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

''(B) career and technical education subjects;

''(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 122(c)(1)(A);

''(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;

''(4) develop, improve, or expand the use of technology in career and technical education, which may include—

''(A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;

''(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or

''(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;

''(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

''(A) in-service and preservice training on—

''(i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

''(ii) effective teaching skills based on research that includes promising practices;

''(iii) effective practices to improve parental and community involvement; and

''(iv) effective use of scientifically based research and data to improve instruction;

''(B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

''(C) internship programs that provide relevant business experience; and

''(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;

''(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

''(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

''(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

''(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

''(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

''(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

''(2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—

''(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

''(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

''(3) for local education and business (including small business) partnerships, including for—

''(A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

''(B) adjunct faculty arrangements for qualified industry professionals; and

''(C) industry experience for teachers and faculty;

''(4) to provide programs for special populations;

''(5) to assist career and technical student organizations;

''(6) for mentoring and support services;

''(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;

''(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

''(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;

''(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including—

''(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

''(B) postsecondary dual and concurrent enrollment programs;

''(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and

''(D) other initiatives—

''(i) to encourage the pursuit of a baccalaureate degree; and

''(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs,

including geographic and other barriers affecting rural students and special populations;

''(11) to provide activities to support entrepreneurship education and training;

''(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;

''(13) to develop and support small, personalized career-themed learning communities;

''(14) to provide support for family and consumer sciences programs;

''(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;

''(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.);

''(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;

''(18) to provide support for training programs in automotive technologies;

''(19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—

''(A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;

''(B) establishing, enhancing, or supporting systems for—

''(i) accountability data collection under this Act; or

''(ii) reporting data under this Act;

''(C) implementing career and technical programs of study described in section 122(c)(1)(A); or

''(D) implementing technical assessments; and

''(20) to support other career and technical education activities that are consistent with the purpose of this Act.

''(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

''TITLE II—TECH PREP EDUCATION

''SEC. 201. STATE ALLOTMENT AND APPLICATION.

''(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

''(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

''(c) STATE APPLICATION.—Each eligible agency desiring an allotment under this title shall submit, as part of its State plan under section 122, an application that—

''(1) describes how activities under this title will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 122; and

''(2) contains such information as the Secretary may require.

''SEC. 202. CONSOLIDATION OF FUNDS.

''(a) IN GENERAL.—An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in the State plan submitted under section 122.

''(b) NOTIFICATION REQUIREMENT.—Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 122, of the eligible agency's decision to consolidate funds under this section.

''(c) TREATMENT OF CONSOLIDATED FUNDS.—Funds consolidated under this section shall be considered as funds allotted under section 111 and shall be distributed in accordance with section 112.

''SEC. 203. TECH PREP PROGRAM.

''(a) GRANT PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

''(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

''(B)(i) a nonprofit institution of higher education that—

''(I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and

''(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, including—

''(AA) an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

''(BB) a tribally controlled postsecondary career and technical institution; or

''(II) offers a 2-year apprenticeship program that follows secondary education instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(2) of such Act; or

''(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

''(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

''(A) institutions of higher education that award a baccalaureate degree; and

''(B) employers (including small businesses), business intermediaries, or labor organizations.

''(b) DURATION.—Each consortium receiving a grant under this title shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep program described in subsection (c).

''(c) CONTENTS OF TECH PREP PROGRAM.—Each tech prep program shall—

''(1) be carried out under an articulation agreement between the participants in the consortium;

''(2) consist of a program of study that—

''(A) combines—

''(i) a minimum of 2 years of secondary education (as determined under State law); with

''(ii)(I) a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study; or

''(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

''(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

''(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

''(D) builds student competence in technical skills and in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

''(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

''(F) leads to placement in high skill or high wage employment, or to further education; and

''(G) utilizes career and technical education programs of study, to the extent practicable;

''(3) include the development of tech prep programs for secondary education and postsecondary education that—

''(A) meet academic standards developed by the State;

''(B) link secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education, through—

''(i) nonduplicative sequences of courses in career fields;

''(ii) the use of articulation agreements; and

''(iii) the investigation of opportunities for tech prep secondary education students to enroll concurrently in secondary education and postsecondary education coursework;

''(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

''(D) use educational technology and distance learning, as appropriate, to involve all the participants in the consortium more fully in the development and operation of programs;

''(4) include in-service professional development for teachers, faculty, and administrators that—

''(A) supports effective implementation of tech prep programs;

''(B) supports joint training in the tech prep consortium;

''(C) supports the needs, expectations, and methods of business and all aspects of an industry;

''(D) supports the use of contextual and applied curricula, instruction, and assessment;

''(E) supports the use and application of technology; and

''(F) assists in accessing and utilizing data, information available pursuant to section 118, and information on student achievement, including assessments;

''(5) include professional development programs for counselors designed to enable counselors to more effectively—

''(A) provide information to students regarding tech prep programs;

''(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

''(C) provide information on related employment opportunities;

''(D) ensure that students are placed in appropriate employment or further postsecondary education;

''(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

''(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

''(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

''(7) provide for preparatory services that assist participants in tech prep programs; and

''(8) coordinate with activities conducted under title I.

''(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech prep program may—

''(1) provide for the acquisition of tech prep program equipment;

''(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

''(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

''(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

''(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

''(e) INDICATORS OF PERFORMANCE AND ACCOUNTABILITY.—

''(1) IN GENERAL.—Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this title. The indicators of performance shall include the following:

''(A) The number of secondary education tech prep students and postsecondary education tech prep students served.

''(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

''(i) enroll in postsecondary education;

''(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;

''(iii) complete a State or industry-recognized certification or licensure;

''(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and

''(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

''(C) The number and percent of postsecondary education tech prep students who—

''(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;

''(ii) complete a State or industry-recognized certification or licensure;

''(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and

''(iv) complete a baccalaureate degree program within the normal time for completion of such program.

''(2) NUMBER AND PERCENT.—For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages shall be determined separately with respect to each clause of each such subparagraph.

''SEC. 204. CONSORTIUM APPLICATIONS.

''(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.

''(b) PLAN.—Each application submitted under this section shall contain a 6-year plan for the development and implementation of tech prep programs under this title, which plan shall be reviewed after the second year of the plan.

''(c) APPROVAL.—The eligible agency shall approve applications under this title based on the potential of the activities described in the application to create an effective tech prep program.

''(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

''(1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;

''(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

''(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;

''(4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 118;

''(5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

''(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of title I.

''(e) PERFORMANCE LEVELS.—

''(1) IN GENERAL.—Each consortium receiving a grant under this title shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 113(b) and 203(e).

''(2) RESUBMISSION OF APPLICATION; TERMINATION OF FUNDS.—An eligible agency—

''(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and

''(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

''(f) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.

''SEC. 205. REPORT.

''Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within the State.

''SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.

''TITLE III—GENERAL PROVISIONS

''PART A—FEDERAL ADMINISTRATIVE PROVISIONS

''SEC. 311. FISCAL REQUIREMENTS.

''(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.

''(b) MAINTENANCE OF EFFORT.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.

''(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.

''(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

''(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

''SEC. 312. AUTHORITY TO MAKE PAYMENTS.

''Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

''SEC. 313. CONSTRUCTION.

''Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

''SEC. 314. VOLUNTARY SELECTION AND PARTICIPATION.

''No funds made available under this Act shall be used—

''(1) to require any secondary school student to choose or pursue a specific career path or major; or

''(2) to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

''SEC. 315. LIMITATION FOR CERTAIN STUDENTS.

''No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

''SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

''Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

''SEC. 317. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN.

''(a) PERSONNEL.—An eligible agency or eligible recipient that uses funds under this Act for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and

technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.

''(b) STUDENT PARTICIPATION.—

''(1) STUDENT PARTICIPATION.—Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

''(2) CONSULTATION.—An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools.

''SEC. 318. LIMITATION ON FEDERAL REGULATIONS.

''The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

''PART B—STATE ADMINISTRATIVE PROVISIONS

''SEC. 321. JOINT FUNDING.

''(a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

''(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

''(2) such program serves the same individuals that are served under this Act;

''(3) such program provides services in a coordinated manner with services provided under this Act; and

''(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

''(b) APPLICABLE PROGRAM.—For the purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

''(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105–220.

''(2) The Wagner-Peyser Act.

''(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term 'additional funds' does not include funds used as matching funds.

''SEC. 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

''No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

''SEC. 323. STATE ADMINISTRATIVE COSTS.

''(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

''(b) EXCEPTION.—If the amount made available from Federal sources for the administration of programs under this Act for a fiscal year (referred to in this section as the 'determination year') is less than the amount made available from Federal sources for the administration of programs under this Act for the preceding fiscal year, then the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for the administration of programs under this Act for the determination year under subsection (a) shall bear the same ratio to the amount the eligible agency provided from non-Federal sources for such costs for the preceding fiscal year, as the amount made available from Federal sources for the administration of programs under this Act for the determination year bears to the amount made available from Federal sources for the administration of programs under this Act for the preceding fiscal year.

''SEC. 324. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

''(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

''(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

''(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

''(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

''(c) COSTS OF CAREER AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of career and technical education services required in an individualized education program developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and technical education.''.

SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''The Carl D. Perkins Career and Technical Education Act of 2006''.

(b) TRADE ACT OF 1974.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended—

(1) in section 231(c)(1)(F) (19 U.S.C. 2291(c)(1)(F))—

(A) by striking ''area vocational education schools'' and inserting ''area career and technical education schools''; and

(B) by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''; and

(2) in section 236(a)(1)(D) (19 U.S.C. 2296(a)(1)(D)), by striking ''area vocational'' and all that follows through ''Act of 1963'' and inserting ''area career and technical education schools, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006''.

(c) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A))—

(A) by striking ''section 521(4)(C)'' and inserting ''section 3(3)(C)''; and

(B) by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''; and

(2) in section 484(l)(1)(B)(i) (20 U.S.C. 1091(l)(1)(B)(i)), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''section 3(C) of the Carl D. Perkins Career and Technical Education Act of 2006''.

(d) EDUCATION FOR ECONOMIC SECURITY ACT.—Section 3(1) of the Education for Economic Security Act (20 U.S.C. 3902(1)) is amended—

(1) by striking ''area vocational education school'' and inserting ''area career and technical education school''; and

(2) by striking ''section 521(3) of the Carl D. Perkins Vocational Educational Act..'' and inserting ''section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006.''.

(e) EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999.—Section 4(b)(2) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b(b)(2)) is amended by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(f) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1111(a)(1) (20 U.S.C. 6311(a)(1)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(2) in section 1112(a)(1) (20 U.S.C. 6312(a)(1)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(3) in section 1114(b)(2)(B)(v) (20 U.S.C. 6314(b)(2)(B)(v)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''the Carl D. Perkins Career and Technical Education Act of 2006''; and

(4) in section 7115(b)(5) (20 U.S.C. 7425(b)(5)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(g) WAGNER-PEYSER ACT.—Section 15(f) of the Wagner-Peyser Act (29 U.S.C. 49l–2(f)) is amended by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(h) PUBLIC LAW 105–220.—Public Law 105–220 is amended—

(1) in section 101(3) (29 U.S.C. 2801(3))—

(A) by striking ''given the term'' and inserting ''given the term 'area career and technical education school' ''; and

(B) by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(2) in section 101(50) (29 U.S.C. 2801(50)), by striking ''given'' and all that follows through the period at the end and inserting ''given the term 'career and technical education' in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.'';

(3) in section 111(d)(3) (29 U.S.C. 2821(d)(3)), by striking ''section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''section 113(b)(3) of the Carl D. Perkins Career and Technical Education Act of 2006'';

(4) in section 112(b)(8)(A)(iii) (29 U.S.C. 2822(b)(8)(A)(iii))—

(A) by striking ''postsecondary vocational education activities'' and inserting ''career and technical education activities at the postsecondary level''; and

(B) by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(5) in section 121(b)(1)(B)(vii) (29 U.S.C. 2841(b)(1)(B)(vii))—

(A) by striking ''postsecondary vocational education activities'' and inserting ''career and technical education activities at the postsecondary level''; and

(B) by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(6) in section 134(d)(2)(F) (29 U.S.C. 2864(d)(2)(F)), by striking ''postsecondary vocational'' and all that follows through ''Education Act'' and inserting ''career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006'';

(7) in section 501(b)(2)(A) (20 U.S.C. 9271(b)(2)(A))—

(A) by striking ''secondary vocational education programs'' and inserting ''career and technical education programs at the secondary level''; and

(B) by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(8) in section 501(b)(2)(B) (20 U.S.C. 9271(b)(2)(B))—

(A) by striking ''postsecondary vocational education programs'' and inserting ''career and technical education programs at the postsecondary level''; and

(B) by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''; and

(9) in section 501(d)(2)(B) (20 U.S.C. 9271(d)(2)(B)), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(i) TITLE 31.—Section 6703(a)(12) of title 31, United States Code, is amended by striking ''Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(j) TITLE 40.—Section 14507(a)(1)(A)(iv) of title 40, United States Code, is amended by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

(k) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006'';

(2) in section 503(b)(2) (42 U.S.C. 3056a(b)(2)), by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' each place that term appears and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''; and

(3) in section 505(c)(2) (42 U.S.C. 3056c(c)(2)), by striking ''Vocational and Technical Education Act of 1998'' and inserting ''Career and Technical Education Act of 2006''.

(l) COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003.—Section 105(f)(1)(B)(iii) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking ''Carl D. Perkins Vocational and Technical Education Act of 1998'' and inserting ''Carl D. Perkins Career and Technical Education Act of 2006''.

And the House agree to the same.

That the House recede from its amendment to the title of the bill and agree to the same.

HOWARD P. ''BUCK'' MCKEON,
MIKE CASTLE,
MARK SOUDER,
TOM OSBORNE,
MARILYN MUSGRAVE,
GEORGE MILLER,
LYNN WOOLSEY,
RON KIND,
Managers on the Part of the House.

MICHAEL B. ENZI,
JUDD GREGG,
WILLIAM H. FRIST,
LAMAR ALEXANDER,
RICHARD M. BURR,
JOHNNY ISAKSON,
MIKE DEWINE,
JOHN ENSIGN,
ORRIN HATCH,
JEFF SESSIONS,
PAT ROBERTS,
TED KENNEDY,
TOM HARKIN,
BARBARA A. MIKULSKI,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

RECOMMENDATIONS

Sec. 1. Short Title

(1) The House and Senate bills have different titles.

House recedes with amendment to read as follows:

Accepted:

Carl D. Perkins Career and Technical Education Improvement Act of 2006

(2) The House and Senate bill both amend the table of contents to reflect the amendments made to current law.

Legislative Counsel: similar or identical provision

Sec. 2. Purposes

(3) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(4) The Senate bill expands the first purpose to include ''technical standards'' and to include assisting students in meeting both technical and academic standards in preparation for high skill, high wage, or high demand occupations in emerging or established professions.

House recedes with amendment to read as follows:

(1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards including preparation for high skill, high wage, or high demand occupations in current or emerging professions;

(5) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(6) The House bill includes the term ''rigorous.''

Senate recedes

(7) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(8) The Senate bill includes ''conducting'' research and disseminating information on best practices as purposes.

House recedes with amendment to read as follows:

(4) conducting and disseminating national research and disseminating information on best practices that improve career and technical education programs, services, and activities;

(9) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(10) The House bill does not include this purpose:

(5) promoting leadership, initial preparation, and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

House recedes with amendment to read as follows:

(5) providing technical assistance that promotes leadership, initial preparation, and professional development at the State and local levels that improves the quality of career and technical education teachers, faculty, administrators, and counselors;

(11) The House bill does not include this purpose:

House recedes with amendment to read as follows:

(6) supporting partnerships among secondary schools, postsecondary institutions, bachelor degree granting institutions, area career technical centers, local workforce investment boards, business and industry, and intermediaries; and

(12) The House bill does not include this purpose:

(7) Providing individuals with opportunities throughout their lifetime to develop, in conjunction with other Federal education and training programs, the knowledge and skills needed to keep America competitive.

House recedes with amendment to read as follows:

(7) providing individuals with opportunities throughout their lifetimes to develop, in conjunction with other education and training programs, the knowledge and skills needed to keep America competitive.

Sec. 3. Definitions

(13) Provisions are identical

Legislative Counsel: similar or identical provision

(14) The Senate bill includes information collected by entities described in Section 118 in the definition.

House recedes with amendment to read as follows:

(2) ALL ASPECTS OF AN INDUSTRY.—The term 'all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter, including information as described in section 118.

(15) The Senate bill changes the term ''vocational'' to ''career''.

House recedes

(16) Similar provisions. The House bill includes facilitation by lead administrators.

House recedes with amendment to read as follows:

(4) ARTICULATION AGREEMENT

The term 'articulation agreement' means a written commitment—

(A) that is approved annually by the lead administrators of—

(i) a secondary institution and a postsecondary educational institution; or

(ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

(B) that is designed to provide students with a nonduplicative sequence of progressive

achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.

(17) The House bill includes the term ''rigorous.'' The Senate bill permits work-based learning experiences.

Senate recedes with amendment to read as follows:

(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

(A) offer a sequence of courses that—

(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

Report Language: In referring to a sequence of courses throughout the bill, the Conferees intend that a sequence of courses may include 'work-based learning experiences' such as long term internships or apprenticeships.

(18) The House bill excludes professions that require a post baccalaureate degree.

Senate recedes with amendment to read as follows:

(ii) may include pre-requisite courses that meet the requirements of this subparagraph; and

(iii) shall provide technical skill proficiency, an industry-recognized credential, certificate, or associate degree; and

Report Language: By including pre-requisite (other than remedial) courses in the definition of career and technical education, the conferees do not intend for eligible agencies or eligible recipients to use funds under this Act for activities that are not directly connected to a career and technical education program or sequence of courses.

(19) The House bill requires programs to provide for a 1–year certificate, associate degree, or industry-recognized credential. The Senate bill allows programs that may lead to technical skill proficiency, a credential, a certificate, or a degree.

Senate recedes with amendment to read as follows:

(ii) may include pre-requisite courses that meet the requirements of this subparagraph;

(iii) shall provide technical skill proficiency, an industry-recognized credential, certificate, or associate degree; and

(20) The Senate bill includes all aspects of an industry, including entrepreneurship.

House recedes

(21) The House bill does not define career and technical education student.

Senate recedes

(22) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(23) The Senate bill includes information about baccalaureate degree programs. The House bill includes providing access to information for parents, as appropriate.

House recedes with amendment to read as follows:

(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.— The term 'career guidance and academic counseling' means guidance and counseling that—

(A) provides access to students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future; and

(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

Report Language: Career guidance and academic counseling informs students and their parents about available education and training options and is an important component of programs supported under this Act. Career guidance and academic counseling should be provided to students as one part of a comprehensive guidance program, and should be available to individuals participating in, or considering participating in, career and technical education, provided by qualified school counselors, when available and the best option.

(24) The House bill does not define the term ''career pathways.'' See note 215 for House bill equivalent.

Senate recedes

(25) Identical provisions.

Legislative Counsel: similar or identical provision

(26) The House bill does not define the term ''community college.''

Senate recedes

(27) The House bill includes the phrase ''rigorous and challenging.''

Senate recedes with amendment to read as follows:

(12) COOPERATIVE EDUCATION.—The term 'cooperative education' means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation:

(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

(B) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(28) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(29) The House bill does not define the term ''core academic subjects'' in the definition section. See note 240 for House bill equivalent.

Senate recedes

(30) Identical provisions.

Legislative Counsel: similar or identical provision

(31) Identical provisions.

Legislative Counsel: similar or identical provision

(32) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(33) The Senate bill requires eligible institutions to offer programs leading to a technical skill proficiency, an industry-recognized credential, a certificate, or a degree.

House recedes with amendment to read as follows:

(A) a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

(34) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(35) The Senate includes charter school designations.

House recedes with an amendment to read as follows:

(A) a local educational agency (including a public charter school that operates as a local educational agency), and an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

(36) Identical provisions.

House and Senate recede with amendment to strike ''or an outlying area.''

(37) The House bill does not define the term ''graduation and career plan.''

Senate recedes

(38) Identical provisions.

Legislative Counsel: similar or identical provision

(39) Identical provisions

Legislative Counsel: similar or identical provision

(40) Identical provisions

Legislative Counsel: similar or identical provision

(41) Identical provisions.

Legislative Counsel: similar or identical provision

(42) The House bill does not define the term ''local workforce investment boards.''

Senate recedes

(43) Similar provisions. The House bill includes the terms ''current and.''

Senate recedes with amendment to read as follows:

(26) NON-TRADITIONAL FIELDS.—The term 'non-traditional fields' means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(44) The House bill includes the Republic of Palau.

Senate recedes

(45) Identical provisions.

Legislative Counsel: similar or identical provision

(46) Identical provisions.

Legislative Counsel: similar or identical provision

(47) The Senate bill does not define the term ''scientifically based research.''

Senate recedes with amendment to read as follows:

(22) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' means research that is carried out using the standards defined as ''scientifically based research standards'' in the Education Science Reform Act of 2002 (P.L. 107–279).

Report Language: The Conferees expect the Department to support research that is scientifically based, in order to obtain valid and reliable knowledge regarding career and technical education programs. In addition, the Conferees acknowledge that scientifically based research provides for an array of research designs and methods appropriate and feasible to the research question posed.

(48) Identical provisions.

Legislative Counsel: similar or identical provision

(49) Identical provisions.

Legislative Counsel: similar or identical provision

(50) The House bill does not define the term ''self-sufficiency.''

Senate recedes

(51) The House bill includes ''individuals with other barriers to educational achievement, as defined by the State.''

House recedes

(52) Identical provisions.

Legislative Counsel: similar or identical provision

(53) The Senate bill includes ''instructional aids, and work supports.''

Senate recedes

(54) The Senate bill does not define the term ''supportive services.''

House recedes

(55) The House bill does not define the term ''tech prep program.''

House recedes with amendment to read as follows:

(33) TECH PREP PROGRAM.—The term 'tech prep program' means a tech prep program described in section 203(c).

(56) Similar provisions.

Legislative Counsel: similar or identical provision

(57) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes

Sec. 4. Transition provisions

(58) Similar provisions.

House and Senate recede with amendment to read as follows:

SEC. 4. TRANSITION PROVISIONS.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006 from any authority under provisions of this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

Sec. 5. Privacy

(59) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 6. Limitation

(60) The Senate bill strikes a reference to the previously repealed School-to-Work Opportunities Act of 1994.

House recedes

Sec. 7. Special rule

(61) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 9. Authorization of appropriations

(62) The House bill specifies an authorization level for FY06, the Senate bill uses ''such sums.'' Similar provisions.

House recedes with amendment to read as follows:

There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and Title II) such sums as may be necessary for each of the fiscal years 2007 through 2012.

Sec. 8. Prohibitions

(63) The Senate bill does not include a similar provision.

Senate recedes with amendment to insert '', 311(b) and 323'' after ''and in (a) and to read as follows for (e):

(e) COHERENT AND RIGOROUS CONTENT.—For the purposes of this Act coherent and rigorous content shall be determined by the State consistent with section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

Sec. 111. Reservation and state allotments

(64) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(65) The House bill reduces the set-aside for Section 115 activities (assistance for outlying areas'' from .2 percent to .12 percent.)

House and Senate recede with amendment to read as follows:

(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

(A) 0.13 percent to carry out section 115;

(66) The House bill separates the Perkins incentive grant funds from the incentive grant funds authorized under Title I and Title II of WIA. The Senate bill retains the current structure of the incentive grant program, which authorizes the grants through WIA.

House and Senate recede with amendment to delete incentive grant set aside.

(67) Identical provisions.

Legislative Counsel: similar or identical provision

(68) The Senate bill eliminates the cap on small state minimums based on per student averages.

House and Senate recede with amendment to read as follows note 70.

(69) The House bill includes new ''hold harmless'' provisions based on Tech prep funding that are consolidated into the Basic State Grants account.

House and Senate recede with amendment to read as follows note 70.

(70) The House bill amends the hold harmless provision to the combined Basic State grant and Tech prep FY05 funding levels. The Senate bill bases the hold harmless provision for fiscal years 2006 through 2008 on the Basic State grant FY05 funding level, at which point the hold harmless provision is reduced to 95 percent of the previous fiscal year's Basic State grant appropriation.

House and Senate recede with amendment to read as follows for notes 68–70:

SEC. 111. RESERVATIONS AND STATE ALLOTMENT.—

(a) RESERVATIONS AND STATE ALLOTMENT.—

(1) RESERVATIONS.—From the sum appropriated under section 9 for each fiscal year, the Secretary shall reserve—

(A) 0.13 percent to carry out section 115; and

(B) 1.50 percent to carry out section 116, of which—

(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

(ii) 0.25 percent of the sum shall be available to carry out section 116(h).

(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3), (4), and (5), from the remainder of the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

(3) MINIMUM ALLOTMENT FOR YEARS WITH NO ADDITIONAL FUNDS.—

(A) In general.—Notwithstanding any other provision of law and subject to subparagraphs (B) and (C), and paragraph (5), for a fiscal year for which there are no additional funds (as such term is defined in paragraph (4)(D)), no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) Requirement.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year.

(C) Special rule.—

(i) In general.—Subject to paragraph (5), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

(I) 150 percent of the amount that the State received in the preceding fiscal year; and

(II) the amount calculated under clause (ii).

(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

(II) 150 percent of the national average per pupil payment made with funds available under this section for that year.

(4) MINIMUM ALLOTMENT FOR YEARS WITH ADDITIONAL FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (5), for a fiscal year for which there are additional funds, no State shall receive for such fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

(B) SPECIAL RULE.—In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

(i) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for such fiscal year; and

(ii) the sum of—

(I) the amount the qualifying State received under this subsection for fiscal year 2006 (as such subsection was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); and

(II) the product of—

(aa) ⅓ of the additional funds; multiplied by

(bb) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made.

(C) RATIO.—For purposes of subparagraph (B)(ii)(II)(bb), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

(i) the amount the qualifying State received under this subsection for fiscal year 2006 (as such subsection was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006); divided by

(ii) ½ of 1 percent of the amount appropriated under section 9 and not reserved under paragraph (1) for the fiscal year for which the determination is made.

(D) DEFINITIONS.—In this paragraph:

(i) ADDITIONAL FUNDS.—The term ''additional funds'' means the amount by which—

(I) the sum appropriated under section 9 and not reserved under paragraph (1) for a fiscal year; exceeds

(II) the sum appropriated under section 8 and not reserved under [subparagraph (A) or (B) of paragraph (1)] for fiscal year 2006 (as such section 8 and [such subparagraphs (A) and (B)] were in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006).

(ii) QUALIFYING STATE.—The term ''qualifying State'' means a State (except the United States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (2) (without the application of this paragraph and paragraphs (3) and (5)), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

(5) HOLD HARMLESS.—

(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

(c) ALLOTMENT RATIO.—

(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term ''per capita income'' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

(d) DEFINITION OF STATE.—For the purpose of this section, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(71) Identical provisions.

Legislative Counsel: similar or identical provision

(72) Identical provisions.

Legislative Counsel: similar or identical provision

(73) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 112. Within State Allocation

(74) The House bill provides for 88 percent of State funds to be distributed to local grantees. The Senate bill provides for 85 percent of State funds to be allocated to local grantees.

House recedes with amendment to read as follows:

(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the eligible agency shall make available—

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

(75) The Senate bill combines State Leadership and State Administration funding accounts.

House and Senate recede with amendment to read as follows note 77.

(76a) The Senate bill, but not the House bill, removes the cap on the use of funds for individuals in State institutions and for services for preparing individuals for non-traditional fields.

Senate recedes

(76b) The Senate bill, but not the House bill, includes language on supporting and developing State data systems.

House recedes

(77) The House bill reduces the set aside for State Administration to 2 percent. The Senate bill has no similar provision (see above).

House and Senate recede with amendment to read as follows for notes 75–77:

SEC. 112. WITHIN STATE ALLOCATION.

(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the 'eligible agency') shall make available—

(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

(2) not more than 10 percent to carry out State leadership activities described in section 124 of which—

(A) an amount equal to not more than one percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

(B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for non-traditional fields.

(3) An amount equal to not more than five percent, or $250,000, whichever is greater, shall be made available for administration of the State plan, which may be used for the costs of—

(A) developing the State plan;

(B) reviewing the local plan;

(C) monitoring and evaluating program effectiveness;

(D) assuring compliance with all applicable Federal laws;

(E) providing technical assistance; and

(F) supporting and developing State data systems relevant to the provisions of this Act.

(78) The House bill provides for States to use more funds from the local program account for State Leadership activities for any year in which the allocation of 10 percent for State Leadership activities is less than the FY05 level for State Leadership activities. States using funds for this purpose cannot exceed the percentage of funds set aside for State Leadership in FY05. The Senate bill contains no similar provision.

House recedes

(79) Similar provisions.

ESenate recedes

(80) The Senate bill provides for eligible agencies to use reserved funds for innovative statewide initiatives that demonstrate benefits for eligible recipients and the development and implementation of career pathways or career clusters. The House bill preserves the requirement that grants made under this subsection must serve at least two categories described in paragraph (1). The Senate bill does not include this provision.

Senate recedes with amendment to read as follows:

(c) RESERVE.—

(1) IN GENERAL.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for career and technical education activities described in section 135 in—

(1) rural areas;

(2) areas with high percentages of career and technical education students; and

(3) areas with high numbers of career and technical students.

Sec. 113. Accountability

(81) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

Legislative Counsel: similar or identical provision

House recedes on ''career.''

(82) Similar provisions.

House and Senate recede with amendment to read as follows:

(b) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

(A) the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2);

(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(C); and

(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

(83) The House bill requires eligible agencies to report on core indicators of performance that are ''valid and reliable,'' to the extent practicable.

Senate recedes with amendment to read as follows:

(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary education career and technical education students that are valid and reliable and that include, at a minimum, measures of each of the following:

Report Language: The Conferees are concerned that many States currently use measures of the core indicators of performance that cannot generate valid and reliable data that reflect real improvement of their CTE programs. The Conferees intend, by imposing the explicit requirement that the States must use ''valid and reliable'' measures of the core indicators of performance, for the States to establish measures that reflect

high standards and that will show the extent of real improvement in their CTE programs. The Conferees expect the Department to provide expertise and technical assistance to the States to ensure the validity and reliability of the measures prior to reaching agreement with States on levels for particular measures.

(84) The Senate bill requires eligible agencies to report on student achievement on technical skill assessments. The House bill requires student attainment of vocational and technical skill proficiencies. The Senate bill requires the use of assessments described under ESEA.

House and Senate recede with amendment to read as follows:

(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient level on the academic assessments described in section 1111 (b)(3) of such Act.

Report Language: The Conferees intend that the amendments to the core indicators requirements will ensure that the States use measures that are valid and reliable and apply these measures to all categories of students served by CTE programs. The Conferees further intend that a State use the same measures to report the academic achievement and the rate of high school graduation of its secondary CTE students, as the State uses under Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—rather than indirect measures or approximations of these measures. Thus, for example, a State must report the number or percentage of CTE students scoring at the proficient level or above on its academic assessments used under the ESEA to ensure that its CTE students are held to the same academic achievement standards as are all students.

(85) Similar provisions. The Senate bill requires eligible agencies to report on ''rates of attainment'' for a technical skill proficiency, industry-recognized credential, certificate, and degree. The House bill requires graduation rates to be determined based on requirements in ESEA.

House and Senate recede with amendment to read as follows:

(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

(iii) Student rates of attainment of—

(I) a secondary school diploma;

(II) a General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

(III) a proficiency credential, certificate, or degree, in conjunction with a secondary school diploma if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma.

(iv) Student graduation rates (as described in section 1111 (b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965).

(v) Student placement in postsecondary education or advanced training, in military service, or in employment.

(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.

(86) The House bill requires eligible agencies to report on core indicators of performance that are ''valid and reliable,'' to the extent practicable.

House and Senate recede with amendment to read as follows:

Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that are valid and reliable, and that include, at a minimum, measures of each of the following:

(87) The Senate bill requires eligible agencies to report on student attainment on technical skill assessments.

House and Senate recede with amendment to read as follows:

(i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

(88) The Senate bill requires eligible agencies to report on student attainment of an industry-recognized credential, a certificate, or a degree and includes placement in apprenticeship programs.

House recedes with amendment to read as follows:

(ii) Student attainment of an industry-recognized credential, a certificate, or a degree.

(iii) Student retention in postsecondary education or transfer to a baccalaureate degree program.

(iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.

(89) The Senate bill requires eligible agencies to report on student participation in, and completion of, career and technical education programs that lead to employment or self-employment in high skill, high wage, high demand occupations or professions. The Senate bill requires eligible agencies to report on increase in earnings, where available.

House and Senate recede with amendment to read as follows:

(v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

(90a) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(90b) The Senate bill includes the ''attainment of self-sufficiency.''

House recedes

Report Language: The Conferees intend that the term 'self-sufficiency' means a standard of economic independence that considers a variety of demographic and geographic factors, as adopted, calculated, or commissioned by a local area or State.

(91) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career;'' Senate recedes with amendment to read as follows:

(D) EXISTING INDICATORS.—If a State has developed, prior to the enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, State career and technical education performance measures that meet the requirements of this section (as amended by such Act) the State may use such performance measures to measure the progress of career and technical education students.

(92) Similar provisions.

Senate recedes

(93) The House bill does not include a similar provision.

House recedes with amendment to read as follows:

(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of developing core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, align the indicators so that substantially similar information gathered for other State and Federal programs, or for any other purpose, is used to meet the requirements of this section.

(94) Similar provisions. The Senate bill requires the eligible agency to take into account local adjusted levels of performance.

Senate recedes

(95) The House bill uses the term ''substantial.'' The Senate bill uses the term ''significant.''

Senate recedes with amendment to read as follows:

(II) require the State to continually make progress toward improving the performance of career and technical education students.

(96) The Senate bill uses the term ''career.''

House recedes

(97) Identical provisions.

House and Senate recede with amendment to insert ''subject to section 4,'' before ''each''.

(98) Identical provisions.

Legislative Counsel: similar or identical provision

(99) Identical provisions.

Legislative Counsel: similar or identical provision

Report Language: The conferees expect that, prior to reaching agreement with a State on its adjusted levels of performance, the State will demonstrate that its measures for the core indicators of performance are valid and reliable and will agree on levels that require continuous improvement. The conferees further expect that the agreed-upon State adjusted performance levels will reflect high standards and real improvement, including an increase in the rate of the improvement, in the State's CTE programs.

(100) Similar provisions.

House recedes

(101) The House bill uses the term ''substantial,'' the Senate bill uses the term ''significant.''

Senate recedes with amendment to read as follows:

(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

Report Language: The Conferees expect, in carrying out this section, that the U.S. Department of Education not impose a minimum or arbitrary across-the-board increase in any state performance targets as the means for ensuring continuous improvement. Instead, when the U.S. Department of Education is negotiating state adjusted levels of performance with eligible agencies, it should consider and benchmark an individual state's performance against that state's prior performance, as well as take into consideration state improvement plans and changes in baseline data, measurement methods and number of students. The Conferees expect that eligible agencies provide the same considerations to eligible recipients when negotiating local adjusted levels of performance.

(102) Similar provisions. The House bill refers to the factors in clause (vi), the Senate bill refers to the factors in clause (vi)(II).

House and Senate recede with amendment to read as follows:

(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed

to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan, State levels of performance for each of the additional indicators of performance described in paragraph 2(C). Such levels shall be considered to be the State levels of performance for purposes of this title.

(103) Similar provisions. The Senate bill allows eligible recipients to accept the State adjusted levels of performance, or negotiate with the State to reach agreement on local adjusted levels of performance. The Senate bill uses the term ''career.''

House recedes with amendment to read as follows:

(3) STATE LEVELS OF PERFORMANCE.—

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

(104) The House bill uses the term ''substantial.'' The Senate bill uses the term ''significant.''

Senate recedes with amendment to read as follows:

(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.

(105) The House bill requires improvement in academic and vocational and technical achievement. The Senate bill requires improvement in career and technical achievement.

Senate recedes with amendment to strike ''vocational'' and insert ''career.''

(106) Identical provisions.

Legislative Counsel: similar or identical provision

(107) Similar provisions.

Legislative Counsel: similar or identical provision

(108) Similar provisions.

House recedes

(109) Similar provisions.

Legislative Counsel: similar or identical provision

(110) The House bill uses the term ''substantial.'' The Senate bill uses the term ''significant.''

Senate recedes with amendment to read as follows:

(II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.

(111) Similar provisions. The House bill refers to the factors in clause (v), the Senate bill refers to the factor in clause (v)(II).

Senate recedes

(112) Similar provisions.

Legislative Counsel: similar or identical provision

(113) The House bill requires eligible recipients that receive an allotment under section 111 to report performance on the core indicators of performance, and to disaggregate data for each of the indicators according to categories described under ESEA for both secondary and postsecondary students. The House bill also requires eligible recipients to report on the performance of tech prep participants, if applicable. The Senate bill requires eligible recipients at the secondary level that receive an allocation under section 131 to prepare an annual report.

House and Senate recede with amendment to read as follows note 117.

(114) The House bill prohibits reporting in instances where the numbers of students is too small to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

House and Senate recede with amendment to read as follows note 117.

(115) The House bill requires eligible recipients to make data available publicly, through a variety of formats, including the Internet.

House and Senate recede with amendment to read as follows note 117.

(116) The Senate bill requires data to be disaggregated, for postsecondary institutions, by special populations and gender, and for secondary institutions, by the categories described in ESEA section 1111. The House bill requires both secondary and postsecondary institutions to report data disaggregated by the categories described in ESEA Section 1111. Both bills prohibit reporting in instances where the numbers of students is too small to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

House and Senate recede with amendment to read as follows note 117.

(117) The House bill, but not the Senate bill, requires eligible agencies to report gaps in performance between any such category and the aggregate score of all students served by the eligible agency.

House and Senate recede with amendment to read as follows for notes 113–117:

(C) LOCAL REPORT.—

(i) CONTENT OF REPORT.—Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.

(ii) DATA.—Except as provided in clauses (iii) and (iv) each eligible recipient that receives an allocation described in section 112 shall—

(I) disaggregate data for each of the indicators of performance under paragraph (2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under the Act.

(iii) NONDUPLICATION.—The eligible agency shall ensure that each eligible recipient does not report duplicative information under this section in a manner that is consistent with the actions of the Secretary under subsection (c)(3).

(iv) RULES FOR REPORTING OF DATA.—The disaggregation of data under clause (ii) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

(v) AVAILABILITY.—The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.

(c) REPORT.—

(1) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

(2) DATA.—Except as provided in paragraphs (3) and (4) each eligible agency under sections 111 or 201 shall—

(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under the Act which shall include a quantifiable description of the progress each such category of students served by the eligible agency under the Act has made in meeting the State adjusted levels of performance.

(3) NONDUPLICATION.—The Secretary shall ensure that each eligible agency does not report duplicative information under this section.

(4) RULES FOR REPORTING OF DATA.—The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.

(118) The House bill requires data to be disaggregated by the populations described in section 3(25) and the populations described in section 1111(h)(1)(C)(i) of ESEA. The Senate bill changes the term ''vocational'' to ''career.''

House and Senate recede with amendment to read as follows note 117.

(119) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 114. National activities

(120) The Senate bill changes ''vocational'' to ''career.''

House recedes

(121) The Senate bill requires an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and the categories described in ESEA Section 1111. The Senate bill prohibits reporting in instances where the numbers of students is too small to yield statistically reliable information or in which the results would reveal personally identifiable information about an individual student.

Senate recedes

(122) The House bill limits international comparisons to aggregate comparisons.

Senate recedes

(123) Identical provisions.

Legislative Counsel: similar or identical provision

(124) Identical provisions.

Legislative Counsel: similar or identical provision

(125) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(126) Similar provisions. The members of the advisory panel differ between the House and Senate bills.

House and Senate recede with amendment to read as follows:

(2) INDEPENDENT ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

(B) MEMBERS.—The advisory panel shall consist of—

(i) educators, administrators, State directors of career and technical education, and chief executives, including those with expertise in the integration of academic and career and technical education;

(ii) experts in evaluation, research, and assessment;

(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and workforce investment entities;

(iv) parents;

(v) career guidance and academic counseling professionals; and

(vi) other individuals and intermediaries with relevant expertise.

(127) The House bill requires the report to be transmitted to the Secretary and to Congress. The Senate bill requires the report to be transmitted to the Secretary and the relevant committees of Congress.

Senate recedes with amendment to read as follows:

The advisory panel shall transmit to the Secretary, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (2).

(128) The House bill requires the assessment to evaluate the implementation of career and technical education programs established under this Act. The Senate bill requires the assessment to evaluate career and technical education programs under this Act.

House and Senate recede with amendment to read as follows note 133.

(129) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(130) The House bill deletes clauses (i), (ii), (iv) and (vii) of current law. The Senate bill retains these sections.

House and Senate recede with amendment to read as follows note 133.

(131) The Senate bill includes faculty preparation.

House and Senate recede with amendment to read as follows note 133.

(132) Similar provisions (clauses (ii) in the House bill and (v) in the Senate bill). The House bill includes the term ''rigorous.'' The House bill includes careers in which math and science skills are critical. The Senate bill includes special populations in the evaluation of student preparation. The Senate bill includes the number of students receiving a high school diploma (IV).

House and Senate recede with amendment to read as follows note 133.

(133) The Senate bill includes local adjusted levels of performance and local levels of performance.

House and Senate recede with amendment to read as follows for notes 128–133:

(3) EVALUATION AND ASSESSMENT.—

(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

(B) CONTENTS.—The assessment required under paragraph (1) shall include, but not be limited to, descriptions and evaluations of—

(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local career and technical education programs assisted under this Act; (ii) the preparation and qualifications of teachers and faculty of career and technical education (such as meeting State established teacher certification or licensing requirements), as well as shortages of such teachers and faculty;

(iii) academic and career and technical education achievement and employment outcomes of career and technical education, including analyses of—

(I) the extent and success of integration of rigorous and challenging academic and career and technical education, including a review of the effect of such integration on the academic and technical proficiency achievement of students (including the number of students receiving a high school diploma) for students participating in career and technical education programs; and

(II) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations (including those in which math and science skills are critical), for participation in postsecondary education;

(iv) employer involvement in, and satisfaction with career and technical education programs and career and technical education students' preparation for employment;

(v) participation of students in career and technical education programs;

(vi) the use of educational technology and distance learning with respect to career and technical education and tech prep programs; and

(vii) the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of career and technical education services, including the percentage of career and technical education and tech prep students meeting the adjusted levels of performance described in section 113.

(134) The Senate bill requires the report to be submitted to the relevant committees of Congress.

House recedes with amendment to read as follows:

(I) an interim report regarding the assessment on or before January 1, 2010; and

(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.

(135) The Senate bill would require the Secretary to award grants and contracts to one institution of higher education offering comprehensive graduate programs in career and technical education.

House and Senate recede with amendment to read as follows:

(5) RESEARCH.—

(A) IN GENERAL.—From amounts made available under subsection (e), the Secretary, after consulting with the States, shall award a grant, contract, or cooperative agreement on a competitive basis to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center—

(136) The House bill requires the national center to carry out ''scientifically based research.'' The Senate bill requires ''research and evaluation.''

House and Senate recede with amendment to read as follows:

(i) to carry out scientifically based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for addressing the education, employment, and training needs of participants, including special populations, in career and technical education programs, including research and evaluation in such activities as—

(137) The Senate bill includes the requirements that research include the education, employment, and training needs of special populations.

House recedes

(138) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(139) The Senate bill, but not the House bill, requires the Center to carry out research, including scientifically based research, for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry.

House and Senate recede with amendment to read as follows:

(I) the integration of—

(aa) career and technical instruction; and

(bb) academic, secondary and postsecondary instruction;

(II) education technology and distance learning approaches and strategies that are effective with respect to career and technical education;

(III) State adjusted levels of performance and State levels of performance that serve to improve career and technical education programs and student achievement;

(IV) academic knowledge and career and technical skills required for employment or participation in postsecondary education; and

(V) preparation for occupations in high skill, high wage, or high demand business and industry, including examination of—

(aa) collaboration between career and technical education programs and business and industry; and

(bb) academic and technical skills required for a regional or sectoral workforce, including small business;

(140) The House bill includes the term ''scientifically based research'' and ''rigorous.''

House and Senate recede with amendment to read as follows:

(ii) to carry out scientifically based research and evaluation to increase the effectiveness and improve the implementation of career and technical education programs that are integrated with coherent and rigorous content aligned with challenging academic standards, including conducting research and development, and studies, that provide longitudinal information or formative evaluation with respect to career and technical education programs and student achievement;

(141) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(142) The Senate bill requires research that improves the integration of programs with academic content standards and achievement standards adopted by States under ESEA.

House recedes with amendment to read as follows note 144.

(143) The Senate bill requires that research promoting technical education be aligned with industry-based standards and certifications to meet regional industry needs.

House recedes with amendment to read as follows note 144.

(144) The Senate bill requires that research to improve preparation and professional development include the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in

groups underrepresented in the teaching professions.

House and Senate recede with amendment to read as follows for notes 142–144:

(iii) to carry out scientifically based research that can be used to improve preparation and professional development of teachers, faculty, and administrators and student learning in the career and technical education classroom, including—

(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

(bb) coordinating technical education with industry-recognized certification requirements;

(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical skills, State academic standards, and related materials; and

(III) the recruitment and retention of career and technical education teachers, faculty, counselors, and administrators, including individuals in groups underrepresented in the teaching profession; and

(145) Identical provisions.

Legislative Counsel: similar or identical provision

(146) The Senate bill refers to the ''relevant Committees of Congress.''

House recedes with amendment to read as follows:

(B) REPORT.—The center conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center and shall submit copies of the report to the Secretary, relevant committees of Congress, the Library of Congress, and each eligible agency.

(147) The House bill refers to one or more centers. The Senate bill refers to one center.

House and Senate recede with amendment to read as follows:

(B) REPORT.—The center conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center and shall submit copies of the report to the Secretary, relevant committees of Congress, the Library of Congress, and each eligible agency.

(148) The Senate bill, but not the House, would establish an independent governing board to ensure that research and dissemination activities are carried out by the center are coordinated with the research activities carried out by the Secretary.

Senate recedes

(149) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(150) The Senate bill retains the demonstration partnership.

Senate recedes

(151) Identical provisions.

Legislative Counsel: similar or identical provision

(152) Similar provisions.

Senate recedes with amendment to read as follows:

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2012.

(153) The House bill separates the Perkins incentive grant funds from the incentive grant funds authorized under Title I and Title II of WIA. The House bill awards incentive grants without consideration of performance on WIA programs. The Senate bill retains the current structure of the incentive grants.

House and Senate recede.

Incentive grants removed as a part of the formula resolution. See notes 68–70.

Sec. 115. Assistance for Outlying Areas

(154) The House bill, but not the Senate, would increase grant amounts for the outlying areas. The Senate bill retains PREL as the initial recipient of the ''remainder'' to subsequently make grants. The House bill no longer includes PREL.

House and Senate recede with amendment to read as follows note 160.

(155) The Senate bill, but not the House, includes the Republic of Palau in the ''Remainder'' provision of the bill. However, the Senate bill no longer includes the Republic of Palau in its definition of outlying areas. (See note 44).

House and Senate recede with amendment to read as follows note 160.

(156) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(157) The Senate bill uses the term ''preparation,'' while the House bill uses the phrase ''training and retraining.''

House and Senate recede with amendment to read as follows note 160.

(158) The Senate bill, but not the House, includes ''professional development for teachers, faculty, principals, and administrators;''

House and Senate recede with amendment to read as follows note 160.

(159) The House bill, but not the Senate, strikes this provision from current law.

House and Senate recede with amendment to read as follows note 160.

(160) Similar provisions.

House and Senate recede with amendment to read as follows for notes 154–160:

SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

(1) make a grant in the amount of $660,000 to Guam;

(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and

(3) make a grant in the amount of $160,000 to the Republic of Palau, subject to subsection (d).

(b) REMAINDER.—

(1) FIRST YEAR.—Subject to the provisions of subsection (a), for the first year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

(A) teacher and counselor training and retraining;

(B) curriculum development; and

(C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.

(2) SUBSEQUENT YEARS.—Subject to subsection (a), for the second fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.

(d) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.

Sec. 116. Native American Programs

(161) Identical provisions.

Legislative Counsel: similar or identical provision

(162) Identical provisions.

Legislative Counsel: similar or identical provision

(163) Identical provisions.

Legislative Counsel: similar or identical provision

(164) Identical provisions.

Legislative Counsel: similar or identical provision

(165) Identical provisions.

Legislative Counsel: similar or identical provision

(166) Identical provisions.

Legislative Counsel: similar or identical provision

(167) Identical provisions.

Legislative Counsel: similar or identical provision

(168) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(169) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(170) Identical provisions.

Legislative Counsel: similar or identical provision

(171) Identical provisions.

Legislative Counsel: similar or identical provision

(172) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(173) The Senate bill, but not the House, inserts a comma after the word ''section.''

Legislative Counsel: similar or identical provision

(174) The Senate bill, but not the House, changes the word ''paragraph'' to ''section.''

Legislative Counsel: similar or identical provision

(175) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(176) Identical provisions.

Legislative Counsel: similar or identical provision

(177) Identical provisions.

Legislative Counsel: similar or identical provision

(178) Similar provisions. The Senate bill does not require recognition by the Governor of the State of Hawaii.

House recedes with amendment to read as follows:

(h) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section

111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with community-based organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

Sec. 117. Tribally Controlled Postsecondary Career and Technical Institutions

(179) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(180) The House bill, but not the Senate, provides that funds may be used for ''institutional support costs of the grant, including the expenses described in subsection (e).''

Senate recedes

The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(181) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(182) Similar provisions.

Senate recedes

(183) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(184) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(185) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(186) The Senate bill requires the needs assessment to be conducted annually. The House bill deletes the requirement that the Secretary conduct a needs assessment.

Senate recedes

(187) The Senate bill, but not the House bill, maintains the requirement that the Secretary conduct a detailed study of the training, housing, and immediate facilities needs of each institution eligible under this section.

Senate recedes

(188) The Senate bill, but not the House bill, maintains the requirement that the Secretary provide for the conduct of a long-term study of the facilities of each institution eligible for assistance under this section.

Senate recedes

(189) The Senate bill, but not the House bill, requires the Secretary to provide a tribally controlled postsecondary career and technical institution with a hearing on the record with respect to determinations of grant eligibility or regarding the calculation of the amount of a grant awarded under this section.

House recedes with amendment to read as follows:

(g) COMPLAINT RESOLUTION PROCEDURE.—The Secretary shall establish (after consultation with tribally controlled postsecondary career and technical institutions) a complaint resolution procedure for grant determination and calculations under this section for tribally controlled postsecondary career and technical institutions.

(190) Identical provisions.

Legislative Counsel: similar or identical provision

(191) The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career.''

Senate recedes with amendment to read as follows:

(2) INDIAN STUDENT COUNT.—

(A) IN GENERAL.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary career and technical institution, as determined in accordance with subparagraph (B).

(B) DETERMINATION.—

(i) ENROLLMENT.—For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

(I) in the case of the fall term, the third week of the fall term; and

(II) in the case of the spring term, the third week of the spring term.

(ii) CALCULATION.—For each academic year, the Indian student count for a tribally controlled postsecondary career and technical institution shall be the quotient obtained by dividing—

(I) the sum of the credit hours of all Indian students enrolled in the tribally controlled postsecondary career and technical institution (as determined under clause (i)); by

(II) 12.

(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

(I) IN GENERAL.—A credit earned at a tribally controlled postsecondary career and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

(III) CREDITS TOWARD SECONDARY SCHOOL DEGREE.—No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

(v) CONTINUING EDUCATION PROGRAMS.—Any credit earned by an Indian student in a continuing education program of a tribally controlled postsecondary career and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit hour basis in accordance with the system of the institution for providing credit for participation in the program.

(192) The Senate bill, but not the House bill, specifies an authorization level for FY06 for the purposed of this section.

Senate recedes with amendment to read as follows:

AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

Sec. 118. Occupational and Employment Information

(193) Similar provisions.

Legislative Counsel: similar or identical provision

(194) The Senate bill includes specific contents for the application.

House recedes with amendment to read as follows:

(b) STATE APPLICATION.—

(1) IN GENERAL.—A jointly designated State entity specified in subsection (c) that desires to receive a grant shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity designated in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act to inform program development.

(195) The Senate bill includes academic achievement standards adopted by the State under ESEA.

House recedes with amendment to read as follows: (see note 194)

(196) The Senate bill, but not the House bill, includes a focus on high skill, high wage, or high demand occupations in emerging or established professions.

Senate recedes with amendment to read as follows:

(c) STATE LEVEL ACTIVITIES.—In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;

(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

(197) The Senate bill, but not the House bill, includes a focus on high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree. The Senate bill includes an emphasis on providing this information to special populations underrepresented in certain careers.

House recedes with amendment to read as follows:

(3) to provide academic and career and technical teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;

(198) The Senate bill, but not the House bill, includes a focus on high skill, high wage, or high demand occupations in emerging or established professions.

House recedes with amendment to read as follows:

(4) to assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information.

(199) The Senate bill, but not the House, requires the entities receiving grants under this section to provide information, if available, for each occupation on the average earnings of the individual, the expected lifetime earnings, and the expected future demand for the occupation.

House and Senate recede with amendment to read as follows:

(7) to provide readily available occupational information such as—

(A) information relative to employment sectors;

(B) information on occupation supply and demand; and

(C) other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant.

(200) Similar provisions.

Legislative Counsel: similar or identical provision

(201) Similar provisions.

Legislative Counsel: similar or identical provision

(202) Similar provisions.

Legislative Counsel: similar or identical provision

(203) Similar provisions.

Legislative Counsel: similar or identical provision

PART B—STATE PROVISIONS

Sec. 121. State Administration

(204) Identical provisions.

Legislative Counsel: similar or identical provision

(205) The Senate bill, but not the House, includes ''teacher and faculty preparation programs'' and ''all types of businesses'' in the consultation process.

House recedes with amendment to read as follows:

(2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

(206) Identical provisions.

Legislative Counsel: similar or identical provision

(207) Identical provisions.

Legislative Counsel: similar or identical provision

(208) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 122. State plan

(209) The Senate bill allows eligible agencies to submit transition plans to meet the requirements of this section.

House and Senate recede with amendment to read as follows:

(a) STATE PLAN.—

(1) IN GENERAL.—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

(210) Identical provisions.

Legislative Counsel: similar or identical provision

(211) The House bill, but not the Senate, includes charter school authorizers and organizers, students, and community organizations.

Senate recedes with amendment to read as follows:

groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations),

(212) The Senate bill includes career guidance and academic counselors, State tech prep coordinators and representatives of tech prep consortia, the lead State agency officials with responsibility for activities under the Workforce Investment Act, and includes small businesses and economic development entities in the business and industry category.

House recedes with amendment to read as follows:

(b) PLAN DEVELOPMENT.—

(1) IN GENERAL.—The eligible agency shall—

(A) develop the State plan in consultation with—

(i) academic and career and technical education teachers, faculty, and administrators;

(ii) career guidance and academic counselors;

(iii) eligible recipients;

(iv) charter school authorizers and organizers (consistent with State law);

(v) parents and students;

(vi) institutions of higher education;

(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);

(viii) entities participating in activities under section 111 of P.L. 105–220;

(ix) interested community members (including parent and community organizations);

(x) representatives of special populations;

(xi) representatives of business and industry (including representatives of small business); and

(xii) representatives of labor organizations in the State; and

(B) consult the Governor of the State with respect to such development.

(213) Identical provisions.

Legislative Counsel: similar or identical provision

(214) The Senate bill changes the term ''vocational'' to ''career.''

House and Senate recede with amendment to read as follows for notes 214–230:

(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—

(i) incorporate secondary education and postsecondary education elements;

(ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and

(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;

(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);

(C) how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions;

(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;

(E) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to appropriate technology in career and technical education programs;

(F) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this Act, including criteria to assess the extent to which the local plan will—

(i) promote continuous improvement in academic achievement;

(ii) promote continuous improvement of technical skill attainment; and

(iii) identify and address current or emerging occupational opportunities;

(G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma;

(H) how such programs will prepare career and technical education students, including special populations, academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;

(I) how funds will be used to improve or develop new career and technical education courses—

(i) at the secondary level that are aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111 (b)(1) of the Elementary and Secondary Education Act of 1965;

(ii) at the postsecondary level that are relevant and challenging; and

(iii) that lead to employment in high skill, high wage, or high demand occupations;

(J) how the eligible agency will facilitate and coordinate communication on best practices among successful tech prep program grants under title II and eligible recipients to improve program quality and student achievement;

(K) how funds will be used effectively to link secondary and postsecondary academic and career and technical education at the secondary level and the postsecondary level in a manner that increases student academic and career and technical achievement; and

(L) how the eligible agency will report on the integration of coherent and rigorous content aligned with challenging academic standards in career and technical education programs in order to adequately evaluate the extent of such integration.

(215) The House and Senate bill use different terms. The House bill requires the eligible agency to describe in the plan how model sequences of courses will include secondary and postsecondary components. The Senate bill requires the eligible agency to describe how it will support eligible recipients in developing or implementing career pathways and in developing articulation agreements between secondary and postsecondary institutions.

House and Senate recede with amendment to read as follows note 214.

(216) The House bill requires a description of how the model sequence of courses will include rigorous and challenging content. The Senate bill requires a description of how the eligible agency will support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations.

House and Senate recede with amendment to read as follows note 214.

(217) The House bill requires a description of how the model sequence of courses will lead to a postsecondary 1-year certificate, associate or baccalaureate degree, or a proficiency credential in conjunction with a secondary school diploma. The Senate bill requires a description of how the eligible agency will make available information about career pathways offered by eligible recipients.

House and Senate recede with amendment to read as follows note 214.

(218) The House bill requires a description of how the model sequence of courses may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate), when choosing future coursework. The Senate bill requires a description of how the eligible agency will consult with business and industry and use industry-recognized standards and assessments, if appropriate, to develop career pathways.

House and Senate recede with amendment to read as follows note 214.

(219) The House bill, but not the Senate bill, includes language requiring a description of how the eligible agency will distribute information identifying eligible recipients that offer elements of the model sequence of courses.

House and Senate recede with amendment to read as follows note 214.

(220) The Senate bill changes the term ''vocational'' to ''career.''

House recedes.

(221) Similar provisions. The Senate bill, but not the House bill, requires the local plan to identify and address workforce needs.

House and Senate recede with amendment to read as follows note 214.

The House bill requires the local plan to promote continuous and substantial improvement.

House and Senate recede with amendment to read as follows note 214.

(222) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 214.

(223) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.'' The Senate bill includes an emphasis on special populations.

House and Senate recede with amendment to read as follows note 214.

House recedes on ''career.''

(224) The Senate bill is more specific. It requires that new courses in high skill, high wage, or high demand occupations are linked to business needs and industry standards, where appropriate. It also requires that courses at the secondary level are aligned with standards adopted by the State under ESEA and that courses at the postsecondary level are relevant and challenging.

House and Senate recede with amendment to read as follows note 214.

(225) The Senate bill changes the term ''vocational'' to ''career.''

House recedes.

(226) The House bill uses the term ''rigorous.''

House and Senate recede with amendment to read as follows note 214.

(227) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 214.

(228) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 214.

(229) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 214.

(230) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 214.

(231) The Senate bill, but not the House bill, includes principals in the professional development language.

House and Senate recede with amendment to read as follows note 267.

(232) The Senate bill changes the term ''vocational'' to ''career.''

House recedes.

(233a) The House bill includes the term ''rigorous.''

House and Senate recede with amendment to read as follows note 267.

(233b) The House bill includes a provision to encourage applied learning that contributes to the academic and vocational and technical knowledge of the student.

House and Senate recede with amendment to read as follows note 267.

(234) The Senate bill is more expansive in the requirements for professional development.

House and Senate recede with amendment to read as follows note 267.

(235) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 267.

(236) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 267.

(237) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 267.

(238) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.'' The Senate bill also includes faculty, principals, administrators, counselors, business intermediaries, State workforce investment boards, and local workforce investment boards.

House and Senate recede with amendment to read as follows note 267.

(239) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career.''

House and Senate recede with amendment to read as follows note 267.

(240) The Senate bill, but not the House bill, includes a new subparagraph (A) relating to the use of funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations.

House and Senate recede with amendment to read as follows note 267.

(241) The House bill refers to ESEA for definition of core academic subjects.

House and Senate recede with amendment to read as follows note 267.

(242) The Senate bill (subparagraph (D)), encourages enrollment in challenging courses in core academic subjects. The House bill (subparagraph (A)) requires the integration of academics with vocational and technical education to ensure learning in core academic subjects.

House and Senate recede with amendment to read as follows note 267.

(243) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.'' The Senate bill requires programs to be coordinated to promote lifelong learning.

House recedes on ''career.''

House and Senate recede with amendment to read as follows note 267.

(244) Similar provisions.

House and Senate recede with amendment to read as follows note 267.

(245) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 267.

(246) Similar provisions. House bill uses term ''describe.'' Senate bill uses term ''describes.''

House and Senate recede with amendment to read as follows note 267.

(247) Identical provisions.

House and Senate recede with amendment to read as follows note 267.

(248) The House bill, but not the Senate bill, adds a specific restriction on the use of funds for purchasing technology.

House and Senate recede with amendment to read as follows note 267.

(249) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 267.

(250) The Senate bill requires a description of how the eligible agency will measure and report data.

House and Senate recede with amendment to read as follows note 267.

(251) The Senate bill requires data to be reported for specific career clusters.

House and Senate recede with amendment to read as follows note 267.

(252) The Senate bill replaces the term ''vocational'' to ''career.''

House recedes

(253) The Senate bill requires a description of how the eligible agency will disaggregate data, depending on the type of eligible recipient.

House and Senate recede with amendment to read as follows note 267.

(254) Identical provisions.

House and Senate recede with amendment to read as follows note 267.

(255) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career.''

House and Senate recede with amendment to read as follows note 267.

(256) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career.''

House and Senate recede with amendment to read as follows note 267.

(257) The Senate bill, but not the House bill, includes coordination with workforce investment programs.

House and Senate recede with amendment to read as follows note 267.

(258) The Senate bill, but not the House bill, requires a description of how funds will be used to promote preparation for high skill, high wage, or high demand occupations. The Senate bill also requires preparation for non-traditional fields in emerging and established professions.

House and Senate recede with amendment to read as follows note 267.

(259) Identical provisions.

House and Senate recede with amendment to read as follows note 267.

(260) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 267.

(261) No similar provision is included in S. 250.

House and Senate recede with amendment to read as follows note 267.

(262) Identical provisions.

House and Senate recede with amendment to read as follows note 267.

(263) Similar provisions.

House and Senate recede with amendment to read as follows note 267.

(264) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows note 267.

(265) Identical provisions.

House and Senate recede with amendment to read as follows note 267.

(266) The Senate bill changes the term ''vocational'' to ''career.''

House recedes on ''career.''

(267) Identical provisions.

House and Senate recede with amendment to read as follows for notes 231–267:

(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—

(A) promotes the integration of coherent and rigorous academic content standards and career and technical education curricula, including through opportunities for the appropriate academic and career and technical teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;

(B) increases the percentage of teachers that meet teacher certification or licensing requirements;

(C) is high quality, sustained, intensive, focused on instruction, and increases the academic knowledge and understanding of industry standards, as appropriate, of career and technical education teachers;

(D) encourages applied learning that contributes to the academic and career and technical knowledge of the student;

(E) provides the knowledge and skills needed to work with and improve instruction for special populations;

(F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and

(G) promotes integration with professional development activities that the State carries out under Title II of the Elementary and Secondary Education Act of 1965 and Title II of the Higher Education Act of 1965.

(3) describes efforts to improve—

(A) the recruitment and retention of career and technical education teachers, faculty, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

(B) the transition to teaching from business and industry, including small business;

(4) describes efforts to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs at institutions of higher education;

(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, administrators, faculty, career guidance and academic counselors, local business (including small businesses), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

(A) among career and technical education at the secondary level, or career and technical education at the postsecondary and adult levels, or both, including the rationale for such allocation; and

(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

(7) describes how the eligible agency will—

(A) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic and career and technical components of career and technical education programs through the integration of academics with career and technical education to ensure learning in—

(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

(ii) career and technical education subjects;

(B) provide students with strong experience in, and understanding of, all aspects of an industry; and

(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other Federal programs;

(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

(A) will be provided with equal access to activities assisted under this Act;

(B) will not be discriminated against on the basis of their status as members of the special populations; and

(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

(10) describes—

(A) efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and

(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under Section 113(b)(3);

(11) provides assurances that the eligible agency will comply with the requirements of this Act and the provisions of the State plan, including the provision of a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs;

(12) provides assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the acquiring entity, the employees of the acquiring entity, or any affiliate of such an organization;

(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;

(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

(16) describes how career and technical education relates to State and regional occupational opportunities;

(17) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;

(19) describes how funds will be used to serve individuals in State correctional institutions; and

(20) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105–220 concerning the provision of services only for postsecondary students and school dropouts.

(d) PLAN OPTIONS.—

(1) SINGLE PLAN.—An eligible agency not choosing to consolidate funds under section 202 shall fulfill the plan or application submission requirements of this section, and section 201(c), by submitting a single State plan. In such plan, the eligible agency may allow recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 204 by submitting a single local plan.

(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of Public Law 105–220, if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.

(e) PLAN APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

(A) the State plan, or revision, respectively, does not meet the requirements of this Act; or

(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult career and technical education, postsecondary career and technical education, tech prep education, and secondary career and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary career and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

Sec. 123. Improvement plans

(268) The House bill requires that the improvement plan give special consideration to performance gaps.

House and Senate recede with amendment to read as follows note 272.

(269) Identical provisions.

House and Senate recede with amendment to read as follows note 272.

(270a) The Senate bill has the caption heading ''FAILURE.''

House and Senate recede with amendment to read as follows note 272.

(270b) The Senate bill specifies that action may be taken if an eligible agency fails to

meet more than one of the State adjusted levels of performance for 2 or more consecutive years. The House bill specifies that subsequent action may occur if an eligible recipient does not meet the State adjusted levels of performance and the purposes of the Act for 2 or more consecutive years.

House and Senate recede with amendment to read as follows note 272.

Report Language: In establishing separate indicators for secondary and postsecondary programs, the Conferees acknowledge the distinct activities carried out by secondary and postsecondary recipients. By providing the Secretary with the discretion to take subsequent action against an eligible agency, as specified in Section 123(b)(4), the Conferees intend that the Secretary withhold only those funds from the eligible agency that are designated to support the activities related to the core indicators for which the agency failed to meet the adjusted levels of performance.

(271) Identical provisions.

House and Senate recede with amendment to read as follows note 272.

Report Language: The Conferees intend that, in determining whether to impose sanctions, the Secretary consider the number of, and the degree by which, a State recipient failed to meet its State adjusted levels of performance.

(272) Identical provisions.

House and Senate recede with amendment to read as follows for notes 268–272.

SEC. 123. IMPROVEMENT PLANS.

(a) STATE PROGRAM IMPROVEMENT.—

(1) PLAN.—If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.

(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.

(3) SUBSEQUENT ACTION.—

(A) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency—

(i) fails to implement an improvement plan as described in paragraph (1);

(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or

(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.

(273) Similar provisions. The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(274) Similar provisions. The House bill, but not the Senate bill, references a persistent or a widening of performance gaps.

House and Senate recede with amendment as follows note 279.

(275) The Senate bill requires the assessment to include special populations.

Senate recedes

(276) The Senate bill requires the eligible agency to consult with principals, administrators, and faculty.

Senate recedes

(277) The Senate bill, but not the House, permits an eligible recipient to request additional technical assistance directly from the Secretary.

House and Senate recede with amendment as follows note 279.

Report Language: In establishing separate indicators for secondary and postsecondary programs, the Conferees acknowledge the distinct activities carried out by secondary and postsecondary recipients. By providing a State with the discretion to take subsequent action against an eligible recipient, as specified in Section 123(b)(4), the Conferees intend that the State withhold only those funds from the eligible recipient that are designated to support the activities related to the core indicators for which the recipient failed to meet the adjusted levels of performance.

(278a) The Senate bill has the caption heading ''FAILURE.''

House and Senate recede with amendment as follows note 279.

(278b) The Senate bill specifies that action may be taken if an eligible recipient fails to meet more than one of the local adjusted levels of performance for 2 or more consecutive years. The House bill specifies that subsequent action may occur if an eligible recipient does not meet the local adjusted levels of performance and the purposes of the Act for 2 or more consecutive years.

House and Senate recede with amendment as follows note 279.

Report Language: The conferees intend that, in determining whether to impose sanctions, an eligible agency consider the number of, and the degree by which, an eligible recipient failed to meet its local adjusted levels of performance and the impact, if any, on eligible recipient's reported performance of the small size of its career and technical education program.

(279) The Senate bill, but not the House, includes ''organizational structure'' as grounds for waiver of the sanctions described.

House and Senate recede with amendment as follows for notes 274–279:

(2) PLAN.—If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible entity failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.

(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.

(4) SUBSEQUENT ACTION—

(A) IN GENERAL.—The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient—

(i) fails to implement an improvement plan as described in paragraph (2);

(ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or

(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.

(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may, in determining whether to impose sanctions under subparagraph (A), waive imposing sanctions—

(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or

(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.

(280) Similar provisions.

Legislative Counsel: similar or identical provision

Report Language: The conferees recognize that the possible sanction of an eligible recipient could result in an unnecessary disruption of services and activities. It is the intention of the conferees that in the event of a sanction, the services and activities to be provided through an alternative arrangement should be provided by the state agency or another eligible recipient.

Sec. 124. State leadership activities

(281) Similar provisions.

Senate recedes

(282) Identical provisions.

Legislative Counsel: similar or identical provision

(283) The Senate bill changes ''vocational'' to ''career.''

House recedes

(284) The Senate bill, but not the House, includes ''further training,'' and ''high skill, high wage, or high demand occupations.''

House recedes

(285) The House bill, but not the Senate, includes ''math and science'' education.

House and Senate recede with amendment to read as follows note 288.

(286) The Senate bill, but not the House, deletes subparagraph (B) from current law.

House and Senate recede with amendment to read as follows note 288.

(287) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(288) The Senate bill, but not the House, includes lifelong learning and partnerships to link career and technical education with businesses, workforce investment entities and communications entities.

House and Senate recede with amendment to read as follows for notes 285–288:

(2) developing, improving, or expanding the use of technology in career and technical education that may include—

(A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning;

(B) providing career and technical education students with the academic and career and technical skills (including the math and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or

(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

(289) The House bill, but not the Senate, includes a new requirement that professional development include training on the integration and use of rigorous and challenging standards.

House and Senate recede with amendment to read as follows:

(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

(290a) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(290b) The Senate bill includes language on scientifically based research and effective practices to improve parental and community involvement.

Senate recedes with amendment to read as follows:

(A) provide in-service and preservice training in career and technical education programs—

(i) on effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

(ii) on effective teaching skills based on research that includes promising practices;

(iii) on effective practices to improve parental and community involvement; and

(iv) on effective use of scientifically based research and data to improve instruction;

Report Language: The Conferees believe that states should look to the appropriate scientifically based research to guide their professional development offerings in order to promote promising practices at the local level.

(291) The House bill, but not the Senate bill, includes a new requirement that professional development activities be ''high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1–day or short-term workshops or conferences.''

House and Senate recede with amendment to read as follows:

(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1–day or short-term workshops or conferences;

(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;

(D) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel—

(i) stay current with the needs, expectations, and methods of industry;

(ii) can effectively develop rigorous and challenging, integrated academic and career and technical education curricula jointly with academic teachers, to the extent practicable;

(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

(iv) effectively use applied learning that contributes to the academic and vocational and technical knowledge of the student; and

(E) are coordinated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;

(292) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(293) The House bill, but not the Senate, provides for the provision of ''rigorous and challenging academics that are integrated with vocational and technical education to ensure achievement in the core academic subjects.''

House recedes with amendment to read as follows:

(4) supporting career and technical education programs that improve the academic and career and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical components of such career and technical education programs through the integration of coherent and relevant content aligned with challenging academic standards and relevant career and technical education to ensure achievement in—

(A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

(B) career and technical subjects;

(294) The Senate bill, but not the House, includes the qualifying language: ''in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupation.''

House recedes with amendment to read as follows:

(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;

(295) The Senate bill includes ''intermediaries.''

House recedes

(296) The Senate bill uses the term ''career pathways,'' the House bill uses the term ''model sequence or courses.''

Senate recedes with amendment to read as follows:

(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);

(297) Identical provisions.

Legislative Counsel: similar or identical provision

(298) Senate bill, but not the House, includes ''high demand occupations.''

House recedes

(299) Identical provisions.

Legislative Counsel: similar or identical provision

(300) Identical provisions.

Legislative Counsel: similar or identical provision

(301) The Senate bill, but not the House bill, allows funds to be used to encourage students to graduate with a diploma or a degree, and expose student to high skill, high wage occupations and non-traditional fields in emerging and established professions.

House recedes with amendment to read as follows:

(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including—

(A) encouraging secondary and postsecondary students to graduate with a diploma or degree; and

(B) exposing students to high skill, high wage occupations and non-traditional fields;

The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(302) Similar provisions. The Senate bill specifically mentions articulation agreements as a possible type of agreement.

House recedes

(303) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(304) Identical provisions.

Legislative Counsel: similar or identical provision

(305) The Senate bill combines this provision into paragraph (8) below.

House recedes

(306) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(307) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(308) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(309) Identical provisions.

Legislative Counsel: similar or identical provision

(310) The Senate bill allows partnerships between education and business intermediaries. The Senate bill provides for adjunct faculty arrangements at the secondary and postsecondary levels. The Senate bill includes cooperative education (see note 305).

House recedes

(311) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

The Senate bill allows the development of new initiatives. The Senate bill includes career clusters, career academics, and distance learning. The Senate bill also emphasizes high skill, high wage, or high demand occupations.

House recedes with amendment to read as follows:

(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

(312) The House bill includes preparation for current and emerging occupations in demand.

House recedes

(313) The House bill, but not the Senate, stipulates requirements for the award of performance incentive grants beyond the requirements of section 113.

House and Senate recede with amendment to read as follows:

(10) awarding incentive grants to eligible recipients—

(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on—

(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;

(ii) eligible recipients effectively developing connections between secondary education and postsecondary education and training;

(iii) the adoption and integration of coherent and rigorous content aligned with challenging academic standards and technical coursework;

(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance;

(v) other factors relating to the performance of the eligible recipient under this Act as the eligible agency determines are appropriate; or

(B) if an eligible recipient elects to use funds as permitted under section 135(c)(19).

(314) No similar provision is included in S. 250.

Senate recedes

(315) The Senate bill, but not the House, provides for coordination with State Adult Basic Education and Family Literacy activities.

House recedes with amendment to read as follows:

(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act.

(316) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(317) The Senate bill, but not the House bill, provides for collaboration with State workforce investment systems to help individuals find employment or continue their education or training.

House recedes with amendment to read as follows:

(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.);

(318) No similar provision in included in H.R. 366.

House recedes with amendment to read as follows:

(14) developing valid and reliable assessments of technical skills;

(319) No similar provision is included in H.R. 366.

House recedes

(320) No similar provision is included in H.R. 366.

House recedes with amendment to read as follows:

(17) support for occupational and employment information resources, such as those described in section 118.

(321) No similar provision is included in H.R. 366.

Senate recedes

(322) Similar provisions.

Senate recedes

PART C—LOCAL PROVISIONS

Sec. 131. Distribution of funds to secondary school programs

(323) Identical provisions.

House and Senate recede with amendment to read as follows:

(a) DISTRIBUTION RULES.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section to local educational agencies within the State as follows:

(1) THIRTY PERCENT.—Thirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory—

(A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965; or

(B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system.

(2) SEVENTY PERCENT.—Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965, compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

(3) ADJUSTMENTS.—Each eligible agency, in making the allocations under paragraphs (1) and (2), shall adjust the data used to make the allocations to—

(A) reflect any change in school district boundaries that may have occurred since the data were collected; and

(B) include local educational agencies without geographical boundaries, such as charter schools and secondary schools funded by the Bureau of Indian Affairs.

(324) Identical provisions.

Legislative Counsel: similar or identical provision

(325) Identical provisions. The Senate bill changes the term ''vocational'' to ''career.''

Legislative Counsel: similar or identical provision

House recedes on ''career.''

(326) Identical provisions.

Legislative Counsel: similar or identical provision

(327) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(328) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(329) The Senate bill changes the term ''vocational'' to ''career.'' Senate bill doesn't include ''d.''

House recedes on ''career.'' Senate recedes on (d).

(330) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 132. Distribution of funds for postsecondary education career and technical education programs

(331) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(332) The Senate bill adds language related to technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree.

Senate recedes

(333) Identical provisions.

Legislative Counsel: similar or identical provision

(334) Identical provisions.

Legislative Counsel: similar or identical provision

(335) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 133. Special rules for career and technical education

(336) The Senate bill changes the term ''vocational'' to ''career'' in the heading.

House recedes

(337) The House bill, but not the Senate bill strikes this provision from current law.

House recedes

(338) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(339) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

Sec. 134. Local plan for career and technical education programs

(340) The Senate bill changes the term ''vocational'' to ''career'' in the heading. The Senate bill, but not the House, includes workforce investment entities.

House recedes with amendment to read as follows:

(a) LOCAL PLAN REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational and training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

(341) Identical provisions.

Legislative Counsel: similar or identical provision

(342) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(343) Similar provisions. The House bill refers to ''model sequences of courses.'' The Senate bill refers to ''career pathways.''

Senate recedes with amendment to read as follows:

career and technical programs of study

(344) The House bill includes the term ''rigorous.''

Senate recedes with amendment to read as follows:

(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in—

(i) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and

(ii) career and technical education subjects;

(C) provide students with strong experience in, and understanding of, all aspects of an industry;

(D) ensure that students who participate in such career and technical education programs are taught to the same coherent and rigorous content aligned with challenging academic standards as are taught to all other students;

(345) The House bill defines core academic subjects as under ESEA.

Senate recedes with amendment to read as follows:

(E) encourage career and technical education students at the secondary level to enroll in rigorous and challenging courses in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

(346) The Senate bill refers to Section 122. The House bill requires a description of professional development activities that promote the integration of rigorous and challenging academic and technical education (including curriculum development).

Senate recedes with amendment to read as follows:

(4) describe how comprehensive professional development (including initial teacher preparation) for career and technical, academic, guidance, and administrative personnel will be provided that promotes the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education (including curriculum development);

(347) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(348) The Senate bill includes faculty, principals, administrators, counselors, representatives of tech prep consortia, representatives of the local workforce investment board, representatives or the local development entity, and representatives of small business.

House recedes with amendment to read as follows:

(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 117 of Public Law 105–220 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;

(349) The Senate bill specifically requires that all individuals and entities are informed about career pathways.

Senate recedes with amendment to read as follows:

including career and technical programs of study;

(350) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(351) Similar provisions. The House bill requires the performance of the eligible recipient to be independently evaluated.

House recedes

(352) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(353) The Senate bill combines subparagraphs (B) and (C) of the House bill.

Senate recedes with amendment to read as follows for notes 353–355:

(8) describe how the eligible recipient will—

(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;

(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and

(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;

(354) The House bill refers to State adjusted levels of performance. The Senate bill refers to local adjusted level of performance.

Senate recedes with amendment to read as follows note 353.

(355) The House bill specifically includes single parents and displaced homemakers.

Senatee recedes with amendment to read as follows note 353.

(356) Identical provisions.

Legislative Counsel: similar or identical provision

(357) Similar provisions.

House recedes

(358) The House bill repeats language similar to paragraph (4) above.

House recedes

(359) No similar provision is included in H.R. 366.

House recedes with amendment to read as follows:

(11) describe how career guidance and academic counseling will be provided to career and technical education students, including linkages to future education and training opportunities; and

(360) No similar provision is included in H.R. 366.

House and Senate recede with amendment to read as follows:

(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.

Sec. 135. Local Uses of Funds

(361) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(362a) The Senate bill specifies a coherent sequence of courses, such as career pathways, while the House bill gives specific mention to model sequences of courses.

Senate recedes with amendment to read as follows:

a coherent sequence of courses, such as career and technical programs of study described in

(362b) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(363) Similar provisions. The Senate bill includes articulation agreements.

House recedes with amendment to read as follows for notes 363–365:

(2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than one career and technical program of study described in section 122(c)(1)(A).

(364) The Senate bill requires that the elements of not less than one career pathway be offered.

House recedes with amendment to read as follows note 363.

(365) The House bill requires model sequences of courses to be offered.

House recedes with amendment to read as follows note 363.

(366) The House bill includes requirements for tech prep activities under the required uses of funds. (The Senate includes provisions for tech prep in Part D of the Act. See note 412.)

House recedes

(367) Identical provisions.

House and Senate recede with amendment to read as follows:

(3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;

(368a) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(368b) The House bill includes math and science education.

Senate recedes with amendment to read as follows:

(4) develop, improve, or expand the use of technology in career and technical education, which may include—

(369) The Senate bill deletes the reference to state-of-the-art technology.

House recedes

(370) The House bill includes providing students with the academic and vocational and technical skills leading to entry into high technology fields.

Senate recedes with amendment to read as follows:

(B) providing career and technical education students with the academic and career and technical skills (including the math and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or

(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;

(371) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(372) The Senate bill specifically includes faculty and administrators.

House and Senate recede with amendment to read as follows note 377.

(373) The Senate bill provides professional development for individuals involved in integrated career and technical education programs.

House and Senate recede with amendment to read as follows note 377.

(374) The Senate bill deletes the reference to state-of-the-art programs and techniques.

House recedes

(375) The House bill includes the term rigorous and requires effective teaching skills to be based on scientifically based research.

House and Senate recede with amendment to read as follows note 377.

(376) The House bill includes training to ensure teachers and personnel stay current with all aspects of industry while the Senate bill requires support of programs that provide information on all aspects of industry.

Senate recedes

(377) The House bill includes the use and application of technology. The Senate bill includes the use of instructional technology.

House and Senate recede with amendment to read as follows for notes 372–377:

(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

(A) in-service and preservice training on—

(i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;

(ii) effective teaching skills based on research that includes promising practices;

(iii) effective practices to improve parental and community involvement; and

(iv) effective use of scientifically based research and data to improve instruction;

(B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

(C) internship programs that provide relevant business experience; and

(D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;

(378) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(379) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

The Senate bill includes the phrase ''including relevant technology.''

House recedes

(380) Identical provisions.

Legislative Counsel: similar or identical provision

(381) Similar provisions. The Senate bill includes high demand occupations.

Senate recedes with amendment to read as follows:

(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

(382) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(383) The Senate bill permits funds to be used for counseling that is based on current labor market indicators.

House recedes with amendment to read as follows:

(2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs that—

(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

Report Language: A graduation and career plan is a written plan for a secondary career and technical education student that: is developed with career guidance and academic counseling or other professional staff, in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education; is reviewed annually and modified as needed; includes relevant information on secondary school requirements for graduating with a diploma, postsecondary education admission requirements and high skill, high wage, or high demand occupations and non-traditional fields in current and emerging professions and labor market indicators; states the student's secondary school graduation goals, postsecondary education and training or employment goals; and identifies one or more career pathways that correspond to the goals.

(384) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(385) The Senate bill permits funds to be used for counseling that improves graduation rates.

House recedes (see note 383)

(386) The Senate bill expands the use of funds to establish partnerships with eligible recipients and businesses, local workforce investment boards, or economic development entities. The Senate bill also provides for adjunct faculty arrangements and industry experience for teachers and faculty.

House and Senate recede with amendment to read as follows:

(3) for local education and business (including small business) partnerships, including for—

(A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

(B) adjunct faculty arrangements for qualified industry professionals; and

(C) industry experience for teachers and faculty;

(387) Identical provisions.

Legislative Counsel: similar or identical provision

(388) The House bill provides for qualified industry professionals to serve as postsecondary faculty.

House recedes (per note 386)

(389) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(390) Identical provisions.

Legislative Counsel: similar or identical provision

(391) The Senate bill, but not the House, provides for funds to support library resources.

Senate recedes with amendment to read as follows:

(7) for leasing, purchasing, upgrading or adapting equipment, including instructional aids and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;

(392) The House bill refers to instructional aids. The Senate bill refers to instructional equipment.

Senate recedes with amendment to read as follows note 391.

(393) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(394) The Senate bill, but not the House, includes times and formats that are convenient and accessible for working students.

House recedes with amendment to read as follows:

(9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students (including working students) including through the use of distance education;

(395) The Senate bill refers to ''working students.''

House recedes with amendment to read as follows note 394.

(396) No similar provision is included in H.R. 366.

House recedes

(397) S. 250 includes entrepreneurship in (11).

Senate recedes

(398) The House bill, but not the Senate, includes the development of model sequences of courses for consideration by the eligible agency and courses that prepare individuals academically and technically for 250.

Senate recedes with amendment to read as follows:

(12) for improving or developing new career and technical education courses including development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;

(399) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(400) The Senate bill refers to career pathways. The House bill refers to model sequences of courses.

Senate recedes with amendment to read as follows:

career and technical programs of study

(401) No similar provision is included in H.R. 366.

House recedes

(402) Identical provisions.

Legislative Counsel: similar or identical provision

(403) The Senate bill changes the term ''vocational'' to ''career'' and includes upgrading technical skills.

House recedes

(404) The Senate bill, but not the House, includes continuing education or training through collaboration with the State workforce investment system.

House recedes with amendment to read as follows:

(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105–220 (29 U.S.C. 2801 et seq.);

(405) The Senate bill refers to ''individuals.'' The House bill refers to ''students.''

Senate recedes

(406) The Senate bill, but not the House, includes mentoring and outreach.

Senate recedes with amendment to read as follows:

(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;

(407) No similar provision is included in S. 250.

House recedes

Report Language: The Conferees recognize that special populations, including single parents and displaced homemakers, may need direct assistance to be able to participate successfully in career and technical education. These supportive services include such services as transportation, child care, dependent care, tuition, books, and supplies and other services necessary to enable an individual to participate in career and technical education activities. Consistent with administrative guidance and prior interpretations of the Perkins Act, the Conferees believe that eligible agencies and eligible recipients should retain the flexibility to provide direct assistance to special populations under certain, limited conditions.

In providing direct assistance, recipients of the assistance must be individuals who are members of special populations who are participating in career and technical education

activities that are consistent with the goals and purposes of the Perkins Act. Funds must be used to supplement, not supplant, assistance that is otherwise available from non-Federal sources, and assistance may only be provided to an individual to the extent that it is needed to address barriers to the individual's successful participation in career and technical education.

(408) No similar provision is included in S. 250.

House recedes

(409) No similar provision is included in S. 250.

Senate recedes with amendment to read as follows:

(18) to provide support for training programs in automotive technologies;

Report Language: In an acknowledgement of the expanding role of technology in numerous career and technical occupations, the conference report allows, as a permissive use of local funds, support for training programs in automotive technologies such as diesel retrofitting, hybrid, hydrogen, and alternative fuel.

(410) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

House and Senate recede with amendment to read as follows: (tied to notes 80 and 313)

(19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—

(A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;

(B) establishing, enhancing, or supporting systems for—

(i) accountability data collection under this Act; or

(ii) reporting data under this Act;

(C) implementing career and technical programs of study described in section 122(c)(1)(A); or

(D) implementing technical assessments; and

(20) to support other career and technical education activities that are consistent with the purpose of this Act.

(411) Identical provisions.

Legislative Counsel: similar or identical provision

TITLE II—TECH PREP EDUCATION

(412) The House bill, but not the Senate bill, repeals the tech prep program.

House and Senate recede with amendment to read as follows:

SEC. 201. STATE ALLOTMENT AND APPLICATION.

(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

(c) STATE APPLICATION.—Each eligible agency desiring an allotment under this title shall submit, as part of its State plan under section 122, an application that—

(1) describes how activities under this title will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 122; and

(2) contains such information as the Secretary may require.

SEC. 202. CONSOLIDATION OF FUNDS.

(a) IN GENERAL.—An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in the State plan submitted under section 122.

(b) NOTIFICATION REQUIREMENT.—Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary in the State plan submitted under section 122, of the eligible agency's decision to consolidate funds under this section.

(c) TREATMENT OF CONSOLIDATED FUNDS.—Funds consolidated under this section shall be considered as funds allotted under section 111 and shall be distributed in accordance with section 112.

SEC. 203. TECH PREP PROGRAM.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among—

(A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

(B)(i) a nonprofit institution of higher education that—

(I)(aa) offers a 2-year associate degree program, or a 2-year certificate program; and

(bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, including—

(AA) an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

(BB) a tribally controlled postsecondary career and technical institution; or

(II) offers a 2-year apprenticeship program that follows secondary education instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(2) of such Act (20 U.S.C. 1083(a)); or

(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

(A) institutions of higher education that award a baccalaureate degree; and

(B) employers (including small businesses), business intermediaries or labor organizations;

(b) DURATION.—Each consortium receiving a grant under this title shall use amounts provided under the grant to develop and operate a 4- or 6-year tech prep education program described in subsection (c).

(c) CONTENTS OF TECH PREP PROGRAM.—Each tech prep program shall—

(1) be carried out under an articulation agreement between the participants in the consortium;

(2) consist of a program of study that—

(A) combines—

(i) at a minimum 2 years of secondary education (as determined under State law); with—

(ii)(I) a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study; or

(II) an apprenticeship program of not less than 2 years following secondary education instruction; and

(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning experiences where appropriate and available;

(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

(D) builds student competence in technical skills and in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

(F) leads to placement in high skill or high wage employment, or to further education; and

(G) utilizes career and technical education programs of study, to the extent practicable;

(3) include the development of tech prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

(A) meet academic standards developed by the State;

(B) link secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through—

(i) nonduplicative sequences of courses in career fields;

(ii) the use of articulation agreements; and

(iii) the investigation of opportunities for tech prep secondary education students to enroll concurrently in secondary and postsecondary coursework;

(C) use, if appropriate and available, work-based or worksite learning experiences in conjunction with business and all aspects of an industry; and

(D) use educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

(4) include in-service professional development for teachers, faculty and administrators that—

(A) supports effective implementation of tech prep programs;

(B) supports joint training in the tech prep consortium;

(C) supports the needs, expectations, and methods of business and all aspects of an industry;

(D) supports the use of contextual and applied curricula, instruction, and assessment;

(E) supports the use and application of technology; and

(F) assists in accessing and utilizing data, information available pursuant to section 118, and information on student achievement, including assessments;

(5) include professional development programs for counselors designed to enable counselors to more effectively—

(A) provide information to students regarding tech prep education programs;

(B) support student progress in completing tech prep programs, which may include the use of graduation and career plans;

(C) provide information on related employment opportunities;

(D) ensure that students are placed in appropriate employment or further postsecondary education;

(E) stay current with the needs, expectations, and methods of business and all aspects of an industry; and

(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;

(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;

(7) provide for preparatory services that assist participants in tech prep programs; and

(8) coordinate with activities conducted under title I.

(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech prep program may—

(1) provide for the acquisition of tech prep program equipment;

(2) acquire technical assistance from State or local entities that have designed, established, and operated tech prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services;

(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs;

(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.

(e) PERFORMANCE INDICATORS AND ACCOUNTABILITY.—

(1) IN GENERAL.—Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this title. The indicators of performance shall include the following:

(A) The number of secondary education and postsecondary education tech prep students served.

(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who—

(i) enroll in postsecondary education;

(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;

(iii) complete a State or industry-recognized certification or licensure;

(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and

(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.

(C) The number and percent of postsecondary education tech prep students who—

(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;

(ii) complete a State or industry-recognized certification or licensure;

(iii) complete a two-year degree or certificate program within the normal time for completion of such program;

(iv) complete a baccalaureate degree program within the normal time for completion of such program.

(2) NUMBER AND PERCENT.—For purposes of subparagraphs (B) and (C) of paragraph (1), the numbers and percentages shall be determined separately with respect to each clause of each subparagraph.

SEC. 204. CONSORTIUM APPLICATIONS.

(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.

(b) PLAN.—Each application submitted under this section shall contain a 6–year plan for the development and implementation of tech prep programs under this title, which plan shall be reviewed after the second year of the plan.

(c) APPROVAL.—The eligible agency shall approve applications under this title based on the potential of the activities described in the application to create an effective tech prep program.

(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

(1) provide for effective employment placement activities or the transfer of students to baccalaureate or advanced degree programs;

(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;

(4) provide education and training in an area or skill, including an emerging technology, in which there is a significant workforce shortage based on the data provided by the eligible entity in the State under section 118;

(5) demonstrate how tech prep programs will help students meet high academic and employability competencies; and

(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C of title I.

(e) PERFORMANCE MEASURES.—

(1) IN GENERAL.—Each consortium receiving a grant under this title shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 113(b) and 203(e).

(2) RESUBMISSION OF APPLICATION; TERMINATION OF FUNDS.—An eligible agency—

(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep grant.

(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.

(f) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between or among urban and rural participants in the consortium.

SEC. 205. REPORT.

Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within the State.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the succeeding 5 fiscal years.

TITLE III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

Sec. 311. Fiscal requirements

(413) Identical provisions.

Legislative Counsel: similar or identical provision

(414) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(415) The Senate bill, but not the House, shifts the maintenance of effort to a three year rolling average.

Senate recedes

Report Language: The conferees intend that the provisions described in section 211(b) be implemented in a manner that does not impose undue hardship on states as a function of how they administer and fund career and technical education programs.

(416) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

(417) The House bill, but not the Senate, defines ''preceding fiscal year.''

House recedes

Sec. 312. Authority to make payments

(418) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 313. Construction

(419) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 314. Voluntary selection and participation

(420) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

Sec. 315. Limitation for certain students

(421) The Senate bill changes the term ''vocational'' to ''career.''

House recedes

Sec. 316. Federal laws guaranteeing civil rights

(422) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 317. Participation of private school personnel and children

(423) The House bill, but not the Senate bill, includes provisions for the participation of private school children. The Senate bill retains and modifies the current law section on the participation of private school personnel. The House bill also incorporates participation of private school personnel into the new participation of private school children language.

House and Senate recede with amendment to read as follows:

SEC. 217. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN.

(a) PERSONNEL.—An eligible agency or eligible recipient that uses funds under this Act for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such agency or recipient.

(b) STUDENT PARTICIPATION.—

(1) STUDENT PARTICIPATION.—Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

(2) CONSULTATION.—An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographic area served by such recipient under paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools.

Report Language: The Conferees do not intend for the language in Sec. 217 (a) to preclude an eligible agency or eligible recipient from offering professional development programs to nonprofit private school personnel on their own initiative, without a written request from the nonprofit private school personnel.

PART B—STATE ADMINISTRATIVE PROVISIONS

Sec. 321. Joint funding

(424) Identical provisions.

Legislative Counsel: similar or identical provision

(425) Identical provisions.

Legislative Counsel: similar or identical provision

(426) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 322. Prohibition on use of funds to induce out-of-State relocation of businesses

(427) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 323. State administrative costs

(428) Identical provisions.

Legislative Counsel: similar or identical provision

(429) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 324. Limitation on federal regulations

(430) Identical provisions.

Legislative Counsel: similar or identical provision

Sec. 325. Student assistance and other federal programs

(431) Identical provisions.

Legislative Counsel: similar or identical provision

(432) The Senate bill changes ''vocational'' to ''career.''

House recedes

HOWARD P. ''BUCK'' MCKEON,
MIKE CASTLE,
MARK SOUDER,
TOM OSBORNE,
MARILYN MUSGRAVE,
GEORGE MILLER,
LYNN WOOLSEY,
RON KIND,
Managers on the Part of the House.

MICHAEL B. ENZI,
JUDD GREGG,
WILLIAM H. FRIST,
LAMAR ALEXANDER,
RICHARD M. BURR,
JOHNNY ISAKSON,
MIKE DEWINE,
JOHN ENSIGN,
ORRIN HATCH,
JEFF SESSIONS,
PAT ROBERTS,
TED KENNEDY,
TOM HARKIN,
BARBARA A. MIKULSKI,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
Managers on the Part of the Senate.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards);

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring after September 11, 2001;

(3) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals);

(4) to agree to the provisions contained in section 402 of the Senate amendment (relating to authority to enter alternative funding agreements to prevent plan terminations); and

(5) to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(A) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(B) the managers on the part of the House shall insist that the definition of ''covered employee'' for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a ''covered employee'' within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(C) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise yet again with another motion to instruct the conferees of H.R. 2830, the pension bill currently in conference. These repeated motions have become necessary in light of the failure of the Republican conferees to include all conferees and to hear all voices.

The House Democrats have been locked out of this conference since last March, so we have come to the floor again and again with motions to instruct that would press the conferees to protect America's workers and retirees from some of the worst proposals in these bills now being considered in that conference committee.

Again and again, the House has voted overwhelmingly to support these instructions but the Republican conferees don't seem to be getting the message, or they don't seem to care. So I am calling on my colleagues to speak again, and this time a little louder.

This is a new motion that would provide greater protections for workers' pensions in five critical areas.

First. Protecting older workers' benefits in the cash balance conversion when pension plans convert from the defined benefit plan.

Two. Ensuring that airline pilots do not see unfair cuts to their PBGC, the Pension Benefits Guarantee Corporation, because the FAA required them to retire at age 60.

Three. Providing stretch-out payments for an airline industry that has been shaken by 9/11 and rising fuel costs.

Four. Allowing for the alternative funding agreements when a plan is in trouble so that we can avoid the dumping of pension plans like what happened with the United Airlines debacle.

Five. Providing for more equal treatment of executive and worker pensions. If we are going to restrict workers' pensions when a plan is underfunded, we should also restrict the executives that, in many instances, are responsible for that underfunding of the pension plans. After all, it is the executives who decide whether or not to fund the pension plan.

From all the reports we have received to date, it sounds like the conferees are not moving to include these items in the conference report, despite the fact that the House has repeatedly instructed the conferees to include these worker protections.

Let us go through these one by one and let us understand that this is about the protection of workers, it is about the protection of retirees, and it is about the protection of their families, because it is about the pension plans that these workers now have as a matter of their bargaining, their agreements, and their contracts with their employers.

What we have now seen, and what too many workers have seen and what the American public has witnessed, is that employer after employer is announcing to workers that they are going to forego the support for a defined benefit plan, they are going to forego the support for health care benefits, and workers now see they are trapped. In many instances, those changes, those decisions by the employer snag workers who have no ability to restore that retirement nest egg that they are going to lose when the employer decides that they are going to terminate the pension plan.

That is why we are offering this motion to instruct, to try to protect the retirement nest egg of hard-working

Americans and their families from being devastated by the decisions of the employers on the termination or the dumping of the pension plans into the PBGC.

So let us walk through what we are trying to do here. First. The protection for older workers in a cash balance conversion.

This motion to instruct would have the conferees in the Senate make sure they prohibit against the discrimination of older workers by the practice of offsetting the earned benefit plans they have now with the new cash balance plans, and to make sure that we understand what the GAO has told us; that unless we provide some transition protection, almost all workers could lose up to 50 percent of their expected pension benefits.

Listen to that again. Almost all workers could lose up to almost 50 percent of their expected pension benefits. Again, those older workers, 50, 55, 60 years old, will lose the most. Those are the same workers who have the least ability to save more money for their retirement, to earn more money for their retirement. They will take the biggest hit.

We are asking that at a minimum, you protect employees that are 5 years away from retirement because they do not have the ability to secure additional funds for their retirement. It means a dramatic diminishment of their the retirement plans, of their financial resources for their retirement, for their health care, for the sustaining of their families. That is why it is so important to understand that.

This is what responsible employers have done, whether it is Verizon, or Honeywell, or Wells Fargo Bank or CSX Railroad. But other employers have chosen not do this, and now they want the protection of the law as they take away these benefits of the older workers.

It is also what the Congress chose to do. We chose to provide a transition for Members of Congress as we changed the retirement plan of Congress to the TSP plan as opposed to a defined benefit plan. If it is good enough for Congress, why isn't it good enough for these workers and for their families?

Obviously, when the Members of Congress have been asked to vote on this, they have voted overwhelmingly. In 2002, an amendment to take care of these older workers passed 328–121; in 2003, it passed 258–160; in 2004, it passed 237–162. The motion to instruct this past April, the House voted 248–178 to tell the conferees to protect these older workers.

Unfortunately, either the conferees are hard of hearing or they simply don't care about these older workers, because it appears that when the conference report comes back in the next day or two on the pension bill, these older workers will not be protected.

□ 1700

Second, the case of the airlines. The motion to instruct would have the conferees agree to the Senate provision ensuring that pilots get their full pension guaranteed from the Pension Guarantee Corporation. They get their full pension, for those who were required to retire at an early age.

So you have pilots who were required, under Federal law, to retire at age 60. The pension plan was terminated, through no fault of the pilots, in many cases because of 9/11 or higher fuel costs, and now they are being punished because the Pension Guarantee Corporation will only give you a full benefit if you retire at age 65. They had no ability to retire at age 65 because Federal law kept them from doing so. We think that, in fact, we ought to protect those employees.

And the motion would limit the treatment of those pension plans to those that were terminated after September 11, 2001.

The fix is needed now. United airline pilots are seeing their pensions cut by tens of thousands of dollars each year under you the pension guarantee rules. The retirement nest eggs have been devastated, but they have been twice, once by the unfair dumping of the pension plans and the PBGC by United, and now because the law says that they cannot have those full benefits because they retired before 65.

In a motion this past March, the House voted 265–158 to instruct the conferees to give these pilots their full guarantee. Once again, the conferees either can't here the House of Representatives, they don't care about the House of Representatives, or they don't care about these workers, because they are not choosing to protect these pilots to the extent to which they should be.

Third, we deal with the question of the airlines. We all know that airlines have been hurt by skyrocketing fuel prices since 9/11. They have been hurt by a lack of travel immediately after 9/11, and we have seen one airline after another go into bankruptcy. We have seen United Airlines terminate its pension plans and dump $10 billion of liability onto the PBGC, its workers, its retirees and the taxpayers. We have seen the U.S. Airways dump its pension plan, and we have read how Delta is now seeking to dump its pension plan. It would be devastating to hundreds of thousands of workers across this Nation if more airlines were permitted to dump their plans into the PBGC.

These provisions that we are asking the conferees to impose give the airlines the ability to keep their plans going by stretching out their payments over 20 years instead of 7 years. And these provisions should be made available to all the airlines, not just a select few airlines. They should be available to those airlines that have frozen their plans, as well as those that meet the requirements of the Senate bill to keep their plans running.

In March, the motion to instruct, the House voted 265–158 to provide the airlines with these critical reforms, with this lifeline for their economic health and the well-being of their workers. But the conferees so far haven't heard us and we need to speak louder.

Fourth, the alternative funding agreements. The motion to instruct would have the conferees agree to the Senate provisions, which passed 97–2, designed to prevent the pension plan dumping. These provisions allow the PBGC, the Treasury Secretary to enter into an alternative funding agreement with an employer if its pension plan is in danger of being terminated. If workers and retirees are facing the destruction of their pension plans, Congress should give the PBGC and the Treasury Departments the flexibility to work out alternatives to termination. If such alternatives to simply dumping the plan were available during the United Airline crisis, the largest pension termination in history, it may have been averted. A lot more needs to be done in this area so that we don't see just the callous dumping into the bankruptcy of the pension plans by these corporations that devastates their workers and their retirees.

Fifth, and maybe this is one of the more serious ones, and that is a question of executive compensation. This motion to instruct would have the conferees agree to the Senate provision, again, passed 97–2, on executive compensation that would treat workers and executive pensions equally. Under the House bills, workers pension benefits are restricted if a pension falls below 80 percent funding. But what we see is there is no benefit on the executives unless it falls less than 60 percent funding.

What we are saying is what the President of the United States, Mr. Bush, said during the Enron catastrophe, what is good for the captain is good for the crew.

Once again, it is the executives that make decisions about funding these pension plans. But if they fall below 80 percent, the workers get restricted, but the executives continue to get their pensions, to get their benefits, to get all of the executive perks in that operation. We think that that ought to change. We think it is very clear that the executives, what they have done, in many instances, they ensure their pension plans outside of the bankruptcy system. So as they take the company into bankruptcy, they are guaranteed that they will get a life time pension worth millions of dollars. The workers get bankruptcy and get devastated and lose half of their benefits if they go to the Pension Guarantee Corporation.

We believe the President is right. What is good for the captain is good for the crew, and that we ought to do this.

Again, this past May, in a motion to instruct, the House voted 299–125 to instruct these conferees. And what do you believe is going to happen? Apparently, the conferees are going to again ignore that vote. They are going to ignore the will of this House. They are going to ignore the will of the American people to have equity and fairness

in the treatment of executives and workers during the troubled times for pension plans.

So this motion to instruct is to take those five areas and to instruct the conferees at this 11th hour to deal with the fairness and the equity in the Pension Reform Bill to make sure that hardworking Americans don't have to crash to the floor, lose their homes, lose their retirement, lose their health care as we restructure pensions, and to make sure that we do treat the million dollar a year or the $10 million or the $20 million, $50 million a year executive, that we treat them the same as we treat the workers.

Very few workers in this country have any say in whether or not these pension plans are underfunded. We saw that in the case of Enron. They were running downstairs telling the employees to buy the Enron stock, and they were running upstairs and selling their stock into the market because they knew the company was going to collapse.

We think people ought to be treated fairly. They ought to be treated equally and clearly, clearly, we ought not to discriminate against older workers. That is what this motion to instruct does. Hopefully, when we send it, this motion to instruct, later this evening, the conference committee will hear us. They will hear the American people. They will quit ignoring the American people. They will quit dealing just with the special interests inside the Beltway, and doing what is good for the special interests, as opposed to what is good for the American public, what is good for the retirement systems in this country, what is good for the economy in this country, and what is fair to the workers and to their families.

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

Mr. MCKEON. Mr. Speaker, I rise in opposition to this politically motivated motion to instruct. I believe we are nearing the end of the pension reform conference, and this motion is nothing more than a last minute, desperate attempt to slow the most substantial retirement security reforms in a generation.

Like the famous Yogi Berra saying, this is deja vu all over again. Throughout this pension conference, opponents of pension reform have attempted to distract from the process through these obstructionist tactics, and here we are again ready to deal with yet another.

The latest motion to instruct, or motion to obstruct as is truly the case, is little more than a random jumble of unrelated issues being discussed in the ongoing pension conference. From purely a policy perspective, it is irresponsible to mix and confuse these complicated issues in this fashion. Members with opinions on one or more of these issues should not be forced into contradicting positions on other issues. But let's be very clear up front. This has nothing do with policy. It is all about politics.

This pension legislation we are crafting is complicated, and those who support passing legislation to fix our pension system are working hard to bring a final bill before the full House and Senate for consideration. What the opponents of reform are doing today is putting their good names on a bull-in-a-china-shop exercise. They have cherry-picked a handful of Senate positions that have evolved over time. It is reckless and, in the end, it will do nothing to advance the process. Here are just a handful of its flaws.

Number 1, this motion to instruct would tie the hands of those who voluntarily offer hybrid plans, which are the sole bright spot in the defined benefit system. To place restrictions on a system that actually provides more generous benefits for the majority of workers than do traditional plans sets a very bad precedent.

Number 2, this motion to instruct also would increase the deficit of the PBGC, which is exactly the opposite of what we are trying to do. If this provision were applied, taxpayers could count on an additional cost of $2.5 billion to the PBGC over the next 10 years.

Number 3, this motion to instruct would assign the PBGC which, in some respects, is like an insurance company, with developing industrial policy for the troubled plans via a ''workout program.'' This would pit companies against one another. And this process would be steered by a quasi-governmental agency, often dependent upon the whims of the administration in power.

And finally, this motion to instruct attempts to score partisan points on the issue of executive compensation. But this is an issue the House bill already responsibly addresses, and any final conference will do the same. The House-passed pension reform restricts golden parachute agreements when the rank and file plan is considered at-risk.

Mr. Speaker, this last ditch attempt to distract from our reform efforts is as transparent as it is desperate. Fortunately, the end of this conference is in sight, and the reforms needed to ensure the defined benefits system remains viable for generations to come are nearly in place.

I urge my colleagues to vote ''no'' on the motion to instruct, and reject this attempt to obscure our progress.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding. I rise in support of his motion.

I want to try to explain, Mr. Speaker, to our colleagues what one of the issues in Mr. MILLER's motion has to do with.

Let's assume that we have a pension plan that is only 75 percent funded; that is to say, it has $75 for every $100 that it needs to meet its pension obligations. Under the bill that passed the House, the people that run that plan could say the following: The CEO of the company could continue to get 100 percent of the benefits that he was entitled to under the plan, the wealthiest person in the company. But the person who cleans his office at night could have her pension cut.

Let me say this again. If the plan had $75 for every $100 that it needs, under the provision the House passed, the CEO of the company gets every nickel that he is entitled to. No cut at all. But the custodian who cleans his office at night, or the clerk who types his letters, or the person who delivers his documents, could have their pension cut considerably.

Now, this is not right. This is not right. If some employees are going to take a cut in their pension, then it seems fair that everyone should share equally in that punishment.

One of the great principles of the American economy is that a rising tide lifts all boats. When a company prospers, so does everyone in the rank and file, so does every shareholder, so does every investor, one would hope. And lots of decisions are predicated upon that principle.

We want the executives to flourish and prosper, because if they do, they will make better decisions for the people who clean the offices and type the letters and deliver the documents.

But the corollary to that principle is, if the boat is sinking, then some people can't jump off the boat into a life boat while everybody else stands there as the ship goes down. That seems rather fair.

One might call this the Titanic principle, you know, where the people who were in the luxury compartments got to the life boats first, but the people locked in steerage sank to the bottom of the Atlantic Ocean.

The Senate has a very different provision. Ninety-seven senators voted in favor of this provision; and it said, very simply, the same rule that applies to the lady who cleans the office at night should apply to the CEO who sits in the office all day long. Ninety-Seven senators voted in favor of that provision. Two voted against it.

Mr. MILLER's motion wisely says that this House should go on record as saying that is the provision we ought to adopt. Vote ''yes.''

Mr. GEORGE MILLER of California. I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. This is really about fairness. It is about values.

I rise in strong support of Congressman MILLER's motion to instruct. I commend my colleague, Mr. MILLER, for his leadership in working to ensure that pension reform puts workers first.

This motion to instruct highlights a number of important provisions that

make clear the priority of our efforts. It must be workers. Pensions are not just investments to workers. To a worker, his or her pension is the centerpiece of economic security.

□ 1715

The promise of that pension becomes more precious as workers move closer to their own retirement. It is imperative that our efforts protect older workers. This motion to instruct recognizes that conversions from traditional defined benefit plans to cash balance plans harm older workers. Providing transition protections for older workers should not be a choice for employers but a requirement. Hardworking employees should not be rewarded for their service with a denial of pension benefits. I urge my colleagues to help ensure that older workers' pensions are protected.

This motion to instruct also highlights the importance of equity between workers and executives. Under the pension reform bill passed by this House, a pension plan that is less than 80 percent funded would not be allowed to increase benefits or establish new benefits for its workers regardless of the reason for the underfunding. But while worker pensions are held stagnant, executive benefits remain unrestricted until the plan is less than 60 percent funded. Patently unfair to workers. Pension plans are administered and funded by companies, not the workers. Workers should not be punished for faulty management of plans.

The past decade is littered with examples of increasing executive pay and pensions while worker pension plans were underfunded or even terminated. In 2002, U.S. Airways' CEO received a lump sum pension of $15 million. Six months following that executive payout, U.S. Airways filed for chapter 11 bankruptcy. One eventual outcome of the bankruptcy was the termination of the pilots' pension plan. The CEO, $15 million; the pilots . . .

Stories with a similar theme can be shared about United Airlines and Delta. Executives receive a protected pension benefit or extra stock options, while workers are left with terminated pension plans and a cut in benefits. Although this motion to instruct will not restore the pensions of those workers already harmed by executive abuse, it will make a difference to many others.

Pension plans do not belong to companies. They belong to workers. They are the workers' money and the workers' future. Pensions are the property of the workers, and as such, we have a duty to ensure that workers' pensions are protected from practices which threaten our security.

I urge my colleagues to support the Miller motion to instruct. I urge my colleagues to remember that there are millions of Americans out there who are looking to this moment to decide whether we are going to stand up for working men and women or we are going to turn them aside in order to slaver over the economic advantage that is granted to their executives.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

I believe we are nearing the end of the pension reform conference. It has been quite a roller coaster ride, indicating the delicate balance that we have established to get to the point where we are today.

I know many of our colleagues are anxious to see work completed on this conference report so that improvements to our pension system can actually be put in place. As vice chair of this conference committee, I share that view. The fact is that in recent days a tremendous amount of progress has been made towards completing this conference, and I am optimistic that we will produce a finished product that the vast majority of our colleagues can and will support. That is what we should be spending our time on—completing the work and protecting and improving workers' retirement security—not engaging in the partisan charade that this motion at its core represents.

Our goal is and always has been to ensure our defined benefit system remains viable for generations to come. This will serve the interests of workers, retirees, and taxpayers alike. This motion to instruct does not.

I urge my colleagues to vote ''no.''

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleague on the other side keeps saying that this is somehow a partisan charade to score points. There are just a little over 200 Members of the Democratic Party in this Congress, and these votes have carried 258, 308, 299, 237. Clearly, there is bipartisan agreement that as we write this pension bill, as we deal with pension reform, we ought to make an effort to try to deal with the plight of these workers in the fairest possible way we can.

Let us look again quickly at what we are trying to do here. We are trying, one, to protect older workers who have a very limited ability to gather additional economic resources as they end their work years, to make up for a dramatic cut in their pension plans. All we are saying is that those workers ought to be protected, those who are 5 years away from the pension plan. Not a radical proposal. Not a partisan proposal. It passed the Senate 97–2. By an overwhelming bipartisan vote, we have asked the conferees to invoke that measure.

We have also tried to say that those airline pilots that were forced to retire at age 60 due to Federal law, a Federal law that we are now considering changing to 65, but because of the bankruptcy of the company and the dumping of the plan by United and others into the PBGC, those pilots ought not to be harmed because they had no ability to reach 65 in their employment. The Federal law made them quit, and they ought not to be harmed in that situation. They may have never been harmed but for 9/11, but for the run up in fuel prices. They didn't do anything wrong, but they find themselves taking a double hit through the bankruptcy and through the PBGC rules.

Then we said let us try to save the airline industry. Let us stretch this out. For those plans, mind you, they have frozen their pension plans. They comply with the requirements of the Senate bill, and we have said let us give them time to recover their economic health and hopefully save these pension plans. We do not know yet, but again on a bipartisan basis overwhelmingly, the House voted to do that.

Then we said let us make sure that we exhaust all of the remedies before we dump these pension plans onto the taxpayers. Let us make sure that we have exercised all of the effort, that we have bargained in good faith, that we have searched every way to avoid this from becoming a taxpayer liability. Again, passing 97–2, the Senate went in that direction and we didn't. They refused those amendments to the legislation.

And, finally, the issue of basic fairness, one that so struck the people of this Nation when they saw how Enron manipulated the pension systems, how they manipulated the stock sales to those pension systems by the executives, and, finally, how they manipulated the company into the downward spiral of bankruptcy and people lost their entire livelihoods.

This bill says that, as Mr. KUCINICH pointed out, if this plan is not at least 80 percent funded, you can provide no new benefits to the employees no matter what the reason for that underfunding is; but unless it is 60 percent underfunded, you can keep providing benefits to the executives. There is just a fundamental element of fairness. And again I think by over 258 votes, on a bipartisan basis, the House sent these instructions to the conferees. This is part of the legislative process.

I am here because this is a privileged motion. We recognize the need to communicate from the full House to the conferees on measures that we continue to favor as the conference committee goes forward, and we have done that. But the fact of the matter is that now it appears, certainly from newspaper reports, which I wouldn't know because we have been shut out of this conference committee. The Republicans do not conference with the Democrats in the House. They do not honor that democratic principle. They do not honor that democratic history. So we only know what we have been told through the grapevine. We know in talking to the Democratic and Republican Senators, and we know a little bit by what we read in the press, and it appears that, in fact, in each and every one of these points where the House has spoken with an overwhelming voice to protect the pensions

of workers, of retirees, and of their families, that each and every one of these is going to be disregarded by the conferees.

This is a last attempt to try to bring some openness to this conference, to try to bring some bipartisan participation to this conference committee, and to bring the will of the House, which I think in these cases when we are hearing about pensions, when you go home and you talk to your constituents and you have your town hall meetings, you see how anxious people are about their health care benefits, about their retirement benefits, about their retirement security.

Yet somehow those conferees cannot get that message. Maybe they have been in Congress too long. Maybe they are insulated from it. Somehow they just cannot get it. Well, life outside the Beltway is very precarious for a lot of employees and a lot of industries. And the question that comes to us is whether or not we are going to make an effort to have a pension bill that recognizes the fairness and the equity.

Again, this is not some partisan bill. This is not some bill thought up in the last few moments. The fact of the matter is these provisions are contained, for the most part, in the Senate bill. We do not ask to go beyond that. In the Senate bill that passed the Senate 97–2. And, in fact, if we do that, there will be some economic justice for these retirees and these workers. There will be some economic fairness for these retirees and these workers. And there will be, most importantly, some sense of retirement security for millions of Americans that every day they pick up the paper and they see that yet another group of employees, another company is making a decision about reducing, getting rid of, terminating, freezing the pension plans and the health care benefits of those individuals.

We owe them this legislation to deal with them in a fair fashion, in an equitable fashion, legislation that can increase the retirement security of these families.

I ask for an ''aye'' vote on the motion to instruct.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of Mr. MILLER's motion to call our colleagues' attention to provisions in the Senate bill S. 1783, provisions that aim to ensure the very best for our older workers. These provisions prohibit discrimination against older workers by eliminating the ''wearaway'' of older worker benefits. They also provide fair rules to protect workers' pensions in conversions of traditional pension plans to cash balance pension plans. In a recent study, the GAO found that, without these transition protections, almost all workers could lose up to 50 percent of their expected pension benefits in a cash balance conversion.

The Senate provisions also entail language that will ensure that airline pilots are protected from unfair cuts to their pension benefits because of the FAA's mandatory retirement rules. Currently, FAA regulations require pilots to retire at age 60. The PBGC treats age 60 as an early retirement, and cuts pilots guaranteed benefits as a result. The Senate provisions would require the PBGC to treat age 60 as the normal retirement age for pilots and adjust their guaranteed benefits accordingly.

Under the current House bill, workers see benefit restrictions when a pension plan falls below 80 percent funding. Executives, on the other hand, only see limited benefit restrictions much later—at less than 60 percent funding. The Senate bill achieves greater parity than the House bill in how workers and executives are treated. Over the last several years, we have seen repeated cases where executives have protected or even enhanced their own golden parachutes, while cutting or eliminating workers' pensions. It is time for these unfair practices to end.

The provisions in the Senate bill will help see that this happens and ensure that America's older workers are treated fairly and with respect. There are few things worse than working hard for 40 years or more only to see one's well-being in retirement being compromised by inadequacies and inefficiencies in pension policy. We have some retirement-aged folks amongst us, and I encourage my colleagues to imagine it was our pension up for debate right now. Perhaps it should be if we do act to protect others'. I therefore urge all of my colleagues to join Mr. MILLER and take the Senate provisions seriously and support them accordingly.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5121, by the yeas and nays.

H.R. 5013, by the yeas and nays.

H. Con. Res. 449, by the yeas and nays.

H. Con. Res. 384, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5121, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 5121, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 7, not voting 10, as follows:

[Roll No. 400]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)

McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Culberson
Duncan
Flake
Hensarling
Inglis (SC)
Paul
Royce

NOT VOTING—10

Carson
Davis, Jo Ann
Evans
Ford
Harris
Istook
McKinney
Nussle
Sullivan
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1756

Messrs. DUNCAN, PAUL and INGLIS of South Carolina changed their vote from ''yea'' to ''nay.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISASTER RECOVERY PERSONAL PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5013, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 5013, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 322, nays 99, not voting 11, as follows:

[Roll No. 401]

YEAS—322

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—99

Abercrombie
Ackerman
Andrews
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Case
Cleaver
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
Delahunt
DeLauro
Dicks
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Grijalva
Gutierrez
Harman
Hastings (FL)
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Kennedy (RI)
Kilpatrick (MI)
Kirk
Kucinich
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Tauscher
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—11

Carson
Davis, Jo Ann
Evans
Ford
Harris
Istook
McKinney
Nussle
Sullivan
Wexler
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1803

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 401 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. FORD. Mr. Speaker, I was unavoidably detained and was unable to cast votes. Had I

been present, I would have voted "yea" on rollcall 401.

COMMEMORATING 60TH ANNIVERSARY OF HISTORIC 1946 SEASON OF BASEBALL HALL OF FAME MEMBER BOB FELLER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 449.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H.R. 449, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 402]

YEAS—417

Abercrombie	Carnahan	Fossella
Ackerman	Carter	Foxx
Aderholt	Case	Frank (MA)
Akin	Castle	Franks (AZ)
Alexander	Chabot	Frelinghuysen
Allen	Chandler	Gallegly
Andrews	Chocola	Garrett (NJ)
Baca	Clay	Gerlach
Bachus	Cleaver	Gibbons
Baird	Clyburn	Gilchrest
Baker	Coble	Gillmor
Baldwin	Cole (OK)	Gingrey
Barrett (SC)	Conaway	Gohmert
Barrow	Conyers	Gonzalez
Bartlett (MD)	Cooper	Goode
Barton (TX)	Costa	Goodlatte
Bass	Costello	Gordon
Bean	Cramer	Granger
Beauprez	Crenshaw	Graves
Becerra	Crowley	Green (WI)
Berkley	Cubin	Green, Al
Berman	Cuellar	Green, Gene
Berry	Culberson	Grijalva
Biggert	Cummings	Gutierrez
Bilirakis	Davis (AL)	Gutknecht
Bishop (GA)	Davis (CA)	Hall
Bishop (NY)	Davis (IL)	Harman
Bishop (UT)	Davis (KY)	Hart
Blackburn	Davis (TN)	Hastings (FL)
Blumenauer	Davis, Tom	Hastings (WA)
Blunt	Deal (GA)	Hayes
Boehlert	DeFazio	Hayworth
Boehner	DeGette	Hefley
Bonilla	Delahunt	Hensarling
Bonner	DeLauro	Herger
Bono	Dent	Herseth
Boozman	Diaz-Balart, L.	Higgins
Boren	Diaz-Balart, M.	Hinchey
Boswell	Dicks	Hinojosa
Boucher	Dingell	Hobson
Boustany	Doggett	Hoekstra
Boyd	Doolittle	Holden
Bradley (NH)	Doyle	Holt
Brady (PA)	Drake	Honda
Brady (TX)	Dreier	Hooley
Brown (OH)	Duncan	Hostettler
Brown (SC)	Edwards	Hoyer
Brown, Corrine	Ehlers	Hulshof
Brown-Waite, Ginny	Emanuel	Hunter
	Emerson	Hyde
Burgess	Engel	Inglis (SC)
Burton (IN)	English (PA)	Inslee
Butterfield	Eshoo	Israel
Buyer	Etheridge	Issa
Calvert	Everett	Jackson (IL)
Camp (MI)	Farr	Jackson-Lee (TX)
Campbell (CA)	Feeney	
Cannon	Ferguson	Jefferson
Cantor	Filner	Jenkins
Capito	Fitzpatrick (PA)	Jindal
Capps	Flake	Johnson (CT)
Capuano	Foley	Johnson (IL)
Cardin	Forbes	Johnson, E. B.
Cardoza	Fortenberry	Johnson, Sam
Jones (NC)	Moore (WI)	Schiff
Jones (OH)	Moran (KS)	Schmidt
Kanjorski	Moran (VA)	Schwartz (PA)
Kaptur	Murphy	Schwarz (MI)
Keller	Murtha	Scott (GA)
Kelly	Musgrave	Scott (VA)
Kennedy (MN)	Myrick	Sensenbrenner
Kennedy (RI)	Nadler	Serrano
Kildee	Napolitano	Sessions
Kilpatrick (MI)	Neal (MA)	Shadegg
Kind	Neugebauer	Shaw
King (IA)	Ney	Shays
King (NY)	Northup	Sherman
Kingston	Norwood	Sherwood
Kirk	Nunes	Shimkus
Kline	Oberstar	Shuster
Knollenberg	Obey	Simmons
Kolbe	Olver	Simpson
Kucinich	Ortiz	Skelton
Kuhl (NY)	Osborne	Slaughter
LaHood	Otter	Smith (NJ)
Langevin	Owens	Smith (TX)
Lantos	Oxley	Smith (WA)
Larsen (WA)	Pallone	Snyder
Larson (CT)	Pascrell	Sodrel
Latham	Pastor	Solis
LaTourette	Paul	Souder
Leach	Payne	Spratt
Lee	Pearce	Stark
Levin	Pelosi	Stearns
Lewis (CA)	Pence	Strickland
Lewis (GA)	Peterson (MN)	Stupak
Lewis (KY)	Peterson (PA)	Sweeney
Linder	Petri	Tancredo
Lipinski	Pickering	Tanner
LoBiondo	Pitts	Tauscher
Lofgren, Zoe	Platts	Taylor (MS)
Lowey	Poe	Taylor (NC)
Lucas	Pombo	Terry
Lungren, Daniel E.	Pomeroy	Thompson (CA)
	Porter	Thompson (MS)
Lynch	Price (GA)	Thornberry
Mack	Price (NC)	Tiahrt
Maloney	Pryce (OH)	Tiberi
Manzullo	Putnam	Tierney
Marchant	Radanovich	Towns
Markey	Rahall	Turner
Marshall	Ramstad	Udall (CO)
Matheson	Rangel	Udall (NM)
Matsui	Regula	Upton
McCarthy	Rehberg	Van Hollen
McCaul (TX)	Reichert	Velázquez
McCollum (MN)	Renzi	Visclosky
McCotter	Reyes	Walden (OR)
McCrery	Reynolds	Walsh
McDermott	Rogers (AL)	Wamp
McGovern	Rogers (KY)	Wasserman Schultz
McHenry	Rogers (MI)	
McHugh	Rohrabacher	Waters
McIntyre	Ros-Lehtinen	Watson
McKeon	Ross	Watt
McMorris	Rothman	Waxman
McNulty	Roybal-Allard	Weiner
Meehan	Royce	Weldon (FL)
Meek (FL)	Ruppersberger	Weldon (PA)
Meeks (NY)	Rush	Weller
Melancon	Ryan (OH)	Westmoreland
Mica	Ryan (WI)	Whitfield
Michaud	Ryun (KS)	Wicker
Millender-McDonald	Sabo	Wilson (NM)
	Salazar	Wilson (SC)
Miller (FL)	Sánchez, Linda T.	Wolf
Miller (MI)		Woolsey
Miller (NC)	Sanchez, Loretta	Wu
Miller, Gary	Sanders	Wynn
Miller, George	Saxton	Young (AK)
Moore (KS)	Schakowsky	Young (FL)

NOT VOTING—15

Bilbray	Fattah	Mollohan
Carson	Ford	Nussle
Davis (FL)	Harris	Sullivan
Davis, Jo Ann	Istook	Thomas
Evans	McKinney	Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1810

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE ALPHA PHI ALPHA FRATERNITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 384.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 384, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 403]

YEAS—422

Abercrombie	Capuano	Ferguson
Ackerman	Cardin	Filner
Aderholt	Cardoza	Fitzpatrick (PA)
Akin	Carnahan	Flake
Alexander	Carson	Foley
Allen	Carter	Forbes
Andrews	Case	Fortenberry
Baca	Castle	Fossella
Bachus	Chabot	Foxx
Baird	Chandler	Frank (MA)
Baker	Chocola	Franks (AZ)
Baldwin	Clay	Frelinghuysen
Barrett (SC)	Cleaver	Gallegly
Barrow	Clyburn	Garrett (NJ)
Bartlett (MD)	Coble	Gerlach
Barton (TX)	Cole (OK)	Gibbons
Bass	Conaway	Gilchrest
Bean	Conyers	Gillmor
Beauprez	Cooper	Gingrey
Becerra	Costa	Gohmert
Berkley	Costello	Gonzalez
Berman	Cramer	Goode
Berry	Crenshaw	Goodlatte
Biggert	Crowley	Gordon
Bilbray	Cubin	Granger
Bilirakis	Cuellar	Graves
Bishop (GA)	Culberson	Green (WI)
Bishop (NY)	Cummings	Green, Al
Bishop (UT)	Davis (AL)	Green, Gene
Blackburn	Davis (CA)	Grijalva
Blumenauer	Davis (FL)	Gutierrez
Blunt	Davis (IL)	Gutknecht
Boehlert	Davis (KY)	Hall
Boehner	Davis (TN)	Harman
Bonilla	Davis, Tom	Hart
Bonner	Deal (GA)	Hastings (FL)
Bono	DeFazio	Hastings (WA)
Boozman	DeGette	Hayes
Boren	Delahunt	Hayworth
Boswell	DeLauro	Hefley
Boucher	Dent	Hensarling
Boustany	Diaz-Balart, L.	Herger
Boyd	Diaz-Balart, M.	Herseth
Bradley (NH)	Dicks	Higgins
Brady (PA)	Dingell	Hinchey
Brady (TX)	Doggett	Hinojosa
Brown (OH)	Doolittle	Hobson
Brown (SC)	Doyle	Hoekstra
Brown, Corrine	Drake	Holden
Brown-Waite, Ginny	Dreier	Holt
	Duncan	Honda
Burgess	Edwards	Hooley
Burton (IN)	Ehlers	Hostettler
Butterfield	Emanuel	Hoyer
Buyer	Emerson	Hulshof
Calvert	Engel	Hunter
Camp (MI)	English (PA)	Hyde
Campbell (CA)	Eshoo	Inglis (SC)
Cannon	Etheridge	Inslee
Cantor	Everett	Israel
Capito	Farr	Issa
Capps	Fattah	Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Davis, Jo Ann
Evans
Feeney
Ford
Harris
Istook
McKinney
Nussle
Sullivan
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1817

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to praise the House for having passed H.R. 4472.

This is a very bittersweet moment for me. Passage of the bill should bring a sense of accomplishment, but as I think of little Jessica Lunsford, only tears come to my eyes.

Today, she would be doing her summer reading, going to the movies with friends, and enjoying the last few weeks of summer before school begins. Instead, a perverted criminal assaulted, murdered and then buried her in his backyard and robbed her of those moments.

He could do that because law enforcement and parents did not have the tools that they needed at the time to protect children. With the passage of the Children's Safety and Violent Crime Act, they will.

I cannot imagine the suffering and total terror she must have felt at the hands of so vile a monster, and Congress cannot afford to wait one day longer for this bill to become law.

I certainly look forward to the signing ceremony at the White House so parents will know that their children are much better protected because the laws are stronger against sexual offenders and predators.

HONORING MAJOR LEAGUE HALL OF FAMER BOB FELLER

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today in support of House Concurrent Resolution 449 honoring Major League Baseball Hall of Famer Bob Feller.

Bursting onto the baseball scene in 1936, he immediately became the American League's dominant pitcher. A Cleveland Indian throughout his 18-year career, Feller broke record after record, including three no-hitters and 12 one-hitters, and he pitched on opening day a no-hitter.

My older brother Charlie heard a great story about Feller's blazing speed. Bob Feller and the Indians were playing the Yankees in the 1930s, and New York's Lefty Gomez was on deck. As he approached the plate, Gomez lit a match. The umpire said, Come on, Lefty, it's not too late. You can still see just fine. Gomez pointed to Feller and said, That's not what I'm worried about. I just want him to see me.

Feller's baseball career may have been even more stellar had he not been such a patriot. He was one of the first Major League players to enlist after Pearl Harbor, losing four seasons to war-time service as a combat sailor in the U.S. Navy. He never regretted that choice. Feller told a fan last year, The only win I wanted was to win World War II.

I join my colleagues in supporting House Concurrent Resolution 449, celebrating Bob Feller, a monumental figure in Ohio, a baseball icon and an American patriot.

THANKING SPEAKER HASTERT FOR VISITING THE TEXAS BORDER

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, I rise to thank Speaker DENNY HASTERT for coming to Texas this weekend to look at the situation on the Texas border and bringing a bipartisan delegation with him. The information that he received I think is invaluable for this House.

I am proud of the fact that our Speaker goes out and goes to the areas where the crises are so that he can have a good view of what is going on. He was a great leader there. He was able to get information from these folks that showed that the borders have got to be defended and defended now.

I am grateful for his attendance in Texas, and I am sure Arizona is, also.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GAS PRICES

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

Mr. DEFAZIO. Mr. Speaker, well, today, gas prices since the price gouging post-Katrina climbed back over $3 a gallon average across the country, almost as high as on September 5 of last year during the frenzy of price gouging by the oil industry, using Katrina as an excuse. Now the excuse is unrest in the Middle East, despite very large inventories and no shortages on the horizon.

But it is yielding one tremendous benefit, and the Republicans would have us believe that we all benefit: record profits for the oil industry. And since we are all now shareholders, according to the Republicans' theory of the world, we are all benefiting from the huge run-up in the prices of oil stocks and the dividends that are being paid by the oil companies. Unfortunately, most of the people I represent

and I myself and many others I know do not own oil stocks, nor do we receive extraordinarily generous campaign contributions which the Republicans and the President do from the oil industry.

So our reaction is not a collective yawn, and there is nothing that can be done about it, and it is just market forces. Ours is to say let us stop the price gouging of American consumers.

Experts say that about 30 percent of this is pure speculation, that is, self-trading, oil being traded off the books purely to enrich the companies and traders.

Another very significant portion comes from the fact that the oil companies, not the environmentalists, oh, the darn environmentalists, they have just been closing refineries left and right. Well, no. Actually, there has not been a single refinery closed in America, although many have been closed in the last 10 years, by environmental restrictions or litigation. They have been closed for economic purposes.

There was a memo 10 years ago from the American Petroleum Institute that said, hey, guys, wake up, you are not making enough money on refining; if you could shrink down refinery capacity, you would have an excuse to drive up margins and the prices of refining. They have exceeded their expectations. In fact, refinery profits from the last year, 12 months, are up 60 percent, 60 percent.

If we return to the historic average margins for refinery, which were profitable but not wildly, unbelievably profitable, gas would go down by another 40 cents a gallon.

So you take out the speculation, you take out what they have done with the manipulation of refinery capacity and you are back down to $2.30 cents or so a gallon. Now that is not a long-term energy policy, but that is relief for American consumers. That is relief for American business. That gives us the opportunity to begin to invest in a more oil-independent future.

The so-called energy bill that passed the House based on subsidies for the oil, coal and gas industry, you know, they are hurting, they need subsidies from the taxpayers. We need to borrow money to give to them or give them price breaks for their production on Federal lands and not realize those revenues to the Federal Treasury, if that excuse for a so-called energy bill would actually have us more dependent on Middle East oil 10 years from today than we are now.

That is an energy policy? Look at the Middle East. Do we want to be dependent upon the Middle East? Do we want to be filling the coffers of Iran and Saudi Arabia and other OPEC countries? I do not think so.

We need a plan for energy independence in America. We need a plan that is going to develop new technologies here at home that we will market to the rest of the world, that will make Americans energy independent. Somehow Brazil was able to do it, but they tell us it is just not possible here in the United States of America, we cannot figure out a way to get to energy independence like Brazil.

Now, I do not believe that. The President knows the American people are a little upset. So in his State of the Union he talked about how we need to do more about alternative fuels and alternative technologies. Unfortunately, the money did not follow the mouth. If John Fitzgerald Kennedy had applied that same amount of money to his mission to the Moon, we still would not be in the outer atmosphere of the Earth, let alone the Moon.

There is no real commitment there because real commitment would mean that you are starting to threaten the wildly profitable oil industry.

BP announced today, and they are supposed to be the weakest of the announcements this week, that their profits were up a mere 40 percent over the quarter for last year. ExxonMobil is likely to announce either the largest quarterly profit in history for any corporation on the face of the Earth this week on Thursday or maybe only the second largest. They made $100 million a day profit last year. They gave their CEO a $400 million retirement package. They are not investing in new capacity. They are not investing in alternative fuels. They do not care about energy independence for the United States of America. They like the addiction that they have got us on now.

We need an energy policy and we need it soon, and the Republican Party is in thrall with the oil companies.

□ 1830

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

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

BORDER CORRUPTION

Mr. POE. Mr. Speaker, I request permission to take Mr. JONES's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, there is more news from the second front. This is the border, and the news is not good. It is disturbing.

There is word tonight that some men and women charged with protecting our borders could be making their yearly salary in just a matter of days by taking bribes. That is right, bribes.

Border Patrol agents, our the first line of defense in the fight to secure America's borders, may have dirty money on their mind instead of illegals, all the while they are compromising national security for a fist full of dollars.

This month, two Border Patrol supervisors pleaded guilty after accepting $200,000 in bribes and working with the illegals to come into the United States. These supervisors were working on a test program set up between the Border Patrol and the Mexican Government where human smugglers, coyotes as we call them, were arrested in the United States and were supposed to be deported back to Mexico for prosecution. This is the same program that these officials have been raving about. They even came to Washington and testified before Congress that 82 suspected smugglers were returned back to Mexico last year.

But what is worse is these supervisors used a government vehicle to bring two smugglers across the border. One bought his way out of jail for a $10,000 bribe while another shelled out $6,000 in bribes so he wouldn't be shipped back to Mexico. Then these two agents, new best friends of these two individuals, dropped them off at a Wal-Mart parking lot.

Their case isn't the only one that is under investigation. In fact, it is far from it. Other Border Patrol agents charged with upholding our laws and our sovereign borders are facing Federal charges and investigations. Border Patrol agent Oscar Ortiz was in fact not even a United States citizen, an illegal himself, and he used a false birth certificate to, get this, Mr. Speaker, become a U.S. border agent and work on our border. His lies were only discovered as he conspired to smuggle in over 100 different people into the United States.

Another example: two Border Patrol agents, brothers, have vanished into the darkness of Mexico because they were being investigated for smuggling drugs and illegal immigrants into the United States. Once they figured out that the Federal Bureau of Investigation was out to capture them, they took off and disappeared, as I said, into Mexico.

Two other agents were indicted for taking bribes and allowing illegals to cross our border for a few dollars.

Experts say targeting border agents is an easy task. You see, here is what happens. On the other side of the river, they watch our border agents with binoculars. They say coyotes look for weak inspectors and then they test them to see whether or not they are lawful.

The way they do it is they send someone across the border, someone like a woman, who will flirt with the agent until he lets her in and the people that are with her in. Once this occurs, then these individuals are approached by these coyotes to see if they will let more people in, all in the name of money.

Mr. Speaker, our national leaders are divided over what to do with immigration, what to do with the people that are here illegally; but the country cannot be divided over corruption on the border by border agents. Americans

aren't okay with people buying and flirting their way into the United States. They demand safe and secure borders and honest and upstanding Border Patrol agents.

Make no doubt about it, most of our Border Patrol agents are honest hard-working men and women. But we must make an example of anyone who breaks the immigration laws, no matter which side of the border they live on. From time to time, we point out even on this House floor corruption of some Mexican Government officials that work along the southern border when they are helping drug smugglers and coyotes all in the name of filthy lucre, so we cannot tolerate a few border agents who, in the name of money, sell out America and insult the good name of most of our border agents.

So all of those who make money off of illegal entrants should be accountable, and it makes no difference, Mr. Speaker, who they are. The rule of law should be enforced. It is illegal to enter the United States without permission. That is the rule, and it should be enforced by honest border agents. And people that enter illegally should be held accountable.

It makes no difference who those people are, whether they are illegals that cross, whether they are narcoterrorists that bring money or drugs into the United States to sell, whether they are coyotes, or whether they are illicit businesses in the United States that exploit illegals that are working here, or whether they are corrupt border agents. All of these must be held accountable for the actions they commit, because the border is a national security issue.

And that's just the way it is.

STAGNATING MIDDLE-CLASS INCOMES

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

Mr. EMANUEL. Mr. Speaker, while the Republican Members of Congress have been blocking the first minimum-wage increase in 9 years, there is new evidence that income stagnation is not just hurting lower middle-class families but middle-class families across the board.

Just the other day, the Los Angeles Times reported that income stagnation is now hitting people with a 4-year college education. In fact, the White House's own economists report that earnings and income for employees with 4-year college degrees fell by 5.2 percent between 2000 and 2004, during the President's first term. That is when adjusted for inflation. So, basically, if you have a college degree education, you had a decline in income.

Now, for 30 years, 40 years we have told people that you earn what you learn. A college degree today is no longer as valuable a ticket to success as it was before. You have to literally go back 30 years, to the 1970s stagflation, when people with a college education saw their income decline.

Now, what is happening in addition to income decline in America? This isn't just for working stiffs. This is for people with a 4-year college education and also for people with a master's education.

Energy prices? Well, they are up, more than doubled. In fact, when the President took office, gas was $1.33 a gallon. Today, it has gone up to close to $3 a gallon.

Health care costs. Health care costs for a family of four has risen 78 percent, to $11,000 a year for a family of four.

College costs for their kids, up 38 percent for a 4-year college education.

Savings, for the first time since World War II, are in negative territory, which is why people say bankruptcy and debt is one of their biggest economic concerns besides filling up their car with gas.

So take that whole picture: incomes declining, energy prices up, close to doubling; health care costs $11,000 a year for a family of four, and continuing at 25 percent increases; college costs up 38 percent; savings in negative territory. We have a Swiss cheese economy, and it is hurting and killing the middle class, who have done everything right. They got told to get a college education and you earn what you learn. Today that college education ain't enough. They went out and earned a master's degree in education. That ain't enough.

And on top of that, besides incomes going down, all the costs to maintain a middle-class life, health care, energy costs, education, and retirement security, are all under attack. And what do my colleagues do when it comes to retirement security, when corporation after corporation is eliminating pensions? They want Social Security to lead the way.

The plan for retirement security isn't, when companies are eliminating pensions, to have Social Security eliminated or privatized. It is to give them that security that people know, that people like, and that is the security that comes with Social Security.

On energy. What is their answer to rising costs? As my colleague from Oregon said before, they handed over $14.5 billion in taxpayer subsidies to big oil companies so they could make additional profit. My view is if gas is 75 bucks a barrel, or 74 bucks a barrel, let the free market work. Use your profits to drill. Don't take taxpayers to subsidize it. People out there are paying twice, once at the pump at 3 bucks a gallon and once on April 15 when we hand over $15 billion a year.

And for health care costs? They handed off to the pharmaceutical companies an additional $130 billion in profits.

Middle-class families are struggling with ever-increasing taxes, ever-increasing costs and stagnant incomes. It is time to have an economic strategy that, again, lifts all boats.

Now, I don't want to take a stroll down memory lane; but in the 1990s, when we were running balanced budgets and we were running a surplus, incomes for all people, not just the top end, but for all workers were up. College costs were contained, health care inflation was running alongside regular inflation, and energy prices were actually $1.33 a gallon, not 3 bucks a gallon.

That was a time in which we actually made an improvement. We invested by giving all kids health care whose parents didn't have health care. We created 22 million jobs. We ended welfare as we know it. We put people to work rather than dependency. We had record homeownership, low inflation, a balanced budget, record surpluses, and began to pay down the debt.

Put your fiscal house in order. Invest in education, health care, and energy independence in America. It is time for a change. It is time for new priorities.

VENEZUELA AND TERRORISM

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, last week, the Subcommittee on International Terrorism that I chair held a hearing on Venezuela's link to terrorism. On May 15, the State Department designated Venezuela as not cooperating fully with U.S. anti-terrorism efforts. Mr. Speaker, from what we heard from the Department officials, it is not that Venezuela is not cooperating fully; it is that Venezuela is not cooperating at all.

Disconcerting was the testimony we heard from the State Department that Venezuelan passports can be forged with child-like ease, and that the U.S. is detaining at our borders an increasing number of third-country aliens carrying false Venezuelan documents. According to a 2003 U.S. News report, thousands of Venezuelan identity documents are being distributed to foreigners from Middle Eastern nations, including Syria, Pakistan, Egypt and Lebanon.

We know that travel documents are as important as weapons for terrorists. Mr. Speaker, post-9/11, it is reckless not to view our immigration policy as national security policy.

AMBASSADOR NOMINEE ROBERT HOAGLAND

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

Mr. PALLONE. Mr. Speaker, I rise this evening to express my concerns with the nomination of Robert Hoagland as U.S. Ambassador to Armenia. Many questions remain regarding U.S. policy on the Armenian genocide, and they remain unanswered. Key Senate Foreign Relations Committee

members continue to have serious misgivings about the nomination.

Two weeks ago, the Senate Foreign Relations Committee considered Mr. Hoagland's nomination. During the hearing, Mr. Hoagland failed to adequately respond to the questions asked by the Senators, including not clarifying the U.S.'s policy in the denial of the Armenian genocide. In many instances, he did not respond to specific Senate inquires. He diverted his answers by responding with what seemed like prepared talking points, and went to great lengths to avoid using the term genocide.

Additionally, in response to a written inquiry from Senator JOHN KERRY concerning Turkey's criminal prosecution of journalists for writing about the Armenian genocide, Mr. Hoagland referred to these writings as allegations.

Mr. Speaker, the U.S. has historically taken a leadership role in preventing genocide and human rights violations, but the Bush administration continues to play word games by not calling evil by its proper name. Instead, they refer to the mass killings of 1.5 million Armenians as tragic events. This term cannot be substituted for genocide. The two words are simply not synonymous.

Mr. Speaker, there are historical documents that cannot be refuted, yet somehow the administration continues to ignore the truth in fear of offending another government.

The Bush administration has not offered a meaningful explanation of its reasons for firing the current U.S. Ambassador to Armenia, John Evans. In fact, the State Department's assertion that it did not receive any communications from the Turkish Government concerning Ambassador Evans' February 2005 affirmation of the Armenian genocide is simply not credible.

Official Department of Justice filings by the Turkish Government's registered foreign agent, the Livingston Group, document that there are at least four different occasions of communications with State Department officials following Ambassador Evans' remarks affirming the Armenian genocide. Still, the State Department refutes these claims.

Mr. Speaker, this lack of honesty has been an all too common practice of the Bush administration. The American people and this Congress deserve a full and truthful account of the role of the Turkish Government in denying the Armenian genocide. Our Nation's response to genocide should not be denigrated to a level acceptable to the Turkish Government. It is about time the Bush administration started dictating a policy for Americans and not for a foreign government.

Mr. Speaker, I fear that sending an ambassador to Yerevan who denies the Armenian genocide would represent a tragic escalation in the Bush administration's ignorance and support in Turkey's campaign of genocide denial. The State Department has reported to Senate offices that they expect Ambassador Designate Hoagland to be confirmed during a business meeting early next week. I would urge the Senate to block his nomination until this administration recognizes the Armenian genocide.

□ 1845

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

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

DROUGHT RELIEF

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. OSBORNE. During the month of August, most Members of Congress will be in their districts, and the thing that those of us in the middle part of the country will see is what is reflected on this map which deals with the drought. We see some brown areas, some red areas. And what this represents is not just 1 year of drought, but rather, we are in the eighth year of a drought that has exceeded, in many cases, the drought of the 1930s, the Dust Bowl years.

Now, you don't see clouds of dust blowing around. You don't see dust 3 or 4 inches high on window sills because of conservation practices. We no longer plow up our fields like we once did. But the drought, in most cases in this area, is actually more extreme over a longer period of time than what we saw in the most extreme drought of the last century.

There are parts of Nebraska where we are now 40 inches short of moisture, and in many of these areas the total rain fall in an average year is only 15 inches, so over that period of 7 or 8 years, 40 inches of shortage is a tremendous hit to take.

To make matters even worse, we have had extremely high temperatures. Normally, in the Dakotas and Nebraska you might see one or two days in the 100-degree range, 102, 103. But this summer we have had numerous days between 110, 115 degrees of temperature. And of course, these are records. So the heat and the drought compounded has led to a disastrous situation.

Dry land crops are either totally wiped out at this point or barely hanging on. And probably the most immediate, most pressing problem deals with our pastures, because if you have livestock and you have no grass pasture, there is nothing you can do but sell off your livestock, and so that has been happening rather rapidly.

Reservoirs in this area are down by 50 to 75 percent. And so the irrigation water in these reservoirs is pretty much nonexistent.

One other thing that many times people will mention, they say, well, you have got crop insurance, so why won't that take care of you? Well, the problem is this, that each year that you have a drought and you have less production means that the next year you can purchase less crop insurance because of the loss that you had the year before. So after 7 or 8 successive years, the amount of crop insurance that you can purchase has been reduced by 50, 60 percent, so you don't even really get the amount of money back that your inputs, your seed and your fertilizer cost you in the first place. So, as a result, obviously we have a very difficult situation.

In 2002, we had a very similar, very disastrous drought, and we did get some drought relief. And the thing that happened at that point was those who showed loss, who absolutely needed the help, got some. And then in 2003, we found people, lawmakers from other States said, well, so and so is getting some help, so we need to get some help too. And pretty soon we were expanding drought relief to areas that had no drought, who had no crop loss. And as a result, the series of articles we have seen in The Washington Post are accurate. And it was certainly our fault, those of us in Congress, for letting this get out of hand.

And of course, this is going to make it even more difficult at this point to do anything about the current drought. But we are hoping that people will understand that it is possible to administer a drought relief program responsibly, to get the money to people who really are hurting, because we are probably going to lose some farmers and ranchers this year in great numbers. And we hope that we do get some help.

And sometimes people say, well, you have got to have an offset. And so we are starting to look for offsets. We are trying to look for someplace where we can get this drought relief money from. But the way the Federal budget is at the present time, it is very, very difficult to find an offset.

So we have seen disaster relief go to many areas of the country. We just want to make people aware of what is going on. And we hope that, as people come back from the August break, they will bear this in mind and possibly have some disaster relief.

MEDICARE PART D DOUGHNUT HOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, nearly 3 years, ago I voted against Medicare part D, and after the leadership held the vote open for 3 hours, it did pass.

Since that day, part D has never failed to disappoint its supporters and its detractors.

First, we learned that part D would cost almost twice as much as Congress was originally told. Next came the confusing enrollment process. So many seniors had no place to turn.

In New York seniors had 46 plans to choose from. Seniors recruited their children and grandchildren and their Congress people to help them navigate the confusing on-line application process, but they had problems figuring out which plan was the right plan for them.

While hosting town hall meetings on part D last year, I encountered many seniors who were thinking about not even enrolling in a plan because the process was just too confusing.

Today, many seniors are locked into plans that offer too little or too much coverage. Part D's faults are compounded by the fact that seniors were locked into their plans for a year. But providers could drop certain drugs from their plans without consequences.

Finally, after months of confusion, seniors are finally getting some relief on prescription drugs. But not as much as they could be. Medicare still isn't allowed to negotiate prices with drug companies like the VA can. And seniors can't reimport drugs from Canada to reduce costs either.

But part D's biggest problem is about to emerge. Many seniors are about to discover the plan's doughnut hole.

Mr. Speaker, the doughnut hole most people didn't understand, but it is the gap in the coverage that part D enrollees face when they purchase $2,250 worth of prescription drugs in a year. Once seniors hit the doughnut hole, they will have to pay for their next $3,100 worth of prescription drugs. Only after paying that money will their coverage continue. The saddest part of the doughnut hole is that a great many of the seniors aren't even aware that it exists.

We thought, in my district anyhow, that it would be late August before people would start reaching the doughnut hole. Unfortunately, in my area, we are getting the phone calls now. And since Medicare isn't allowed to negotiate with drug companies, seniors will pay the usual inflated prices for their drugs while they struggle to come out of the doughnut hole.

So soon many seniors will be back in the same predicament they were before part D. Some will have to decide whether to pay their bills or purchase prescription drugs. Others will put their health at risk by reducing their dosage in order to afford their medication. And many will have to spend their way out of the doughnut hole every year for the rest of their life.

The doughnut hole isn't just the result of bad legislation, it is a threat to our public health. Seniors will take less drugs than they are prescribed to avoid falling into the doughnut hole.

Part D penalizes seniors who take a lot of medication. Seniors essentially get fined over $3,000 for buying prescription drugs they need. It is absolutely absurd.

It is time to fix part D. It is time for a prescription drug plan that puts the interests of our seniors and the disabled before the interests of big drug companies.

Mr. Speaker, let's start listening to the seniors who attend part D town hall meetings on Long Island and across the country, instead of drug lobbyists.

In the next few weeks, thousands of seniors will be getting an unexpected bill for more than $3,000 for Medicare. Let's fix part D.

It is time for a simple, affordable and guaranteed prescription drug plan for our seniors. Part D has caused nothing but headaches for seniors since Day 1. And now it threatens to penalize them for taking their medication.

Mr. Speaker, it is a shame that we couldn't have worked bipartisanly, because I actually do think that we could have solved this problem by working together. Unfortunately, politics got in the way of policy.

I was hoping, as I held my seminars in my district, I did not come out and say anything negative. I said, I am here to help you get through it. It is the law of the land, and I will continue to do that. But to put our seniors through this is wrong.

We should come up with a better idea. We should fix Medicare. We should make it easier for our seniors.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 250, CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–598) on the resolution (H. Res. 946) waiving points of order against the conference report to accompany the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–599) on the resolution (H. Res. 947) providing for consideration of the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, which was referred to the House Calendar and ordered to be printed.

SUNSET COMMISSION LEGISLATION

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim my time out of order.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor of the House again this Tuesday evening as part of the weekly Congressional Constitution Caucus efforts to highlight the Federal Government's limited powers as defined by the United States Constitution, specifically, the 10th amendment of our cherished Bill of Rights.

And I would also like to take this time to thank the gentlemen from Texas and Kansas for their efforts, the gentlemen, Mr. BRADY and Mr. TIAHRT, who have been leaders on the topic that I am going to discuss briefly, and that is the need for an independent body and procedures to review the merits of the many, many Federal programs that the American taxpayer has to pay for.

In light of our high taxes and even higher deficit, the time for increased efficiency couldn't be greater than today. The American worker is working harder than he should be, sending too much of his hard earned dollars down here to the Federal Government, only to see it wasted on layers and layers of redundancy and red tape and bureaucracy.

And so for that reason, I am here tonight to show my support for Mr. TIAHRT's H.R. 5766 and Mr. BRADY's H.R. 3282, which are going to be scheduled for a floor vote later this week on Thursday.

Due to these gentlemen's efforts, we have legislation they have drafted, they have set up a process of reviewing the effectiveness of Federal programs. It is a simple concept to make sure that the Federal Government is as efficient as it could be, in essence, to reduce the amount of time and energy that the American worker has to work, and the money that he has to send from his paycheck down here to Washington.

It is no secret that there are many Federal programs that are simply not serving the American public. There are programs that are duplicative, that are no longer necessary, that simply waste taxpayers dollars. The taxpayer currently works 192 days just to pay for his share of the Federal Government spending. That is just about a week ago they finished working that, and now you are working for yourself. So we are simply asking our constituents to put in a few less hours under these bills to help them to keep more of their money in the Federal budget.

It was Ronald Reagan once said that the closest thing to immortality that he would ever find here on earth is the Federal program. Well, we are trying to end that and make sure that some of

these programs actually end and become mortal.

These programs have survived because, well, in part, because there is a special interests, a cottage industry has grown up, and they live off the taxpayers' largesse.

But Mr. Speaker, Members of Congress are not here to represent special interests. We are here to work for the hard working mother and father who send their tax dollars here when, instead, they would like to keep that for their own homes and their own children.

My friends from Texas and Kansas have taken this initiative to craft those legislations to set up procedures to review the bureaucracy and it is one of the top priorities of myself and the members of the Congressional Constitution Caucus to see that this legislation is put into place.

I have had the opportunity to work with Mr. TIAHRT and Mr. BRADY on this legislation to make recommendations to them. I have worked with them as well, and as members, the gentleman from Utah as well sits here on the floor as well, to make recommendations to make these programs have teeth, because you see, they are already outside organizations that are simply reviewing what the Federal Government does, looks at the efficiency. There is already those outside organizations that can tell Congress what do in a more efficient manner. We have got to make that you if we pass legislation, that these new procedures will actually have teeth and make sure that they are implemented and actually reduce the size and scope of the Federal Government.

One of the suggestions that has been incorporated into Mr. TIAHRT's bill, which I think will do well to move along and add the teeth to it, is simply to add a criteria to the legislation, one to review the duplicity and the efficiency of the Federal programs, and to see whether or not current Federal programs are constitutional; that is to say, do they meet specifics limited enumerated powers that any child in this country could find in Article I, section 8. Thus we ensure that all Federal programs have a constitutionally acceptable and not outside the intended limited size and scope of the Federal Government.

So I greatly appreciate the gentlemen from Texas and from Kansas for their work in this matter.

I also would like to take this time to thank the gentleman from Utah sitting to my right for all of his work in making sure that the American public and Congress continues their focus on the Federal Government and the Constitution and his efforts as far as bringing this attention to the public each Tuesday.

And I close, as we leave the Chambers this week to go back to our districts, as part of our district work period for Congress to encourage the American public to do what other Members have done on this floor as well, to read the Constitution, to look to the limitations that the Founding Fathers have instilled into it.

□ 1900

And I close with this quote from Thomas Jefferson, which he stated February 15, 1791: ''To take a single step beyond the boundaries specifically drawn around the powers of Congress'' in the Constitution ''is to take possession of a boundless field of power, no longer susceptible to any definition.''

Mr. Speaker, the Founders intended that the Constitution would set those parameters, and I encourage this House to abide by them.

The SPEAKER pro tempore (Mr. BOUSTANY). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

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

THE COST OF PRESCRIPTION DRUGS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take the place of the gentleman from California (Mr. GEORGE MILLER) in the order.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, 3 years ago today, the House of Representatives issued a declaration of independence from the powerful drug lobby. A tripartisan majority, lots of Members of both the Republican and Democratic Parties and the Independent from Vermont (Mr. SANDERS), a tripartisan majority in the House passed legislation giving Americans access to safe, effective, and affordable medicine imported from Canada and other allied nations. Several of us in this body have over the years, and I began doing this 7 or 8 years ago, taken seniors from our districts, and I live in northern Ohio, up through Detroit into Windsor, Ontario, to buy prescription drugs at half or a third the price that Americans pay because Canada has found a way to negotiate directly with the drug industry and bring the prices down, saving, as I said, one half, two-thirds, three-fourths of the cost for prescription drugs.

Our Congress, particularly the Republican majority, because it is so in thrall to the drug companies and so addicted to campaign contributions from the drug industry, have failed to do any of that until 3 years ago when that tripartisan majority in the House passed that legislation, giving Americans access to less expensive drugs, drugs imported from Canada and other nations that have a safe, predictable process that they are able to retail their drugs.

But Senate Majority Leader BILL FRIST has never scheduled a floor vote in the Senate. Not 3 years ago, when we passed this bill; not 2 years ago; not last year, not this year. And the American people continue to pay two and three and four times the cost of prescription drugs that we should have to pay, that the Canadians pay, that the French pay, that the Germans pay, that the Japanese or the Israelis or the Brits pay.

Every day we delay, American consumers are paying as much as five times more than consumers in these other nations are paying for the same drugs, the same packaging, the same drug maker, the same everything. Every day we delay, the skyrocketing cost of prescription drugs makes it harder for American businesses to provide health insurance for their workers. Every day we delay puts American manufacturers at a competitive disadvantage as rising drug prices drown them in health care costs. And every day we delay puts the health of American consumers at risk as they are forced to split their pills, skip their doses, and make the heart-breaking choice between medicine and food or between medicine and heat in the winter or between medicine and air conditioning on hot summer days like we have seen.

And every day we delay increases the burden on American taxpayers as drug prices drive up the cost of Medicare, drive up the cost of Medicaid, drive up the cost of other public sector health programs.

We should have sent President Bush an importation bill 3 years ago. It is not too late. We can still deliver for the American people if the Republican leadership in this House and if the Republican leadership in the Senate will commit to floor votes on importation legislation before the end of this year.

Three years is too long to wait. It is time for leadership, for a change, to stand up to the drug lobby and to take a stand for American families, for American businesses, for America as a country.

FEDERAL GOVERNMENT WASTE

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

Mr. BISHOP of Utah. Mr. Speaker, as many here in the body know, I am an old high school history teacher. And not content simply to teach history in the classroom, I organized different programs for my students. Having worked in the State legislature, I came up with an internship program. So I took kids to the Utah legislature, where they worked for a week as we organized the program, their jobs, their housing, their supervision at night. I organized an oral history program for our school. I organized a Renaissance festival.

Tired of only kids in athletic programs getting scholarships, we raised

money for scholarships for kids who excelled in history. But it also required that not only did we put on a weekend festival but months of activity. Changing a small gym so it didn't look like a small gym, doing the costumes, writing the script, preparing and providing for a six-course meal that guaranteed there would always be leftovers.

As department chairman, I approved of all these projects, and I probably drove my fellow teachers into the ground trying to maintain all these activities. And the question you have to ask is, why did we do it? And it is a very simple answer.

Nothing ever stays static or constant. If you are not moving forward, you are moving backwards. And it is instinctive within the human being that they want to expand, do different things. Even since coming to Congress, I am doing the same thing: I have associated among the programs what I think was a very academic program of study and visiting in the Washington, D.C. area; so once again in the fall I will bring 20 to 30 kids from my district here where I will get to be the teacher again, taking them through Washington and the experience of Washington in conjunction with the closeup program.

Now, I mention that simply because what we do in our daily lives in trying to expand and grow and what I did as a teacher is the same thing government does. I do not blame bureaucrats for trying to expand their programs. That is the instinct and nature of mankind.

In the 1930s and again in the 1960s, the Federal Government expanded all sorts of programs to solve problems. Legitimate. It was good. The question that has to be asked is, what happens once those problems of 40 or 50 or 70 years ago are solved? Do we then eliminate the program or do the programs do the same thing I did as a history teacher, trying to find new things to do, more things to do as you are trying to expand the scope and responsibility of your task at hand?

And that is exactly what does happen. We never eliminate programs. We simply add to them, which is why today we have 342 economic development programs, 130 programs serving people with disabilities, 130 programs for at-risk youth, 90 programs for early childhood development, 75 programs for international education, 72 programs dedicated to assuring safe water, 50 programs for homeless assistance, 45 Federal agencies conducting Federal criminal investigations, 40 separate employment and training programs, 28 rural development programs, 27 teen pregnancy programs, 26 K–12 grant programs, 23 agencies providing aid to former Soviet republics, 19 programs fighting substance abuse, 17 rural water and wastewater programs, 17 trade agencies monitoring 400 international trade agreements, 12 food safety programs, 11 principal statistics agencies, and four overlapping land management agencies.

Why do we do that? Simply because that is the nature of the beast. How do we solve that? Well, we review those. A Federal review, according to one report from the Heritage Foundation, found that 38 percent of all the programs that are run by the Federal Government fail to meet their core needs, the reason for which they are in existence.

So how do we solve that? How do we review that? How do we do that in a safe and fair manner? Well, we had the experience going through the BRAC process of trying to come up with independent agencies, taking the politics out of the issue, and looking at some kind of clear, concise criteria and evaluating where we were and what we should do and need in the future.

Representative TIAHRT and Representative BRADY have introduced legislation to advance that same process with Federal programs. And so they will look at those programs in bills that will be before the House later this week with four specific recommendations or four specific parts which will make them effective:

Number one, they are bipartisan programs that will try to take political wrangling out of the equation. Number two, they will look at every program with a clear and concise criteria, including the constitutionality of that program in the first place. Number three, they will review all programs. And, number four, they will have a legislative process which will expedite the process of review and consideration.

Now, once again I do not blame the Federal Government or the bureaucracy of the Federal Government for its ability to expand. That I think is common. That is native practice. What we have to do as a Congress is realize if we do not like that expansion, it is our responsibility to make sure that that expansion is put in check. And these two bills are a perfect way of doing it.

IRAQ WAR POWERS REPEAL ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, on October 10, 2002, despite the objections of 133 Members, myself included, this body, the House of Representatives, voted to give the President of the United States the authority to launch a preemptive strike against Iraq.

If we had the information on that day that we have now, I wonder how many votes the war resolution would have garnered. If we had known that Saddam Hussein had no weapons of mass destruction; if we had known that the President was hell bent on going to war no matter what, regardless of the intelligence, with or without the U.N.'s blessing; if we had known that we would have still been occupying Iraq nearly 4 years later; if we had known that our occupation would give rise to a violent insurgency, sectarian strife, and all-out civil war; if we had known that the cost of this war would approach $.5 trillion; if we had known that more than 2,550 brave Americans would never come home and thousands upon thousands of Iraqi civilians would be killed for the sake of their so-called liberation; if we had known of the atrocities and constitutional desecrations that would be committed in the name of war, from Abu Ghraib to domestic spying to Guantanamo Bay.

Along with many of my colleagues, I raised these concerns at the time. We were vocal critics of the war before we even knew what a debacle it would become. But our objections were ignored and our voices drowned out by a steady drumbeat of misinformation coming from the administration and its allies. They raised the specter of a mushroom cloud in the chilling and disingenuous words of Condoleezza Rice. They insisted that the Iraqi people would greet us as liberators. They claimed that the war would be a cakewalk, with minimal cost of lives and taxpayer dollars. They assured us that the Iraq invasion would spread freedom and democracy throughout the Middle East, an assertion that has been proven tragically wrong by the recent hostilities between Israel and Lebanon. Anyone who disagreed with this view of the Iraq occupation had his or her loyalty of America called into question.

Today the American people know the truth, that those of us who seemed like lonely dissenters were right all along. The American people agree that it is time to find a way out of Iraq, to end this occupation, because they know you cannot win an occupation.

Our troops have been put in an impossible position without the proper training or equipment. They are being asked to carry out an open-ended occupation of a country wracked with centuries-old religious conflict and few democratic conditions on which to fall back. Moreover, this occupation has no legitimacy whatsoever, having never been authorized or ratified by the United States Congress.

So today I introduced the Iraq War Powers Repeal Act of 2006. It would reverse the fateful decision of nearly 4 years ago and allow Congress to reassert its constitutional authority on matters of war and peace. It would strip from the President the powers he has shamelessly abused. From there we can and we must end this occupation, while using diplomacy, humanitarian and peacekeeping tools to help Iraq achieve long-term security and stability. But we must return Iraq to the Iraqis and return our brave soldiers to their families here at home, who anxiously await their return.

□ 1915

GRAVE CONCERNS ABOUT IRAQ

The SPEAKER pro tempore (Mr. BOUSTANY). Under a previous order of the House, the gentleman from New

York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise with grave concerns about the situation in Iraq.

As I indicated during a Special Order organized last week by the gentleman from Connecticut, Mr. LARSON, I believe the war in Iraq is the centerpiece of the administration's failed foreign policies. The war in Iraq has proven to be a diversion from what should be our primary foreign policy focus, winning the global war on terror. Our preoccupation with Iraq is decimating our Armed Forces, who now find themselves entrenched in a civil war where they do not belong.

The administration's failure to measure progress in Iraq is matched by its broader foreign policy failures. North Korea and Iran present greater risks to our safety and security than they did when the President identified them as the ''axis of evil'' in his 2002 State of the Union address.

Today, the situation in Iraq is a tragedy, for America, for our brave troops in uniform, for the future of our Nation, and for the prospect of Middle East peace which fades every day we stay in Iraq and as the violence between Israel and Hezbollah continues.

Although 2006 was supposed to be a ''year of significant transition'' pursuant to last year's defense authorization law, we are no closer to finishing the year with any measure of positive transition than we were when the year started.

I call my colleagues' attention to a new book by Thomas Ricks, the Washington Post reporter who appeared on Meet the Press on Sunday, to discuss ''Fiasco: The American Military Adventure in Iraq.'' As Mr. Ricks explained, the administration's foresight and planning was as poor as its conduct of the post-war period. It is why, 3½ years later, we are is still paying the price for such negligence, and why 2006 is not on track to be the year of significant transition that not only had we hoped for, but that we simply must have.

Halfway through the year, these statistics show that we are moving backwards, away from our goal of handing Iraq over to a safe, secure and stable democracy. There were 3,149 civilians deaths in the month of June. That is up from 1,978 civilian deaths in January. For the year, more than 14,000 Iraqi civilians have died. That is an average of 2,400 a month. Another way of looking at that is every 5 weeks, Iraqi civilians die in the number that we lost on September 11.

The overwhelming majority of deaths have occurred in and around Baghdad. If the Iraqi police and army can't provide security, is it any wonder that the Iraqi people have turned to the militias? That is not a measure of progress in any year, but particularly in a year of transition, that would be a turn for the worse.

Every day focusing on combating sectarian violence is another day and another dollar we divert from what should be our priorities, increasing oil production, rebuilding infrastructure, promoting more dialogue between Sunnis and Shia and developing a long-term political solution for a stable, lasting democracy.

The Iraqi leadership isn't showing much progress either, particularly following remarks by Prime Minister al-Malaki and Speaker al-Mashhadani, who both openly condemned Israel in recent weeks.

Combined with the fact that nearly 50 percent of Iraqis support attacking our troops, Iraq is no closer to what the neo-conservatives envisioned as a partner for Israel who would catalyze change and bring about stability in the Middle East.

When the prime minister addresses a joint session of Congress tomorrow morning, I would hope he says the following: First and foremost, that Iraq is indebted to America for the sacrifice of 2,500 of its sons and daughters. Second, that he regrets and retracts his comments about Israel. Third, that he is committed to routing terrorists, sectarian violence and corruption and disarming the sectarian militias. Fourth, that his government will honor the rights of ethnic and minority constituencies by revisiting divisive sections of Iraq's constitution.

Still, Mr. Speaker, it will take much more to accomplish the long-term political goals necessary to restore stability, liberty and democracy, not only in Iraq, but to a region suffering under the strain of so much violence and uncertainty. But we have a long way to go. Reaching our objectives will be further down that path as a result of the administration's failure in the pre-invasion planning and the conduct of the post-war period.

The tragedy of Iraq is perhaps the most solemn and vivid reminder of why a change in leadership is long overdue, and why America deserves a new direction in its foreign policy.

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

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

VETO ON STEM CELL RESEARCH PUTS A ROADBLOCK IN THE WAY OF SCIENTIFIC PROGRESS

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

Mr. MEEHAN. Mr. Speaker, the European Union agreed today to continue its funding for embryonic stem cell research, research specifically involving the use of embryos that would otherwise be discarded from fertility clinics. Today's agreement among the European nations paves the way for a 55 billion Euro science program designed to improve and move this important research forward. Unfortunately, Europe's progress is in stark contrast to the embarrassing path chartered by the White House.

Mr. Speaker, America has long had a history of leading the world in scientific discovery are. President John Fitzgerald Kennedy made it a national priority to be the first Nation in the world to send a man to the moon. His leadership showed the rest of the world that the United States was the undisputed international leader in scientific progress.

By using his very first presidential veto to continue a misguided ban on stem cell research, President Bush has diminished American scientific standing in the world.

Mr. Speaker, 5 years ago, President Bush said that stem cell research had profound ethical questions. Today, I say that there are no more profound ethical questions than the fate of 100 million American lives, lives that can be saved, lives that will be lost if we don't move this vital research forward.

Last week, we sent to the White House a bipartisan bill that ethically advances stem cell research, a practice supported by 70 percent of Americans. Instead of embracing stem cell research, President Bush chose this moment in time to strike a blow against science and against hope and against saving lives.

The promise of stem cell research is great. One researcher at Harvard Medical School wrote in the New England Journal of Medicine, ''The science of human embryonic stem cells is in its infancy,'' but he cautioned restricting stem cell research would ''threaten to starve this field at a critical stage.''

Last October, the prestigious, peer-reviewed Journal of Immunology featured a study by four researchers from the University of Minnesota who developed human embryonic stem cells that could destroy cancerous cells.

Mr. Speaker, when we tout the potential for stem cell research to develop future treatment for diseases like cancer, like Parkinson's, opponents of the research will say we are just dreamers, that the proof just isn't there. Well, Mr. Speaker, four cancer survivors live on my street in Lowell, Massachusetts. Shame on anyone who would take a dream away from them.

Nearly 35,000 cases of leukemia were diagnosed last year. In fact, about 30 percent of cancers in children from birth to 14 years of age are leukemia. Today, scientists are using embryonic stem cells to treat leukemia and lymphoma.

We are dreamers, Mr. Speaker, but those dreams are supported by hard science and research. Stem cells have the potential to develop into any kind of body tissue, including blood, brain, or nerve tissue. Scientists believe that this unique ability can lead to even more breakthroughs in the number of illnesses that now are untreatable.

With his rebuff of stem cells, just like ignoring the warnings about global warming, this President has put his head in the sand at America's peril. America needs a new direction that supports science and promotes innovation.

As one of the world's foremost medical science centers, my home State of Massachusetts has played a critical role in the stem cell debate. Not only are our hospitals, research facilities and institutions of higher learning on the cutting edge of conquering disease, they are also major economic drivers keeping us competitive in the global economy. The life sciences industry employs roughly 30,000 people in Massachusetts alone.

The President's rejection of domestic stem cell research does not mean an end to the research elsewhere in the world. This research will go forward. But the President has chosen to leave America behind and hamper our scientific competitiveness.

The President's veto also has put Massachusetts, the world's most powerful engine of innovation and progress, on the sidelines. To put it in perspective, consider that Massachusetts alone has over 250 biotechnology firms, and that is more than all of Western Europe combined.

I believe the choice is clear: We should support stem cell research in Massachusetts and throughout the country. It is our tradition of innovation and science and, most importantly, it will offer hope to millions of Americans suffering from diseases that one day may be cured.

The President has shamefully put a roadblock in the way of scientific progress. The American people deserve better.

ISRAEL: AMERICA'S MAIN ALLY IN THE WAR AGAINST TERRORISM

Mr. WEINER. Mr. Speaker, I request unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. WEINER. Mr. Speaker, I rise today as editorial pages are abuse with discussion about the tragic and sad events in the Middle East, and some people at coffee shops and at street corners around our country are asking some very basic questions about the conflict in that region and why it has reached the place that it has.

I have heard some on this floor raise what are really foundational questions to make it possible to understand the conflict and the challenge facing Israel in their battle against Hamas on one front, Hezbollah on the other front, and their two nation sponsors, Iran and Syria.

One question that frequently gets asked is how come we can't just let diplomacy take hold? And it is true. Whenever there are missiles flying, whenever there are guns ablaze, it is, by very definition, a failure of diplomacy. And it has never been the first choice of either the United States or Israel in that part of the world to choose violence.

If you look through the entire scope of the Israeli lifespan, their entire existence has been marked with them extending their hand and saying yes to proposed diplomatic solutions to the conflict there, and their Arab nations saying no.

In 1947, even before the nation was born, there was the famous partition plan that would have made Israel a fraction of what it is today, surrounded by enemy Arab countries. It was the Arabs that said no, not the Israelis.

Since then, we have had the Oslo Accord, where the Israelis acknowledged the PLO as a partner for peace and were obviously burned; the Wye River Accord; the Camp David Accord with Egypt, which thankfully, still stands today; Camp David II, which was a concession of virtually everything that the Palestinians asked for in exchange for peace, and that was met with violence.

We also should note that when they left Gaza on their southern border, left the parts to the Palestinians, that is the very spot that is now being used to launch missiles, Katusha rockets by the dozens, against their citizens.

When they left Lebanon after occupying it because so many missiles were flying from Lebanon into their northern border, they left to come into compliance with the U.N. resolution and to set up universally and internationally accepted border that now Hezbollah has breached in Lebanon.

So it is true diplomacy is the better option. But in every single circumstance where diplomacy was pursued by the Israelis, with the help of the United States, it has been her terrorist neighbors, her Arab neighbors, who have said diplomacy is not what we want; we want Israel not to exist. And that, by the way, still today is what Hamas has made their creed, Hezbollah has made their mission, supported by Syria and Iran.

We have also heard a couple of times something that I wholeheartedly agree with, that there are many in Lebanon who are completely innocent in this. There are.

Frankly, my good friend, Mr. LAHOOD, mentioned this during the debate on the floor on the resolution supporting Israel. It is true there is no group more innocent and more persecuted in that part of the world than the Lebanese Christians, who have been persecuted by their fellow Lebanese. There are many people in Lebanon who just want to live and be free, but they have been overrun by Syria and then by Hezbollah.

But you are not an innocent victim of this if you go to bed at night with a Hezbollah rocket tucked under your bed. You are not an innocent victim if you went out and voted for Hezbollah to make them part of your government. You are not an innocent victim when you make Hezbollah part of the ministry in Lebanon. You cannot lay down with dogs and expect not to get up with fleas.

The government of Lebanon has chosen to make partnership with Hezbollah, so when Hezbollah crossed an international border and takes prisoners, when they lob missiles into Haifa, the Lebanese government, unfortunately, has to decide which side they are on, and up to now they have said they are on the side of Hezbollah.

The final thing I have heard is, from time to time, some, and it is even supporters of Israel, say, you know what, this is a difficult time since September 11. Maybe our true concern should not be about what goes on in Israel. Maybe it should be just worrying about the United States and our interests.

Well, ladies and gentlemen, when the United States goes out and fights against terrorism around the world, arguably they have one ally. It is not our feckless friends in Europe. It is not the French. It is not even the British. Our only ally, who every single day is fighting terrorism, is Israel. When they fight against Hezbollah, they are fighting against the organization that was the number one terrorist organization killing Americans before September 11.

That has to be part of our understanding. When Israel's soldiers go and fight and die against terrorists, they are fighting a war for all of us.

So as we watch the newspapers and try to understand what is going on, we have got to understand diplomacy was tried by the Israelis, over and over and over again, and it will be tried again. We have got to understand that those in Lebanon, there are some innocent victims, but there are many people guilty as well. And we have to understand that when Israel fights for its freedom, it fights on behalf of the United States as well.

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SECTARIAN BREAK-UP OF IRAQ IS INEVITABLE

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

Mr. MCDERMOTT. Mr. Speaker, tomorrow this House will be treated to a real interesting historical event. The Prime Minister of Iraq will be here. His article today in the Wall Street Journal says: ''Iraq is a sovereign nation.''

He goes on to talk about one province of Iraq that has some stability and makes that appear that that is the Iraq that he is here to represent. If one reads the European newspapers, the Independent, and I will enter this into the RECORD, the Independent from Great Britain says, and the title of this article is, ''Sectarian break-up of Iraq is now inevitable admit officials.''

They talk about the fact that Mr. Maliki yesterday met with Tony Blair

in London, where he talked about the fact that things were going just fine. But the article goes on to say that senior Iraq officials are saying that the break-up of the country is inevitable.

This is a quote from one: ''Iraq as a political project is finished. The parties have moved to plan B, that is that the Shiia, Sunni and Kurdish parties were now looking for ways to divide Iraq between them and decide the future of Baghdad where there is a mixed population. There is serious talk of Baghdad being divided into the Shiia, east Baghdad, and the Sunni west Baghdad.''

The foreign minister said in an interview with the Independent, before joining Mr. Maliki in London ''that in theory the government should be able to solve the crisis between Shiia, Sunni and Kurd,'' but then he painted a picture of a deeply divided administration where senior Sunni members praise the anti-government insurgents as the heroic resistance.

So you have ministers inside the government praising the insurgency that is making this huge instability in the country. To show you how bad it really is, there is an average of 100 deaths of Iraqis every single day. This month there will be more killed than were killed in June.

3,148 people died in sectarian violence. A civil war. Even the New York Times now calls it a civil war. And the Prime Minister is going to come here and try and tell us that everything is just fine.

Now, that is a part of our domestic politics, it is to give the American people and the Members of Congress a feeling that things are just going swimmingly. But what the Iraqis are saying to reporters from the Independent is, the government is all in the green zone, like the previous one, the one that was in before. And ''they have left the streets to the terrorists.'' That is a quote from Mahmoud Othman, a veteran Iraq politician.

He said, ''The situation would be worse but for the war in Lebanon, because it would intensify the struggle between Iran and the U.S. being waged in Iraq.'' The Iraqi crisis will now receive much less humanitarian attention because of what is going on over in Lebanon. It is taking the focus off. And we have Mr. Maliki coming in and standing behind me tomorrow, and he will say that things are going just fine.

Now, clearly this is not true. And what is happening in Iraq is that the leadership is now deciding the south will be for the Shiia, the north will be for the Kurds, and the west will be for the Sunnis. It will be tied into Jordan. Jordan already has a million Sunnis living in it. People who have fled from Baghdad because they are not safe, bankers, university professors, doctors, the intelligentsia, anybody with any money in the Sunni community has left Baghdad because it is such a dangerous place.

And the decision now is only how do they break it up, and what do they do about the oil revenue. This situation is an absolute mess. On top of it all, Mr. Maliki has taken the position that what is going on in Lebanon as caused by the Hezbollah is okay. He is encouraging it. He thinks it is a good thing.

Now, this is a man that we hold up as our democratic leader. But the fact is that the country is in absolute chaos, and the Members of this House should understand that tomorrow when they listen to the speech that the American newspapers are not telling you what is going on in Iraq.

[From The Independent, July 24, 2006.]

SECTARIAN BREAK-UP OF IRAQ IS NOW INEVITABLE, ADMIT OFFICIALS

(By Patrick Cockburn)

The Iraqi Prime Minister, Nouri al-Maliki, meets Tony Blair in London today as violence in Iraq reaches a new crescendo and senior Iraqi officials say the break up of the country is inevitable.

A car bomb in a market in the Shia stronghold of Sadr City in Baghdad yesterday killed 34 people and wounded a further 60 and was followed by a second bomb in the same area two hours later that left a further eight dead. Another car bomb outside a court house in Kirkuk killed a further 20 and injured 70 people.

''Iraq as a political project is finished,'' a senior government official was quoted as saying, adding: ''The parties have moved to plan B.'' He said that the Shia, Sunni and Kurdish parties were now looking at ways to divide Iraq between them and to decide the future of Baghdad, where there is a mixed population. ''There is serious talk of Baghdad being divided into [Shia] east and [Sunni] west,'' he said.

Hoshyar Zebari, the Iraqi Foreign Minister, told The Independent in an interview, before joining Mr. Maliki to fly to London and then Washington, that in theory the government should be able to solve the crisis because Shia, Kurd and Sunni were elected members of it.

But he painted a picture of a deeply divided administration in which senior Sunni members praised anti-government insurgents as ''the heroic resistance''.

In the past two weeks, at a time when Lebanon has dominated the international news, the sectarian civil war in central Iraq has taken a decisive turn for the worse. There have been regular tit-for-tat massacres and the death toll for July is likely to far exceed the 3,149 civilians killed in June.

Mr. Maliki, who is said to be increasingly isolated, has failed to prevent the violence. Other Iraqi leaders claim he lacks experience in dealing with security, is personally very isolated without a kitchen cabinet and is highly dependent on 30–40 Americans in unofficial advisory positions around him.

''The government is all in the Green Zone like the previous one and they have left the streets to the terrorists,'' said Mahmoud Othman, a veteran Iraqi politician. He said the situation would be made worse by the war in Lebanon because it would intensify the struggle between Iran and the U.S. being staged in Iraq. The Iraqi crisis would now receive much reduced international attention.

The switch of American and British media attention to Lebanon and away from the rapidly deteriorating situation in Baghdad is much to the political benefit of Mr. Blair and Mr. Bush.

''Maliki's trip to Washington is all part of the U.S. domestic agenda to put a good face on things for November,'' a European diplomat in Baghdad was quoted as saying.

Ever since the overthrow of Saddam Hussein a succession of Iraqi political leaders have been fêted in London and Washington where they claimed to have the insurgents on the run. Mr. Maliki's meetings with Mr. Blair today and Mr. Bush tomorrow are likely to be lower key but will serve the same purpose before the U.S. Congressional elections in November. U.S. commanders are considering moving more of their troops—there are some 55,000 near the capital into Baghdad to halt sectarian violence.

Meanwhile, Saddam Hussein has begun to receive fluids voluntarily after being taken to hospital following 17 days on a hunger strike to protest against biased court procedures and the murder of three defence lawyers. Among fellow Sunni his defiant court performances have rehabilitated his reputation, though he is still detested by Kurds and Shia.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, again, on a Tuesday evening, I come here on the floor of the United States House of Representatives on behalf of the 37-member strong fiscally conservative Democratic Blue Dog Coalition.

We are a group of 37 Democrats that are fiscally conservative, that want to restore some common sense and fiscal discipline to our Nation's government. We are a group of 37 that are sick and tired of all of the partisan bickering that goes on in this Chamber and in our Nation's capital.

Mr. Speaker, it should not be about whether it is a Democratic idea or a Republican idea. It ought to be about is it a common sense idea, and does it make sense for the people who send us here to be their voice at our Nation's capital.

Mr. Speaker, I contend that this Republican leadership, this Republican administration, is not leading us down the correct path. Our country is not on the right track when it comes to our Nation's finances, when it comes to being good stewards of the American people's tax money.

As you can see here on the Blue Dog Coalition poster, today the United States's national debt is $8,419,336,525,769.

For every man, woman and child, including the children born today, every United States citizen's share of the national debt is a staggering $28,129. And the sad reality is that during this hour, during this Blue Dog Special Order, during the next 60 minutes, this number, the U.S. national debt, will go up by approximately $41,666,000.

As fiscally conservative Democrats, we believe the time is now to restore common sense and fiscal discipline to our Nation's government. This $28,129 number, each citizen's share of the national debt which is what we in the Blue Dog Coalition refer to as the debt tax, D-e-b-t, that is one tax that cannot be cut. That is one tax that will not go away until we get our Nation's

fiscal house in order. Mr. Speaker, now, a lot of public opinion surveys say debts and deficits do not matter. The Republican leadership of this Congress says that debts and deficits don't matter.

Well, they do matter because we will not be able to meet America's priorities until we first get our fiscal house in order. What does it mean? It means that our Nation is spending, our Nation is spending a half a billion dollars a day, $500 million every 24 hours, simply paying interest. Interest. Not principal. Just interest on the national debt.

Folks in my district back home in Arkansas, they want to build I–49, and I do too. We need $1.5 billion to complete that interstate that will connect Winnipeg, Canada, with the Port of New Orleans. It is a very large amount of money. If you look at it another way, if we had our Nation's fiscal house in order, we could build that interstate through Arkansas with just 3 days' interest on the national debt.

Folks in my district want to build I–69, and so do I. We need $1.6 billion to finish that interstate that will stretch down through Arkansas and through much of the Midwest, from Canada all of the way down through Texas. $1.6 billion sounds like a lot of money and it is a lot of money; but put another way, we could build that Interstate 69 with a little over 3 days' interest on the national debt.

Hot Springs Expressway, four-laning U.S. Highway 167, four-laning U.S. Highway 82, completing I–530. So many, so many needs, so many infrastructure needs that are going unmet, not just in Arkansas but across America.

Those infrastructure improvements will create economic opportunities and jobs to build those interstates and other infrastructure projects, and they will also create economic opportunities and jobs once they are built.

But those top priorities, educating our young people, ensuring that they get a world-class education, helping the 46 million people that are trying to do the right thing and stay off welfare, but are working the jobs with no benefits, the health care access they so desperately need and deserve, these are the types of priorities that are going unmet in America because of the lack of fiscal discipline in our Nation's government.

It is hard now to believe that we had a balanced budget from 1998 to 2001. Because year after year we have record deficits. Now, why should deficits matter? I have given you a few reasons. Others, the deficits reduce economic growth. We have seen that. People lost their jobs under these enormous deficits that we have seen since 2002.

Some of them are now beginning to find jobs again, but they are finding jobs at a much lesser salary than what they were making when they lost their jobs, and often times they are finding jobs with few or no benefits.

These deficits burden our children and grandchildren, because it is they who will be forced to pay back this out-of-control spending that we are seeing occur today at our Nation's capital in Washington.

And, yes, they increase our reliance on foreign lenders who now own 40 percent, 40 percent of our debt. The U.S. is becoming increasingly dependent on foreign lenders.

Foreign lenders currently hold a total of about $2.089 trillion of our public debt. Compare this to only $623.3 billion in foreign holdings back in 1993. Who are they? Here is the top 10 list of foreign central banks and foreign investors that the Republican leadership of this Congress has borrowed money from, that this administration has borrowed money from in order to fund tax cuts for those earning over $400,000 a year.

Japan. Our Nation has borrowed $637.9 billion from Japan. The United States of America has borrowed $326.1 billion from Communist China. The United States of America has borrowed $174.7 billion from the United Kingdom.

You will really love this one, Mr. Speaker. The United States of America has now borrowed $102.8 billion from OPEC.

□ 1945

And we wonder why gasoline is now $2.89 a gallon in south Arkansas today. The United States has borrowed $68.9 from Korea, $67.5 billion from Taiwan, $61 billion from the Caribbean banking centers, $51.2 billion from Hong Kong, $47 billion from Germany, and finally, last but not least, rounding out the top 10 current foreign lenders, foreign central banks and foreign investors that are loaning money to run our government is Mexico with $43.4 billion they have loaned the United States of America to finance this out-of-control spending.

There are a lot of things we are going to talk about tonight. We are going to talk about accountability. As members of the Blue Dog Coalition, we are not about partisan politics, we are not about just criticizing the Republican leadership for this out-of-control spending. We are about holding them accountable just as we would hold our own party accountable if we saw and witnessed this out-of-control spending. The last time I checked, when a Democrat was in control we actually saw the first balanced budget in this Nation and the first surplus from 1998 to 2001 that this country had experienced in over 40 years.

We are also not just about accountability, but as members of the Blue Dog Coalition, a group of fiscally conservative Democrats, we are also about offering up commonsense solutions. And we are going to talk this evening about the Blue Dogs' 12-step plan for restoring fiscal responsibility to our government, and we are going to talk about our accountability legislation to make this government, to make the Federal agencies accountable for the tax money that they spend.

We will be talking about all of these issues over the next hour, Mr. Speaker, but at this time, I would like to recognize a fellow Blue Dog member from the State of Georgia, a real leader in the Blue Dog Coalition on these issues, and that is my friend, Mr. DAVID SCOTT.

Mr. SCOTT of Georgia. Mr. ROSS, again, as always, it is a pleasure to join you on the floor. And I can tell you that our folks down in Georgia are really, really concerned about the debt, as they are all across this Nation.

I think it is important for us to really draw some dramatic pictures of just how devastating this debt is. And you talked a few minutes ago about one feature that I want to spend just a few minutes on at the outset before we go into some of the other areas. But I think the American people need to understand this issue of foreign debt, of our indebtedness in the hands of foreign governments.

Now, I want to say right up front that we have no problem with doing business with other countries, we have no problem with having indebted relationships with other countries. But when you look at this sterling fact, you will say enough is enough. And the one glaring fact is that in the last 5 years, Mr. ROSS, and Mr. Speaker, this President in collaboration with this Congress, because the President couldn't do it by himself, we all must take blame. But we have borrowed more money from foreign governments and foreign financial institutions in the last 5 years than in the entire preceding 211 years of existence of the United States of America. Think about it. Since 1789 up to 2001, we borrowed $1.4 trillion from foreign governments.

In the last 5 years, we have borrowed over $1.6 trillion just in the last 5 years. That alone is enough to scare the pants off of anybody.

It is paramount, if we are going to say with any kind of a way in which we can look the American people in the eye and say we want to be good stewards of your money, we want to have financial security in this country, financial stability, then the wrong thing for us to do is to have this kind of indebtedness in the world.

Now, let's look at where that indebtedness is. Up against a screen of what the world looks like as particularly as we look at the war on terror, that is of paramount concern. Where are we borrowing this money from? You went through the litany just now of the top ten places. They are concentrated in the Middle East, OPEC countries, and they are concentrated in the Far East, very, very volatile insecure places, and with countries particularly like China that is not exactly playing the way they need and should play as we tackle this war on terror.

Then, if we add the oil dependency in and the energy dependence on the Middle East and where we are borrowing money from, coupled with what is happening over there right as we speak,

who is it that apparently, as of this time, is running the Middle East?

An interesting thing happened to me when I was in the Middle East not too long ago. I went up and traveled up on the Golden Heights. And if you go up on the Golden Heights and you go far to the outposts in that northeast boundary of Israel where Syria and where Lebanon are on one side, then you have Syria, and I looked over through the high-powered binoculars that the Israeli people had that we could look over the border. And do you know what I saw, Mr. ROSS? Do you know what I saw, Mr. Speaker? It wasn't the flag of Lebanon that was flying, it was the flag of Hezbollah. That tells you something.

The point that I am saying is not only is it against our financial security to have so much indebtedness in that unstable part of the world with some of those regimes, but it is not in the best interest of our national security as well.

Now, on the other side of borrowing the money is an issue that we certainly need to touch upon, Mr. ROSS, and that is the amount of money that we are spending and giving these countries just to borrow the money, the interest. It is the fastest growing element in our budget, over $185 billion just this past year we paid in interest just to borrow the money, which is more than what we spend for veterans, for education, to protect the environment, all together.

So the point I am simply saying is that as we examine this issue, and like I say, I don't look at this as a partisan issue, I look at this as an American issue, an issue that we have all got to jump in here and deal with. This is the future of our country. And if we don't have financial security, we certainly are not going to have national security for long.

Mr. ROSS. The gentleman from Georgia raises an excellent point that gets to our point about accountability within our government. If you ask a hundred different people what they think about this post-war Iraq policy, you get a hundred different answers.

One of the things that I most proud of is that this time, and I think it is one of the painful lessons we learn as a Nation and as a people from Vietnam. But this time, this time we are seeing the American people united behind our men and women in uniform, and that makes me proud to be an American.

I have a brother-in-law who spent Christmas refueling Air Force planes over Afghanistan. My first cousin, his wife gave birth to their first child while he was away serving our country in Iraq. And I am not one of those that believe that we can simply pull out and come home tonight, but I will tell you this, I do believe in accountability.

This President, this Republican Congress, is spending $8 billion a month in Iraq; $2 billion a week, $11 billion an hour in Iraq. But if you ask this President to be accountable for it, if you ask him what his plan is to win the peace and eventually bring our men and women in uniform home, he will tell you that you are unpatriotic. And that is where I disagree with this President. Accountability. Accountable for the money, the tax money that is being spent in Iraq, and having a plan that will eventually bring our people home.

I have got to tell you that in August of 2004, it is a day I will never forget, August 11, 2004, I went to Iraq. We had some 3,000 Arkansas National Guard soldiers in Iraq at the time. And I talked to some soldiers, including some from my hometown of Prescott, Arkansas, soldiers that I duck hunted with, soldiers that I had taught in Sunday school. And in talking with these soldiers, they told me there were two things we ought to be doing in Iraq if we wanted to eventually be able to leave:

Number one, we need to be hiring more Iraqis to rebuild their infrastructure, instead of sending corporations like Halliburton over there to do it with non-Iraqi citizens who were being kidnapped and oftentimes had the threat of being beheaded. They told me that Iraqi citizens were taking money from the insurgents to lob cheap bombs at our soldiers not because they believed like the insurgents believe, but because they needed to feed their family.

They begged me to come back home and to let our government know that we needed to put Iraqis to work rebuilding their infrastructure.

The other thing they told me was that we weren't doing nearly enough in terms of training Iraqi citizens to be able to take control of their police and military 4th. August 11, 2004.

I am a member of the NATO parliamentary assembly. In February of this year, February 2006, I was at Victoria Nuland, the U.S. Ambassador to NATO's residents in Brussels, Belgium, and the Iraqi ambassador to the EU and the NATO was there. Many members of his family died under Saddam's evil dictatorship. I asked him the same question, and, Mr. Speaker, I am here to tell you I got the same answer in February of 2006 about what we needed to be doing differently that I got from U.S. soldiers when I was on the ground in Iraq in August 11, 2004.

We clearly do not have a plan. We clearly do not have the right plan to win the peace.

Tomorrow in this very Chamber, we will hear a speech from the Prime Minister of Iraq. I am anxious to hear that speech. I also want him to know that we stand with his country; we want to see a democracy work in Iraq, we want to see an end to terrorism in Iraq. But if we are going to send $8 billion a month to that country, our government must be accountable for it, and his government must begin to work harder toward trying to win the peace and restore stability in that war-torn, in that terrorist-torn region.

So what could we do with the $8 billion a month that we are spending in Iraq? One month and 3 days of what we are spending in Iraq would fund the missile defense system budget for the United States of America. 12 hours of the money we are spending in Iraq would fund for one year the commodities supplemental food program for the poor and elderly in this country. We could secure all commercial planes with missile defense systems. And if you believe we are safer now than we were pre-September 11, 2001, you are kidding yourself. They are screening our suitcases, but they are not screening the freight that goes in the belly of those planes; and, as I understand it, half of the belly of the plane is filled with freight. We could secure all commercial planes with missile defense systems with 5 weeks of the money we are sending to Iraq.

With 5 weeks worth of money that we are now sending to Iraq, we could provide health insurance for all 9 million children currently without it. With 3 weeks of the money we are sending to Iraq, we could double the number of Navy ships we are buying in fiscal year 2007 from 6 to 12. In 4½ months of the money we are sending to Iraq we could restore cuts to Medicare and Medicaid in the President's fiscal year 2007 budget. In 3 weeks, the amount of money we are sending to Iraq would pay to secure all public transportation systems in this post-9/11 era. In 9 days, 9 days of the money we are sending to Iraq could eliminate the VA health care premium increases in this year's budget for America's veterans. And, 5 days worth of money that we are sending to Iraq could provide all, all United States ports with radiation detectors.

Now, I am not saying don't send the money to Iraq. As long as we have got troops there, I am going to support them, and I want to make sure they are properly taken care of and got the equipment needed to do the job. I am talking about this administration being accountable, because these other priorities that I just listed will continue to go unmet until we get our fiscal house in order, until we have a plan to win the peace and bring our troops home from Iraq. These are the type of priorities that are going unmet, and that is why we are here tonight to talk about accountability.

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We are not here to argue theories over whether we should or should not be in Iraq. We are here to talk about accountability. That is a lot of tax money we are sending to Iraq every hour.

I am happy to yield to the gentleman.

Mr. SCOTT of Georgia. Absolutely correct, and as we cannot talk about accountability, we cannot talk about the budget financial responsibility, national security without examining where we are in Iraq at this time.

And we cannot do it for the obvious reason that the American people are expecting us now to ask the questions

and to finally stand up as a Congress and do what the Constitution and the Founding Fathers laid out the Congress to do. They laid out the Congress to do two essential things. One was to determine how our tax dollars are appropriated, all of that starts here, and the other is oversight, and we have not done a good job of oversight.

That is one of the reasons why the American people, in many ways, are very frustrated. We have not asked the tough questions. Some of us have asked the tough questions but not enough of us, and I am so thankful for the Dubai incident because that opened up everybody's eyes to really see. When that Dubai incident happened and all of the sudden we were going to turn over port security to the United Arab Emirates, a country in which we knew from our intelligence that terrorist financing was emanating from, a country that owned Dubai, that owned the company which we know was sending nuclear fusion material into Iran, and that did have direct financial relationships through their connecting financial centers in terrorist financing with al Qaeda, all of this came to our attention.

When the administration said we are going to turn our port security over to a company owned by this country, it woke us all up; and finally, in a bipartisan way, we stood up and we rejected. That, to me, was a turning moment when Congress stood up and said let us be the Congress.

So I think that Congress has a responsibility, definitely under the Constitution, to conduct oversight of the executive branch. We failed to conduct meaningful investigations of allegations of serious waste, fraud and abuse, much of what you talked about with Halliburton, and the people are expecting us to do this.

Now, in the situation in Iraq, and let me just digress for just one moment, because I agree with you, President Bush is very good at saying, well, if you do not agree with me, you are weak on national security or you do not care about the war on terror. Nobody, there is not a Congressman in this place that stands stronger for national security, defense and support of our military than you and me and our Blue Dog Coalition. Our record speaks for itself.

I have been to Iraq. I have been to Afghanistan. We all have been there to see about our soldiers. We know and we care, but the question has to be asked now, What are we doing there? What is the mission?

I mean, when we decided to go in, I was not here to cast that vote. I was the first class of Congress to come in after it was decided, but the decision was made to go because we had evidence that came to us.

Colin Powell went before national television and went before all of us and laid it out. We took them at their word. We took them at their word that Saddam Hussein had the capacity and demonstrated evidence of having weapons of mass destruction, that there was evidence that there was a direct link and relationship between al Qaeda. It was there. It would have been foolhardy for anybody to stand up and say you do not care about security to ignore that.

We took the administration at the value of truth and we supported that to go in. We sent our troops into harm's way. We discovered there were no weapons of mass destruction. Okay. Job done. Should have been complete. Fine. Let us head on out of here. We have done the mission.

But then the mission changed, on the dime. It then became we have got to get Saddam Hussein. Well, our soldiers went to work, did a remarkable job, found him in a hole and pulled him out. Mission accomplished. We were there. Then the mission changes again. We have got to rebuild the country. We have got put democracy in place. We have got to have free elections.

Well, our soldiers went to work. They did not go over there to nation-build. They went over there to find weapons of mass destruction, but they become nation-builders. We got in there. Now all of the sudden we are into a civil war. We are into a situation there, terribly trying to climb out.

We have got to solve this situation, but Congress has got to roll up its sleeves and play a clearer role and a more definitive role in how the American taxpayers' dollars, how we are being good stewards of their tax dollars in national security and financial security and all that we do.

I want to just comment on, if I may, for a moment on the responsibility in terms of getting fraud and abuse and mismanagement of the taxpayer dollars out in the open. I just want to share a couple of points here. One is in fiscal year 2005, auditors of 19 of 24 Federal agencies could not routinely produce reliable, useful and timely financial audit information according to the General Accountability Office.

In fiscal year 2003, $25 billion of taxpayers' money went unaccounted for according to the Treasury Department. That unreconciled money could have been used to fund the entire Department of Justice for a full year, according to the conservative Heritage Foundation, not a liberal foundation. This is the Heritage Foundation. They stated this point.

Mr. ROSS. I should have provided the gentleman a copy. There is good news. You mentioned the 19 of 24 Federal agencies could not produce a clean audit. That number has actually changed. There is good news. The General Accountability Office now reports that 18, not 19, 18 of 24 Federal agencies have such bad financial systems that they do not even know the true cost of running some of their programs. Yet, as we know, Republican leaders in Congress did not force these agencies to fully account for how the money was being spent before doling out billions more in taxpayer dollars to the same programs.

In the Blue Dog Coalition, we have a bill to deal with that. We have a bill to deal with accountability. We have a bill that says if, Mr. Secretary, if your Federal agency cannot produce a clean audit, you should go back to the Senate for reconfirmation hearings. We are trying to get to the root of this problem by passing legislation that requires accountability, accountability within our government.

I yield back to the gentleman.

Mr. SCOTT of Georgia. Mr. Speaker, I want to mention just one other point, too, that I think we need to bring out and that is government contracting under the Bush administration. We cannot be fearful to do our jobs. We get out here and we run every other year and we tell people we are going to go up there and do the job of a Congressman.

As I mentioned, there are two things we have got to do: make sure we are good stewards of the taxpayer dollars and then do the oversight. Well, here is what our oversight has pulled out.

Between 2000 and 2005, the value of Federal contracts increased by 86 percent, from $203 billion in 2002 to $377.5 billion in 2005. This growth in contracting was over five times faster than the overall inflation rate and almost twice as fast as the growth in other discretionary Federal spending over this period; and as a result of the rapid growth in procurement spending, nearly 40 cents of every discretionary Federal dollar now goes to private contractors, a record level, and Federal procurement spending is highly concentrated on a few, just a few, large contractors with the five largest Federal contractors receiving over 20 percent of the contracting dollars awarded in 2005.

The fastest growing contractor under the Bush administration has been Halliburton. Federal spending in Halliburton contracts increased over 600 percent between 2000 and 2005.

All I am saying, Mr. Speaker, is we have got to look and examine how the taxpayers' dollars are being spent. I mean, you are talking about 24 cents out of every dollar we make we are spending. Ought not we ask these serious questions? Ought not we do the people's business of making sure how their money is being spent?

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. SCOTT), an active member of the fiscally conservative Democratic Blue Dog Coalition for joining us this evening.

I might point out here that on July 11, President Bush, with a lot of fanfare, announced that the deficit for 2006 was not going to be $300 billion. With a lot of fanfare, he announced that it was only going to be a projected $296 billion, which is still the fourth largest deficit ever in our Nation's history.

Our largest deficit ever occurred in 2004. It was $413 billion. The second

largest ever occurred in 2003; it was $378 billion. The third largest deficit ever in our Nation's history occurred in 2005; it was $318 billion. And now this administration is announcing with a lot of fanfare and a lot of excitement and a lot of enthusiasm that the deficit for fiscal year 2006 is now only projected to be the fourth largest ever in our Nation's history, $296 billion. Even the Los Angeles Time did an editorial on this entitled: ''Another Mission Accomplished.''

At this time, I would like to yield to the gentleman from Tennessee (Mr. COOPER), our cochair for policy within the Blue Dog Coalition, our think tank part of the Blue Dog Coalition, if you will, my friend.

Mr. COOPER. Mr. Speaker, I thank my friends from Arkansas and Georgia for their leadership in the important Blue Dog Coalition, as we are the centrist group in Congress. We try to do the right thing, whatever the parties say. We try to do the right thing for the American people and the American taxpayer.

The gentleman has been a particular leader showing the tragic waste around the town of Hope, Arkansas, the thousands and thousands of trailers lined up there, the clear mishandling of taxpayers' dollars, but I would like to bring up for the Speaker and for the American people tonight a new book that is pretty remarkable.

It is called ''The Broken Branch,'' and the subtitle is, ''How Congress is failing America and how to set it back on track.'' This should be available in most all bookstores around America. It is not a Democratic book. It is written by a scholar, Norm Ornstein, who is at the American Enterprise Institute which, if anything, is a Republican think tank. Another coauthor is Thomas Mann, who is at the Brookings Institution, which bills itself as a nonpartisan think tank. Some of our friends might call it Democratic, but this is a thoroughly bipartisan book.

What it does is list the many ways that this institution needs to change. That is what I think Blue Dogs are all about is bringing that needed change to this institution because, under Republican leadership, as the authors of this book point out, things are clearly not working.

The gentleman has pointed out quite eloquently that the deficits are clearly out of control. We seem to have no clear policy in Iraq. There are so many things that are not allowing our great Nation, the greatest Nation in the history of the world, there are so many things that Congress is not doing to allow America to live up to its potential, to allow our families, our kids and grandkids to live up to their potential.

We, Blue Dogs, we want things to work. We want things to work right. We want taxpayer dollars to be spent wisely, and this book is an important read because it lists it in a nonpartisan fashion. This book is called, ''The Broken Branch.'' It is Oxford University Press. It lists hundreds and hundreds of ways that the Republican leadership has failed the American people.

So I want to encourage everyone to take a look at this. Do not take our word for it. Read it in the bookstore. Get it online. See what is really happening in Congress because, sadly, our TV stations, our newspapers are simply not reporting all this. They are spending way too much time trying to entertain us or affirm what we already think, but this book tells us the truth about Congress and how we need to change.

So I thank my friends from Arkansas and Georgia for yielding, and I will chime in at a later point in the debate.

□ 2015

Mr. ROSS. I welcome you both to continue with me in this dialogue in this Special Order on restoring fiscal discipline and common sense and accountability in our Nation's government.

Since President Bush took office, the amount of foreign held treasury debt, we talked about it earlier, Mr. SCOTT, but I think it is important to note, that since he took office, the amount of foreign held treasury debt has more than doubled, increasing from $1 trillion to $2.1 trillion. Put another way, this administration has borrowed more money from foreign central banks and foreign investors than the previous 42 presidents combined.

Unlike deficits in earlier years, I think it is important to note that current deficits have been primarily financed by foreign investors, with the rise in foreign-held debt equaling three-fourths the increase in publicly held debt since the start of the current administration. The rise in foreign held debt is troubling because it makes our economy beholding to foreign creditors and foreign investors and foreign central banks and, yes, foreign countries, and represents another financial burden passed on to our kids and grandkids, our children and grandchildren.

Foreign held debt is fundamentally different from domestically held debt since the interest payments on foreign held debt flows outside the United States and reduces America's standard of living.

As you can see here, the amount of money that was being borrowed from foreign countries in 2001, during this Republican leadership in the House and Senate, was $988 billion. It has gradually gone up to a whopping, for fiscal year 2006, a whopping $2.66 trillion.

I yield to the gentleman from Georgia (Mr. SCOTT) and then Mr. COOPER.

Mr. SCOTT of Georgia. I just want to mention quite quickly, because I want the American people to understand that while we as Democrats are here and we are critiquing, we are providing the results of this oversight.

And when you look at the front page of the USA Today on yesterday, they reported an interesting fact. They said that the Federal Government is now spending 20.8 cents of every dollar we make, of every dollar produced in this country, the Federal Government is spending 20.8 cents. That has increased in the last 5 years. That percentage was only 18.5 percent in 2001.

This is serious business. And I am here to tell you that when you get out in the District, when you get out to my folks down in Georgia, they are concerned about their money. They are concerned about what we are doing up here to bring down this debt and bring some accountability to the finances of this country. We can't have this runaway train. We can't have this debt being held in the hands of foreign governments the way it is. We can't continue to be borrowing all of this money and laying it on the backs of our children and our grandchildren. This is not our money. It is the people's money. We have to start treating it much better.

Now, what are we going to do about it? And I think the American people are probably saying, okay, we are listening to those Blue Dogs down there and they are talking about President Bush and the Republicans, but what are they going to do. Why don't we hear from you and see what you are going to do about this.

Well, I want to offer and let the folks know that we Democrats are offering to do a couple of things. I want to draw attention, so that the American people will know, that we in the Blue Dog Coalition have a proposal that will restore accountability. It is contained in House Resolution 841 by our good friend from Tennessee (Mr. TANNER), and it will require congressional hearings. Because remember what I mentioned at the first. We have two basic functions here, one is oversight and the other is tax allocation.

So within 60 days of an IG report that identifies waste, that identifies fraud, that identifies abuse, that raises a red flag of mismanagement of more than $1 million, we immediately trigger congressional hearings. Let us get it before C–SPAN. Let the people know. Let us put the spotlight on it. Let us immediately say, whoa, whoa, this is wrong here. Let us have hearings on this and let us have oversight and insight into this issue.

When the GAO names an agency high risk for mismanagement, that is cause for a hearing so that we can open that up and find out what is going on. You can't stick your head in the sand. That is bad management. That is not oversight. That is not taking care of your money. If your credit card runs up, mom and pop down home, they have to watch that. Red flag comes up, mom and pop are going to sit down at the kitchen table and say, wait a minute, we have to rein in some stuff here. Where is this money going; why is this happening. If mom and pop around the kitchen table back in Georgia can do this, surely this Congress must do it and be responsible for the money.

At least twice a year to have hearings to review the Office of Management and Budget's performance based review, called program assessments rating, part two.

Then we have another bill, H.R. 5315, by our friend from California, Representative CARDOZA, another distinguished member of this Blue Dog Coalition, called Accountability in Government Act of 2006. It will require that each Federal agency produce an audit within 2 years that complies with the standards established in the Federal Financial Management Improvement Act of 1996.

Why pass the Act in 1996 as a tool if we are not going to use it? Congressman CARDOZA is saying let us pull it out and let us use it. Let us have a measuring device.

Secondly, that the Senate should hold reconfirmation hearings on any cabinet level official whose agency cannot fully account for its spending within 2 years.

We have had agency after agency come before us. I am on the Financial Services Committee. We have the Treasury Department come, we have HUD, we have all these agencies coming before us that we are accountable for, and time and time again, I ask them the question, where did this money go? Do you have a measuring system in there? Do you have accountability? Well, no, Congressman, we just don't have it.

We have to hold everybody's feet to the fire and bring financial security back into America's government.

Mr. ROSS. People ask us all the time, if the Democrats are put in control of this body, what are they going to do differently? These are two commonsense Blue Dog Coalition-backed proposals about how we will restore accountability to the Federal Government.

At this time, I yield to the gentleman from Tennessee (Mr. COOPER) to spend time on this or any other subject we are talking about this evening.

Mr. COOPER. I thank my friends Arkansas and Georgia.

Another Blue Dog proposal for reform that is extremely important, because it would do a lot to fix our entire fiscal situation, to get our budget balanced again, and that proposal goes by the name of pay as you go. It is a very simple concept. Every household back in our districts has to follow it. Because if you don't have the money, you can't spend it. You might be able to borrow a little for a little while, but sooner or later, you have to pay the bill. That is the same principle America should be run on.

It is not just us saying it. The former chairman of the Federal Reserve Board, Alan Greenspan, said that that would be the single most important reform America could undertake. The single most important reform, and we Blue Dogs are championing it. We, as Democrats, are championing it, and yet the Republican majority in this House has prevented that reform from even coming up for a vote.

Now, this isn't theoretical or experimental thinking that Chairman Greenspan is proposing, this pay as you go proposal, this idea that if you want to spend more money on a program, fine, but get money from somewhere else to pay for it. Or if you want to cut taxes, fine, get money from somewhere else to pay for the tax cut. This proposal was the law of the land in America from 1990 to 2002. For 12 years, from 1990 to 2002, the pay-as-you-go proposal worked and worked well in America.

Most historians agree it was the single most important factor during that era that helped America live within its means so that we could have a stronger Nation for our kids and grandkids. And former Federal Reserve Chairman Greenspan even remembers the day that the Republicans allowed the pay as you go proposal to expire, and that day was September 30, 2002.

September 30, 2002, the end of that fiscal year, was a dark day in America, because the 12 years of fiscal restraint that we had had, the 12 years of living within our means, the 12 years of kitchen table budgeting were then over. And, basically, all hell broke loose when that happened. Because suddenly there was no restraint. You could spend anything. Earmarks and other things exploded.

That is going to be a terrible fiscal headache, a nightmare for our kids and grandkids. So that is probably the most important of all the Blue Dog proposals. We have had many, and the gentleman from Georgia has mentioned several. We have had the 12-step plan so that America could get off its addiction to deficit spending, much as the 12-step Alcoholics Anonymous program helps many people across America get off their addiction to alcohol.

So these are just a few of the reforms that the Blue Dogs have been participating in to make us have an even stronger Nation. We are proud of America. We want a strong America in all respects, but America can be even better than it is today.

I thank the gentleman for yielding.

Mr. ROSS. I thank our co-chair for policy of the Blue Dog Coalition JIM COOPER from Tennessee for his insight on these many issues.

And what I am so proud of is that we are not here to be partisan, we are not here to beat up the Republicans. We are here to hold them accountable for these out-of-control debts and deficits, but we are also here to offer up common sense solutions.

Mr. SCOTT of Georgia talked about the Blue Dog backed accountability plan that will hold Federal agencies accountable when they cannot account for the taxpayer money that we provide them to assist taxpayers and to run our government on. He talked about our bill to make cabinet level secretaries go back to the Senate for reconfirmation when they fail to produce a clean audit.

Mr. COOPER talked about our plan for a balanced budget. Forty-nine States require a balanced budget. I can assure you my wife requires a balanced budget at the Ross household in Prescott, Arkansas. My banker requires we have a balanced budget at our family-owned business back home in Prescott, Arkansas. And it is not asking too much for the United States of America to have a balanced budget, which is one of the 12 points that we have provided, that we have offered up, a 12-point plan for curing our Nation's addiction to deficit spending.

Mr. Speaker, if you have any comments, questions or concerns about this special order this evening on accountability and common sense and fiscal discipline, I would encourage you to e-mail us, Mr. Speaker, at bluedog@mail.house.gov. Again, you can e-mail us at bluedog@mail.house.gov.

Let me just mention a few of the other points to the 12-point plan for budget reform. Don't let Congress buy on credit. Back when we had a balanced budget for the first time in 40 years, from 1998 to 2001, we had what was called PAYGO, pay-as-you-go rules, in place. Meaning if you had some idea for a wonderful new Federal program, you had to show us which other program you were going to cut to pay for it. If you wanted to cut taxes for those earning over $400,000 a year, you had to show us which Federal program you wanted to cut to pay for it. It was called PAYGO, pay as you go. Something that is very common to most Americans.

Put a lid on spending is another idea that we have. Stop these massive increases in the amount of money being provided to Federal agencies.

Require agencies to put their fiscal house in order, which goes back to our accountability bill.

Make Congress tell taxpayers how much they are spending. Believe it or not, billions of dollars are spent in this Chamber without a roll call vote. Simply by voice vote. We want to put an end to that.

Think about this one, you want to talk about commonsense ideas? Set aside a rainy day fund. We know there is going to be a natural disaster somewhere in these United States every year, and we ought to be prepared for those type of natural disasters and emergencies.

Don't hide votes to raise the debt limit. Instead of increasing the Federal Government's credit card limits, instead of increasing the debt limit hidden in some other bill, let us have a stand-alone bill so that the American people know much the debt is being increased and for what purpose.

Justify spending for pet projects.

Ensure that Congress reads the bills it is voting on. Now, that is a good one, isn't it? We can't pass a law to require Members of Congress to read a bill they are voting on, or the bills they are voting on, but I can tell you this.

□ 2030

The Medicare prescription drug bill, there has been a lot of talk about it. It is now estimated to cost well over $700 billion over the next 10 years. It went to a vote at 3 a.m., barely a day after the final version of the 500-plus-page bill was made available for Members of Congress to read. Now, I can promise you we cannot pass laws to make Members of Congress read the bills they vote on, but I can promise you that when you have got a 500-page bill and you give them less than a day to read it and study it, it is impossible to read it and thoroughly examine it.

We are saying give Members of Congress a minimum of 3 days to have the final text of legislation made available to them before there are votes. And you know what, Mr. Speaker? If we have made it just fine since 1776 without whatever piece of legislation we are dealing with at the time, we will probably be okay for another 3 days. Give Members of Congress time to read the bills they are voting on.

Require honest cost estimates for every bill that Congress votes on. Make sure new bills fit the budget, and make Congress do a better job of keeping tabs on government programs, which again goes back to our accountability legislation that is Blue Dog-backed, written by Mr. TANNER and Blue Dog members that we have talked about a great deal this evening.

We are not here just to criticize. In fact, we are not here to criticize at all. We are not here to be partisan. We are here to hold the Republican leadership and the Republican administration accountable for this reckless out-of-control deficit spending, the largest deficits ever in our Nation's history, and they are borrowing to the tune of about $1 billion more. The debt is going up about $1 billion every 24 hours, nearly half of which is being borrowed from foreign central banks and foreign investors. We are here to hold them accountable and to offer up what I call commonsense solutions.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. And finally, Mr. ROSS, we must begin to search and use our creativity to develop a way to put a curb, a ceiling, some restraint on how much we can borrow from foreign governments.

If there is one danger down the road that this country faces, history proves me out, the bleached bones of civilization that go far back of civilizations that waited too late to curb their borrowing from foreign countries. You look at so many of these great civilizations that have gone and nations, wars that happened. What happens if China over there just all of a sudden wants to sell our paper to another competing economy? When you have so much of your wealth, so much of your financial security in the hands of other countries who do not have your best interest at heart, we are asking for trouble.

So that is why I say, finally, we must put a curb on how much money we can borrow and get in debt from these foreign governments.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Georgia for joining me for this lively discussion this evening as we talk about these issues that are so important not only to our future but our children and grandchildren's future.

I yield to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. The point that the gentleman from Georgia was just making about how much money we borrow from foreign countries, the American people need to know it is not just China we borrowed $300 billion from. It is also countries like Iran, another part of what President Bush called the Axis of Evil. They own a big part of the American debt now. Venezuela, under Hugo Chavez, not exactly a friendly nation. Other nations like the Soviet Union with whom we do not have good relations these days. It is incredible our dependence.

And for President Bush to have borrowed more money from foreign nations than all previous Presidents put together going all the way back to George Washington, that is incredible. The average American back home just does not understand how much President Bush has borrowed from foreign nations. And that makes us terribly dependent on those nations. We do not want China or other countries trying to foreclose on America or any part of America, but that is the situation we are getting more into every day. We are borrowing 2 to $3 billion every day from foreign nations.

Mr. ROSS. Mr. Speaker, I want to thank both of these fine gentlemen, very active leaders in the Blue Dog Coalition, for joining me this evening.

We raise these issues, the largest debt ever in our Nation's history, largest deficit ever in our Nation's history, borrowing $1 billion a day, spending $.5 billion a day paying interest on the national debt, we raise these issues because as long as we are spending $.5 billion in interest payments each day that America's priorities are not going to be met, you can see here the red is the amount of money going to interest in our Nation. The light blue is the amount going to ensure that our children receive a world-class education. In green, a lot of talk about homeland security. Here is the truth: not much money in green that is going to fund our homeland in this post-9/11 era.

And, finally, a lot of talk about supporting our troops, and I hope we all do. I certainly do. But isn't the way to honor our troops, isn't one of the ways to honor them to support our veterans? Because we are creating a new generation of veterans in Iraq and Afghanistan and across the globe as we stand here this evening, and yet you can see compared to the red, the amount of money going to pay interest on the national debt, you can see what is going to cover the amount of money to fund our veterans.

It is time our government keeps its promises to our veterans.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4019. An act to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 403. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1950. An act to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency.

S. 2832. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. 3728. An act to promote nuclear nonproliferation in North Korea.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to come back to the House floor this evening. On behalf of the Official Truth Squad, I want to thank the leadership and the conference for allowing me to host this hour.

The Official Truth Squad kind of grew out of frustration on the part of the freshmen class a little over a year ago. We felt that there were a lot of things that were said on this floor that, taken at face value, might be seen as being accurate, but, in fact, if you look at it a little closer, they were not the truth. And we felt that there was not a whole lot of time allotted to refuting the inaccuracies. Now, some of those inaccuracies, Mr. Speaker, you have just heard.

So we are going to spend a little time over the next hour to talk about accuracy. We are going to talk about truth because truth is so doggone important in trying to determine what public policy ought to be. If you are not dealing with real facts, if you are not dealing with truth, then you cannot get to the right answer, cannot get to the right solution. So it is my privilege to be able to join some of my colleagues this evening and to, Mr. Speaker, talk about the kinds of issues that are of importance to the American people.

And tonight we are going to talk a lot about the economy. But I want to start by sharing with you, Mr. Speaker, and with my colleagues kind of a saying that we have adopted, a quote that we have adopted, and it comes from Daniel Patrick Moynihan. He was a former United States Senator from the State of New York, and he had a wonderful quote that I am very fond of quoting and it is: ''Everyone is entitled to their own opinion but not their own facts.'' And there are a lot of opinions around here, Mr. Speaker, but as I mentioned, oftentimes the fact is far from the opinions that have been given. So it is my privilege to be joined tonight by some folks who will talk about some truth and some facts.

You have just heard some comments from some folks on the other side of the aisle, some good friends of mine on the Democrat side, who have decided to use some very specific instances and items that they would support, that they believe ought to be done if we are going to get our fiscal house in order.

We are going to talk about our fiscal house and how a lot of it is moving along pretty doggone well. But I want to mention a couple things because when given the opportunity to enact some of the programs, Mr. Speaker, that they have just within the last 15 minutes said were imperative to enact for our fiscal responsibility as a Nation, they do not come along. They do not help. And we need not just Republicans to be able to enact appropriate policies. We need Republicans and Democrats, everybody working on behalf of the American people.

One of the things that you have just heard about just a moment ago, Mr. Speaker, were PAYGO rules. PAYGO rules are rules that say you have got to be able to identify where the money is before you spend it. Sounds like a reasonable thing, Mr. Speaker. It is what you do in your home. It is what I do in my home. It is what all of us do in our homes if we are going to be fiscally responsible.

Well, not too long ago, Mr. Speaker, roll call vote 318, 2004; 318 is the roll call vote, Mr. Speaker. If you want to look it up, that is where you can find it. We had a proposal for PAYGO rules, and, again, that means that you have got to identify where the money is coming from before you spend it, for mandatory spending increases. And the vote on the floor of the House of Representatives, right here, Mr. Speaker, how many folks from the other side of the aisle that you just heard say how important this was, that this was important, how many folks voted for that? Roll call vote 318 in the year 2004: Not a single one. Not a single one voted for it.

Mr. Speaker, that is the truth. People can talk a good line. They can say that they need this thing or they need that thing or we need to do this or we need to do that. Oftentimes Members on the other side go home and say wonderful things about what they would do if they were given the opportunity. Well, here was an opportunity that was given to all Members of the House, and what happened is the fact that they did not support it. Not one of them supported it.

I am a great fan of a balanced budget amendment. I believe that a balanced budget is imperative for us to be fiscally responsible. In my first term in Congress here I have recognized, as most folks have, that the vast majority of the inertia here is all for spending, that there is very little discipline in the programs themselves, in the process that we have here, to restrain spending. So I believe that we ought to have a balanced budget amendment. We ought to have a balanced budget. We ought to only spend what we take in.

Now, our friends on the other side of the aisle, as you have just heard, Mr. Speaker, within the last 15 or 20 minutes, said, oh, yes, that is important. That is important too. In fact, it is so important, one of them said it was the most important proposal of their group. The most important proposal.

Well, I have got a couple votes to share with you, Mr. Speaker, because these are the truth. When you have to cast a vote for the record, you vote green or you vote red, that is recorded. That is recorded in the CONGRESSIONAL RECORD, and we keep track of those things because they are important. They are important because they are the truth and they demonstrate where folks stand.

A couple votes here to make a balanced budget resolution binding. That means that if we say we are going to balance the budget that you have got to follow that resolution. You have to balance the budget.

Well, there was a vote back in 1994, roll call vote 343, 1994. How many Democrats voted ''yes''? Twenty-four with 229 voting ''no.'' As you will recall, Mr. Speaker, 1994 was when the House changed. The Republicans took over the majority.

Well, we have continued to give them multiple opportunities to enact this kind of resolution. In fact, relatively recently, in 2004, roll call vote 311, how many folks on the other side of the aisle voted in favor of a balanced budget resolution on mandatory spending? Ten. Ten folks. You just heard, Mr. Speaker, that they said this was one of the most important things in their fiscal program; yet you cannot even get more than 10 folks to vote in favor of it.

How about this year, Mr. Speaker, what happened this year when we had a balanced budget substitute amendment to the 2007 budget. Now, this was an important vote. This was an extremely important vote because what this said is, yes, we believe that we ought to be absolutely fiscally responsible and we need to enact programs that will take us to a balanced budget as soon as possible.

Roll call vote 156, just this year, Mr. Speaker, 2006, how many Democrats voted ''yes''? How many folks from the group that said that this was the most important thing in their proposal? How many folks? Zero. Zero.

Mr. Speaker, that is the truth. That is the truth. As Senator Moynihan said: ''Everybody is entitled to their own opinion but not their own facts.'' And that is a fact, Mr. Speaker. That is a fact, and that is why the Official Truth Squad believes that it is important to talk about facts, to talk about the truth.

Tonight we are going to talk a fair amount about the economy and about economic principles and about where this Nation stands as it relates to the economy, and I am pleased to be joined by one of my good colleagues and fellow members of the freshmen class, Representative THELMA DRAKE from Virginia, who, as a small business person, understands the extreme importance of fiscal responsibility and really has been a stalwart in calling forward the kinds of policies that we need in this House and across this Nation in order to make certain that we gain that kind of fiscal responsibility that all Americans, not just Republicans, not just Democrats, but all Americans believe are so important.

And I yield to my good friend from Virginia.

□ 2045

Mrs. DRAKE. Mr. Speaker, I thank the gentleman for handling this hour this evening and for inviting me to participate. I found what you just went over with your numbers very interesting, because in coming here tonight to talk about the economy and the very good news of what America is facing with the growth in our economy because of the tax cuts of 2001 and 2003, I wanted to share with you that there was an excellent article in The Wall Street Journal today, and it went right along the same path of what you just said.

That article started out by saying that John F. Kennedy believed that an economy hampered by restrictive tax rates will never produce enough revenue to balance our budget, just as it will never produce enough jobs or enough profits.

In those days, when the Kennedy tax cuts were passed, 80 percent of Democratic Senators and Representatives voted for those Kennedy tax cuts. But the article goes on to point out that in 2003, when these most recent tax cuts were passed, only 7 of 205 Democrat Representatives voted for those tax cuts. And, more than that, the editorials across the Nation went on to call the tax cuts economically unsound and claimed they would increase the deficits by hundreds of billions of dollars and said they were unlikely to stimulate the wallowing economy.

What we have seen is absolutely the opposite of that.

We have also heard just recently that House minority leader NANCY PELOSI has promised that if there is an election of a Democratic House in November, that would result in the rollback

of tax cuts. It makes you wonder why, the article goes on to point out, when tax rates go down, that economic activity goes up.

I would like to share with my friend, and I know he will talk about it as well tonight, some of the facts of what has happened with those tax cuts, particularly since 2003.

In the past 33 months, the size of America's entire economy has increased by 20 percent. Incredible. Twenty percent. That is in the words of Larry Kudlow. In less than 3 years, the U.S. economic pie has expanded by $2.2 trillion, an output add-on that is roughly the same size as the total Chinese economy. Incredible numbers.

In the 25 years before the 2003 tax cuts, economic growth averaged 1.1 percent annually. In the past 3 years, it has averaged 4 percent per year, and the first quarter of this year, we are on track for 5.6 percent for this year. Incredible numbers.

In those 36 months since the tax cuts became law, 5.3 million new jobs have been created. When we talk about Federal tax receipts, they are up 15 percent or $274 billion last year, and when the capital gains tax was reduced from 20 to 15 percent, capital gains tax receipts grew 79 percent from 2000 to 2004.

Before I came to Congress I was a realtor, and I understood the capital gains tax on real estate. I can tell you there were many people I worked with, including myself as well, that would not have sold a piece of property at a 25 percent capital gains tax rate. We just would not do it. There is such a thing as taxpayer behavior and there is a breaking point.

What has happened with these tax cuts and the reduction to 15 percent is people are making different choices. They are now saying I can sell that rental property and I can go on and I can invest in something else.

Americans are doing that. They are creating new jobs, they are creating new opportunities, and our economy has grown incredibly.

Cutting the dividend tax rate from 39.6 percent to 15 percent has increased those revenues by 35 percent from 2002 to 2004 and tax receipts have tripled since 2003, reaching $250 billion for the last 9 months.

I think that it is important to talk about that tax cuts truly do work. We have often heard it said that if you allow people to keep more of their own money, they will create jobs, they will create investments, they will spend the money. They will use it in our economy, all for the benefit of our Nation. But what we have today is 3 years of solid record to show that that model works.

I appreciate you giving me the opportunity to be here to talk to you. I appreciate the article this morning in The Wall Street Journal. I would encourage everyone to go back and read it and to really see what has happened in our economy, because often when we hear the rhetoric that we hear over and over and over again, we don't realize the positive impact of these tax cuts.

You and I both understand that if these tax cuts are rolled back, that is a tax increase on the American people, and you and I disagree with the other side that says, well, revenues are good, let's just raise the rates and they will be that much better, because that fails to calculate what happens with taxpayer behavior and the negative impact on our economy.

Thank you for what you are doing. Thank you for giving me the opportunity to be here.

Mr. PRICE of Georgia. I thank the gentlelady from Virginia. What wonderful points you made and shed light on the Official Truth Squad and facts that you brought before us, the issue about the tax cuts, the capital gains and dividend tax cuts now at 15 percent, which we have attempted to extend and worked so hard to extend. If one would believe everything that they hear from the other side, you would believe that every single person on the other side of the aisle supported that continued decrease. Not the case, as you well know. Not the case.

There is really wonderful and good news as it relates to the economy, the remarkable economic growth that you have cited, and we will go through some of that in just a little bit.

Taxpayer behavior, I appreciate your mentioning that, because people across this Nation know what goes on here in Washington as it relates to tax policy, and they tailor what they do in their personal lives based upon that. There is no doubt about it.

I would be happy to yield for a moment, if you would like.

Mrs. DRAKE. I just want to thank the gentleman from Georgia again. I think that is an important point about taxpayer behavior. I think it is important that we allow Americans to keep as much money in their pocket to spend the way they see fit, and we now can show you that is the best model for increasing revenues for our government.

I think it is also important to talk about when those tax cuts went into effect, that they weren't anticipated, and it was $2.2 trillion over the last decade that we had not anticipated because no one thought the tax cuts were going to do what the tax cuts actually did.

So, that, in itself, those $2.2 trillion we had not calculated, is actually as if the residents of Florida didn't pay their income tax for 10 years. That is that amount of money. It is a huge amount of money.

I believe, and I know you do too, that our tax policy has got to support our economy, grow our revenues, and what you are seeing in the tax cuts, particularly from 2003, are doing exactly that.

Thank you for telling America.

Mr. PRICE of Georgia. Thank you so much. I appreciate your participation tonight in this edition of the Official Truth Squad, trying to bring some truth and fact and positive news to you, Mr. Speaker, and our colleagues.

I like charts, because I think that they oftentimes say so much more than I am able to put into words. We are going to go through some charts here.

This is one of my favorite charts, because it points out the time at which the tax relief occurred, the decrease in the capital gains and dividends and the consequence of that, the incredible economic growth, 12 quarters of 4 percent average growth since that point. We are going to talk about that. I am going to leave that up for a little bit because it is such wonderfully positive news that we need to be telling all of our colleagues about the importance of the changes in policy that indeed drive this kind of economic performance for our Nation.

Mr. Speaker, I have the privilege of serving on the Financial Services Committee, and we have an opportunity in that committee, as some other committees in Congress do, to hear from the Federal Reserve Chairman at least twice a year, sometimes more often, but at least twice a year.

Last week, the new Federal Reserve Chairman, Mr. Bernanke, came and spoke to our committee, and we had an opportunity to ask many questions. In response, he always gets the question, what is the state of the economy. How are we doing?

In response to one of those questions, I think he used the word ''robust.'' The economy was robust. And I know that doesn't jive with what some folks will have you say, but I think it is important to appreciate that the numbers, in fact, demonstrate that that is indeed the case.

I would like to share, Mr. Speaker, a couple of the comments that the Federal Reserve Chair made to our committee just last week. He said that since our February report, the report of the Federal Reserve, the U.S. economy has continued to expand; that real Gross Domestic Product is estimated to have risen at an annual rate of about 5.6 percent in the first quarter of 2006; that with respect to the labor market, more than 850,000 jobs were added in the first 6 months of this year; and that the last unemployment rate stood at 4.6 percent, which is a remarkable rate, Mr. Speaker. We will go over that along with some other statistics that I think are important to point out as it relates to the economy.

When he comes to Congress, he brings with him and presents to all Members of Congress what is called the Monetary Policy Report of the Board of Governors of the Federal Reserve System, the group of individuals who set monetary policy for the United States. In so doing, they look at all sorts of different parameters that relate to our economic performance and whether or not they need to do something as it relates to the interest rate, to try to stem the potential tide of inflation.

I would like to share, Mr. Speaker, with Members of the House and you

some of the comments and statements made in this official Monetary Policy Report of the Federal Reserve, just some short portions.

Regarding monetary policy and the economic outlook, the report says, ''The U.S. economy continued to expand at a brisk rate.''

About economic projections for 2006 and 2007, ''In broad terms, the participants expect a sustained moderate expansion of real economic activity during the next year and a half.''

Mr. Speaker, that is good news, as far as I can tell. I don't know about others, what they think ought to occur, but I think any time that you have relatively reliable individuals predicting that real economic activity is going to expand over the next year and a half, that is good news.

Economic and financial developments in 2006, I found this fascinating, because if you look at the kinds of natural challenges that we have had as a Nation, one would think that the economy would have been not terribly vibrant. But here is a portion of a paragraph under the economic and financial developments in 2006. ''Although last year's hurricanes caused the pace of aggregate economic activity around the turn of the year to be uneven, real GDP, gross domestic product, increased at an average annual rate of 3.6 percent for the final quarter of 2005 and first quarter of 2006, about the same pace that prevailed during the preceding year-and-a-half. Over this period, payroll employment posted additional solid gains and the unemployment rate declined even further.''

Mr. Speaker, that is the kind of positive information, the kind of good news that we in this Congress ought to be sharing with each other about the tax policy that has been enacted and about the consequences of that tax policy and how that is benefiting the job performance and the job creation throughout our economy.

What about the household sector? This monetary report breaks down our economy in many different areas. The household sector, consumer spending, you have to have money in order to spend it, as you know, Mr. Speaker. Over the first half of 2006, rising employment and the lagged effect of increases in wealth continued to provide support for spending by households, the continued increase in household spending.

How about the business sector? Fixed investment, real business fixed investment increased at a solid rate on average during the final quarter of 2005 and the first quarter of 2006. Over that period, real business spending for new equipment and software rose at an annual rate of 9.75 percent, a pace similar to that over the first three-quarters of 2005.

It is why you see this chart that demonstrates the kind of economic growth. You can't have economic growth without investment in our economy, and the business sector continues to believe strongly in our economy and the positive effects that their investment will continue to have.

How about the government sector? That is something that folks kind of track to make certain that resources are available for the Federal Government and State and local governments to be able to cover the needs of our society. In terms of the Federal Government, the quote here in this Monetary Policy Report is that ''The deficit in the Federal unified budget narrowed further during the past year. Over the 12 months ending in June the unified budget recorded a deficit of $276 billion, about $60 billion less than during the comparable period last year.''

□ 2100

Mr. Speaker, as you know, the kind of tax policies that have been put in place have resulted in a decreasing level of deficit, a decreasing level of deficit. When I am home, I know it is kind of like you, Mr. Speaker, when you meet with civic groups and neighborhood groups and constituents, and they are concerned about spending at the Federal level, and rightly so.

As President Reagan used to say, we do not have a revenue problem in Washington; we have got a spending problem. And we do. And we are working to decrease that level of spending. But we are also appreciating and realizing that tax policy has consequences, and that good tax policy results in economic growth and increased revenue to the Federal Government in order to cover the kinds of appropriate expenses.

We will talk about spending in just a little bit, Mr. Speaker. How about State and local governments? ''The fiscal positions of States and localities continue to improve through early 2006. In particular, revenues appear on track to post a relatively strong gain for a third consecutive year.''

Mr. Speaker, that kind of quote in the Board of Governors Federal Reserve System Monetary Policy Report to Congress, one would think if you read that, understood that, and believed that to be true, which I believe it to be true, that you would not hold the kind of ''Chicken Little'' attitude that many folks around here hold, about saying that the sky is falling.

In fact, the economy is ticking along pretty doggone well. We are going to go through a lot of numbers tonight to demonstrate that in fact we have good news to tell the American people. Good nows to tell the American people.

How about international trade? This is an area of great concern to me and many of my constituents. What about what is going on in the area of international trade? ''Real exports of goods and services increased.'' Exports increased, Mr. Speaker. You do not hear that often. You certainly do not see it on the nightly news.

Real exports of goods and services increased 14¾ percent at an annual rate in the first quarter of 2006, far faster than the 6½ percent rate recorded in 2005.

In the labor market. How about the labor market, unemployment and employment? Conditions in the labor market continued to improve in the first half of 2006.

Payroll employment increased 176,000 new jobs per month, on average, during the first quarter, a rate roughly in line with the relatively brisk pace that prevailed during 2004 and 2005.

Mr. Speaker, I wanted to share those with you and with Members of the House so that they would understand and appreciate that when you talk about the truth and when you talk about facts and you have individuals whose job it is to shoot straight with the Congress and straight with the American people, the kind of information that you can derive here leads one to believe that the economy is doing pretty doggone well.

Now, some folks say, well, it may be doing well, but it probably is not doing as well as it is elsewhere. You have heard that. Mr. Speaker, I know there are some folks who believe that. But thank goodness there are groups of folks who are looking at our economic performance as it relates to the rest of the world, especially the major industrialized nations of the world.

This is a report from the Joint Economic Committee that compares the economy in the United States with the economies in the major Western countries, Canada, European countries, European nations and the Japanese economy.

And this was comparing the performance since the year 2001. That is the last 5 years. I want to share with you, Mr. Speaker, a few quotes: ''Although some people have expressed dissatisfaction about the performance of the U.S. economy, the economic data show that since 2001 the United States economy has outperformed every other large developed economy.''

Mr. Speaker, did you catch that? The United States economy, since 2001, has outperformed every other large developed economy. That is good news. That is good news. But it is news that isn't often shared here on the floor of the House, certainly is not news that you see in your newspaper, or that you see on the nightly news. That is remarkable news, as a matter of fact.

There is a reason for it. I believe it to be the policies that have been put into place by this Republican Congress, especially the tax policy that was proposed by the President and enacted. But that quote, again, Mr. Speaker: ''The United States economy since 2001 has outperformed every other large developed economy.''

Real GDP growth. We rank first in economic growth in the world in terms of industrialized nations. First place in job creation. First in job creation. Largest cumulative increase in industrial production. Largest cumulative increase in industrial production, 4.6 percent. First in labor productivity growth.

Mr. Speaker, that is all wonderful, wonderful news, remarkable news as a matter of fact. Again, it astounds me that we do not have this kind of discussion going on on the floor of the House more often. Because these are all good news items.

They are the kinds of things that when shared with the American people result in a different kind of attitude about our Nation, about the direction in which we are headed, about the kinds of consequences that occur with appropriate and responsible economic policy, not the kinds of economic policy that has been proposed by some in this Congress which is to increase your taxes, because they believe that in order to increase revenue to the Federal Government you got to increase taxes.

We have demonstrated time and again if you decrease taxes, if you put more money back in the hands of people, in the purses of Americans across this Nation, and the back pockets of Americans, what happens? The economy flourishes. The economy flourishes.

We are going to go through some other numbers here, and I am going share a number of different charts again because I think that oftentimes these charts just explain a lot that brings things to focus. You have heard a picture is worth a thousands words; that certainly is true when you are talking about some economic figures.

I mentioned that there had been stronger than expected economic growth in the opening quarter of 2006. The economy has grown 18 consecutive quarters, and real GDP grew at an annual rate of 5.6 percent for the first quarter of the year.

Since the beginning of 2003, Mr. Speaker, real or inflation-adjusted, not counting for inflation, GDP growth has averaged 4 percent per year, which exceeds the World War II, post-World War II average of 3.4 percent per year.

So since the end of World War II, the average GDP growth annually in this Nation has been 3.4 percent. And since the beginning of 2003, because of the economic policies enacted by this Congress and by this President, we have seen an average growth of 4 percent, greater than the average over the last 60 years.

That is positive news, Mr. Speaker. That is positive news. This chart demonstrates much of that. Along this axis here we have the quarters. The green dotted line, vertical line here, is when the tax, appropriate tax relief, tax reductions went into place, and what you see after that is 12 straight quarters of 4 percent average growth.

Good news. Good news, Mr. Speaker. This demonstrates business investment over that same period of time. Prior to the tax cuts, again the Tax Savings Act was put into place at this point where the green vertical line is. Prior to that, the kind of business investment in the economy, and, you know, Mr. Speaker, that business investment is so remarkably important to be able to increase the number of jobs, to have our economy flourish.

Before that point, there was not positive business investment in our economy. There was uncertainty. We had 9/11. We had come through a recession. And business wanted to have some predictability to our economic policies. And what happened with the tax reduction is that they gained that predictability, that reliability of a positive economic policy from this Congress and from this President.

What happened since then? Twelve straight quarters of positive business investment. What has happened with that is that we have seen remarkable, impressive job growth and economic expansion. As I mentioned, the economy has created 5.4 million jobs since August of 2003.

And if you see the job growth that has occurred over that period of time, it is impressive. That is why I like charts, Mr. Speaker, because they just speak volumes. Again, time is down on this axis down below here: 2003, 2004, 2005 and 2006. This vertical green line is when the tax, appropriate tax reduction policy went into effect.

You see the growth in jobs. What has happened since that point is a steady growth in jobs over that period of time. 5.3 million new jobs; 5.3 million new jobs over that period of time. Just remarkable. I mean truly, truly remarkable.

Now, some folks say, well, how is that cause and effect? Do they really have anything to do with one another? This chart is a little busy, but I think that it demonstrates what all of us know kind of in our instinct, and that is the business investment, these are the bar graph here, the red portion of the bar graph is the business investment. Remember we had 12 straight quarters of business investment after the tax reductions, the appropriate tax reductions that stimulated the economy so well, 12 straight quarters.

This line, this blue line that goes up and down, and follows, frankly, if you watch closely, follows business investment. As businesses invest, back in early 2000, what happens? You have an increase in new jobs. As businesses withdraw and retract and decrease their investment in the economy, because of unpredictability, because of concern about the economy, then what happens is that jobs decrease.

With the tax reductions, with the appropriate tax reductions, allowing more Americans to keep more of their hardearned money, what happens is that business recognizes that that is a good thing. They invest and jobs increase remarkably, 5.3 million new jobs created since 2003, since August of 2003.

I think it is also important, Mr. Speaker, to concentrate a little bit of time on the unemployment rate. When I originally studied anything about economics a number of years ago, the economists at that time would say that if you had an unemployment rate of 6 percent, your unemployment rate was 6 percent, that that was considered full employment, that because of people changing jobs, between jobs, considering looking for a job in a different area, that an unemployment rate of 6 percent was full employment.

Well, Mr. Speaker, at this point, as you well know, we have an unemployment rate of 4.6 percent. I have got a chart that demonstrates that in comparison to historical average. 4.6 percent unemployment rate. And you see here that the 40-year average is 6.0. That was considered full employment, certainly over that period of time, 40-year average. In the 1990s the average was 5.8 percent.

But what is it now at this point? 4.6 percent. Mr. Speaker, that truly is full employment. Remarkably positive news to share with the American people. But you just do not hear that as often as one ought. When you see those kind of statistics, 4.6 percent is below the average unemployment rate for the 1960s, for the 1970s, for the 1980s, and for the 1990s, phenomenal. And again the reason for that is appropriate tax policy, appropriate economic policy, put in place by this Republican Congress and by this President.

So the robust economy has been truly remarkable. Job growth has been impressive, especially when you think about it, Mr. Speaker, think about what has happened over the last 5 years, over this period of time when those policies have been in place and the challenges that we have had to our economy.

Just to name a few, we had the stock market decline beginning in 2000. The recession that we had at the beginning of this decade, the terrorist attacks on 9/11 certainly affected the economy to a huge degree.

The consequences and the responsibilities that we have clearly, that all of us believe are so remarkably important in waging the global war on terror, the hurricanes, devastating hurricanes of last fall and before. We oftentimes, because of the magnitude of Hurricanes Katrina and Rita, we oftentimes do not recall the kinds of annual hurricanes and storms and natural disasters that oftentimes sap much of the resources.

And then the higher energy prices. All of these things, and just one could be thought to have affected in a remarkably adverse way our economy. But what has happened, Mr. Speaker? What has happened is that economic policy in place, appropriate tax reductions in place, allowing the American public to keep more of their hardearned money. And what happens is that the economy flourishes and we have an unemployment rate of 4.6 percent.

Now, it has been said that in order to increase tax receipts to the Federal Government, in order to increase revenue that is coming into the Federal Government, you got to raise taxes. You hear that all of the time from

folks who say, we need more money, we need more of your money, America. We need more of your money in order to pay for the kinds of programs that the Federal Government has to run.

But President Kennedy knew it, President Reagan knew it, President George W. Bush knows it, this Republican Congress knows it, and that is that when you decrease taxes, kind of counterintuitive, but when you decrease taxes, what happens is that the economy flourishes, we have talked about that a lot this evening, the economy flourishes, the number of jobs increase, the amount of money that is being paid to individuals increases, the number of folks who are employed increases, and because of all of that, the tax receipts actually increase.

And it is important to appreciate that, because unless one understands that, Mr. Speaker, unless you appreciate that the lower taxes are, the higher tax revenue you get, then you are going to draw a wrong conclusion about how we ought to proceed as a Nation.

The CBO forecast, the Congressional Budget Office forecast down there on the far right was for 16.8 percent of a share of the GDP for tax receipts. The forecast for the budget in fiscal year 2005 was the same. What happened? What happened because of the tax policies is that we have a remarkable increase in tax receipts to the Federal Government.

That is good news, Mr. Speaker. That means that the tax policy is working. You allow Americans to keep more of their hardearned money, then what happens is that the Federal Government sees more tax revenue, and hopefully we will be able to continue to decrease taxes on Americans, all across the spectrum, all across the spectrum.

Mr. Speaker, I think it is always important to talk, when we talk about taxes, and when we talk about the economy, you oftentimes hear our friends on the other side of the aisle trying to divide people between the haves and the have-nots, the rich and the poor, upper class and middle class, lower class. They will oftentimes say things like, people need to pay their fair share of taxes. You hear it all of the time, Mr. Speaker. I know you do.

Well, I think it is incredibly important to demonstrate who, in fact, is paying taxes at this point in our Nation. This chart just speaks volumes. Absolute volumes. On this axis here we have the percent of taxes that are paid by what percent of individuals who are in our Nation.

The top 1 percent wage earners. Mr. Speaker, the top 1 percent wage earners in our Nation pay over 30 percent of the taxes. The top 1 percent pay over 30 percent of the taxes. You see that the top 5 percent pay over 50 percent of the taxes. And you go on down and appreciate that largest bar there is the top 50 percent of wage earners in this Nation pay over 96 percent of the taxes in this Nation.

That is a progressive tax rate. That is the kind of tax policy that we have in place. I think we ought to decrease a lot of those taxes. But it is important for people to appreciate that folks in the bottom 50 percent of the wage earners who are striving to get into this area up here, and we are working as hard as we can to have policies in place that will allow them to do that, but the bottom 50 percent of wage earners in this Nation pay about 3½ percent of the taxes in this Nation.

I do not say that to belittle anybody. I say that to bring truth and fact to the discussion and to the debate. So when you hear people say, people need to pay their fair share of taxes, well, I would suggest to you, Mr. Speaker, that folks are paying their fair share and then some, and then some of taxes that we have in this Nation.

Now, we hear a lot of talk, Mr. Speaker, about the deficit, about the deficit, and how the deficit is too high and how we are not being responsible in our spending. I would agree with folks that the deficit is too high. Because I believe, as I have mentioned earlier, that we ought to have a balanced budget, that we ought not spend any more money than we take in.

But you hear people all the time saying this is the worst deficit in the history of the Nation. In fact, Mr. Speaker, in fact, remember it is the Official Truth Squad, in fact what we have seen over the past 12 months is a Federal deficit as a percent of GDP, Gross Domestic Product, of 2.1 percent.

Now the average in the 1990s, the average in the 1990s, 2.2 percent. That is higher Federal deficit as it relates to percentage. You can talk about absolute numbers. But absolute numbers do not compare apples to apples, because of inflation and expansion in the economy, and the level of Federal revenue.

See, it is important to talk about percent of gross domestic product when you talk about what the Federal deficit is. Again, this is not where I would like it to be. I would like it to be zero. And you remember the policies that we put on the floor of the House to vote on, the PAYGO policies and the balanced budget policies that we put on the floor of the House to vote on? Our friends on the other side of the aisle overwhelmingly rejected them, overwhelmingly. That is the kind of cooperation, we need greater cooperation in order to bring that down.

□ 2120

But in spite of that, in spite of their reluctance to assist us in appropriate fiscal decisions, what we see is a 2.1 percent Federal deficit as it relates to gross domestic product. Ten years ago what was it? 2.3 percent. And, remember, the average for the 1990s was 2.2 percent.

So I think it is extremely important, Mr. Speaker, for us to be honest when we talk about the economy, to be honest when we talk about the budget, and to be honest when we talk about where the problem is as it relates to the budget. Where is the big money being spent? Where is it going? And I have got a few charts that I would like to share with you on that, Mr. Speaker.

These are pie charts that demonstrate where Federal monies go when the Federal Government spends the large pot of money that it does every single year, where does it go? Where does it go? And this breaks it into three different areas in the pie chart and over a 20-year period of time, 1995, 2005, and 2016. And the three different areas, the green is the discretionary portion of the budget, the red is the interest, and the yellow is the mandatory portion.

The mandatory portion is primarily Social Security, Medicare, and Medicaid, those programs that are oftentimes called entitlement programs. I don't like to call them entitlement programs because I think that means that you absolutely can't reform them, that there isn't any way to be able to change positively those programs for the beneficiaries and for all members of our society. But Medicare, Medicaid, and Social Security.

In 1995, those mandatory programs, automatic programs oftentimes I like to call them, spent 48.7 percent of the Federal budget. 48.7 percent of the Federal budget. Now, these are programs that are on kind of an automatic spending course. If we as a Congress don't act, then they continue to increase at a rate greater than inflation. In 2005, those three programs, Medicare, Medicaid, Social Security, basically those three programs spent 53.4 percent of the Federal budget. Mr. Speaker, that line continues to increase. In 2016, if no changes are made or put in place, those three programs will incorporate 63.9 percent of the Federal budget. And in 30 years, Mr. Speaker, if I had a pie chart that had us 30 years down the road, the entire pie would be yellow. The entire pie would be yellow, because those three programs, Medicare, Medicaid, and Social Security, would consume the entire Federal budget.

Now, I point that out because I think it is important for people to appreciate that one of the responsibilities that we have in Congress is to make certain that that kind of economic policy doesn't occur. We are living in a changing demographic in our society, and one that will not sustain that kind of mandatory spending. And so the President 1½ years ago or so and many of us in Congress felt that it was appropriate to begin moving in a direction of greater fiscal responsibility when it comes to spending in the area of Social Security and Medicare and Medicaid, and we selected Social Security to begin that debate.

And as you will recall, Mr. Speaker, as so often happens regretfully and regrettably is that the folks who oppose any responsible spending here from Washington demagogue that issue to a

degree that they scared every single individual across this Nation into believing that the kind of policies that were being proposed were going to destroy the program. Well, nothing could have been further from the truth.

What we were attempting to do was to make it where that kind of growth curve in a mandatory or an automatic spending program didn't occur so there was greater fiscal responsibility here at the level of the Federal Government and we were attempting to empower individuals in their communities to a greater degree with the kind of resources that they would gain from their employment.

If we don't, if we don't make certain that we address and fundamentally reform those three programs, Social Security, Medicare, and Medicaid, we will not be able to sustain the kind of Federal Government, the kind of policies either in defense or in transportation or in energy, all of the things that we need to be doing as a Nation in a positive way to move forward, we will not be able to do those things unless, unless we responsibly, responsibly, go ahead and reform the mandatory spending.

This chart points out the fact that the growth in those mandatory spending programs, if the law isn't changed right now, if we don't act positively together as a Congress, if we don't change that, these programs will grow at a rate of about 6.2 percent every single year.

Now, you see that the rate of inflation is estimated to be about 2.4 percent. Well, those programs will outpace the rate of inflation. They will also outpace the growth in membership in those programs. That is again, Mr. Speaker, an economic policy that is truly unsustainable. That is not something that we can continue as a Nation.

Mr. Speaker, I just want to point out that we are continuing to try almost weekly to encourage our colleagues on the other side of the aisle to assist us in being fiscally responsible, helping to solve many of the challenges that we have. This week is no different. We will have on the floor of the House this week H.R. 5766, which is an act called The Government Efficiency Act. And what it does is sets up a framework to target inefficiency, waste, fraud, and abuse in the Federal Government to make certain, to make certain that we route out that kind of waste, fraud, and abuse.

I want you, Mr. Speaker, to make sure that you watch how our friends on the other side of the aisle vote on that, because you heard them earlier say that making certain that we decrease inefficiency, waste, fraud, and abuse is so incredibly important as a Federal Government. I believe that to be true. We have got a bill that will do that. We are going to give them the opportunity to vote ''yes,'' vote positively and vote ''yes'' on something. So I encourage you, Mr. Speaker, to keep an eye on H.R. 5766 as it comes up for a vote this evening.

I have got just a few moments left, but I am pleased to be joined by my good friend and colleague from Georgia, Representative LYNN WESTMORELAND, who is a wonderfully fiscally responsible member of the freshman class, and I yield to my friend from Georgia.

Mr. WESTMORELAND. Thank you, Mr. PRICE, and I appreciate you doing this tonight.

I have listened to the other side and your debate, and basically, Mr. PRICE, wouldn't you just assume that this basically comes down to a difference in philosophy? I heard about the deficit, I heard about the spending. But I believe that this Republican majority and the leadership in this House has given the other side every opportunity in the world to reduce that deficit. I believe we had the Deficit Reduction Act that the Republican majority had to pass themselves. And their philosophy is, to reduce the deficit, they would raise taxes. None of us like the deficit. We need to cut our spending. But every opportunity that the majority has had to cut spending, we have been opposed by the other side.

So I think what the people, Mr. Speaker, and, Mr. PRICE, need to realize is that this is a difference in philosophy about how this government should be run and about where the priorities for our spending are. And I know you had the chart up there about Social Security and Medicaid and Medicare. And we all want people to get their benefits, but there is going to come a time of reckoning, and the majority party in this House has taken the leadership to try to address some of those things.

□ 2130

Not by cutting them but just by slowing the growth, and yet at every turn, at every turn you know that we have had opposition from the other side. So there has got to be a point where they come to the realization that they need to help us. They need to become part of the solution, rather than just being a party of ''no.''

Mr. PRICE of Georgia. Madam Speaker, I appreciate those comments so much, and I appreciate you reminding me about the Deficit Reduction Act. It was in my notes, and I wanted to make certain we pointed that out. We had that bill passed earlier this year in January. It would save the American people $40 billion.

Mr. WESTMORELAND. If you do not mind me interrupting, but that was at no cuts. This was just a decrease in the spending, a decrease in the growth of our government; and they spoke about sitting around the kitchen table and talking about your budget. We all do that. We all have to do that. The American family has to do that, but at the same time, if we know we are going to get a 5 percent pay raise or whatever, we cannot spend more than that. Sometimes we have to rein in our spending, and this is what the Republican majority has tried to do here.

So I want to thank you for bringing the Truth Squad to the floor and for explaining to all of us exactly the good things that this majority party has done to put this country in the right direction, and I might also add that our deficit has come down over the last quarter and the last months due to these tax cuts that we gave the American people because they know so much better about how to spend their money than we do as a Congress and as a government.

But I want to thank you for taking this opportunity to bring the Truth Squad to the floor and to bring truth to some of the things that are said here.

Mr. PRICE of Georgia. Thank you so much. I appreciate that, appreciate your comments, your pointing out again the Deficit Reduction Act that we passed on the floor of this House earlier this year with not a single vote from other side, again $40 billion in savings, which is just simply decreasing the increase that is going up in those mandatory programs, many of those mandatory programs.

So I appreciate you pointing that out, and it just really is a privilege for me to be able to, on behalf of the leadership and behalf of the Republican Conference, to be able to come to the floor tonight and to share some positive news, to share some facts and share some truth about the American economy, about the importance of allowing Americans to keep more of their hardearned money; and when you do that, when we do that as a Nation, as a national policy, what happens is that the economy flourishes and people are better off.

Madam Speaker, I look forward to being able to share more comments at some point in the future. I appreciate the opportunity to be with you tonight.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to kick off the 30-something Working Group, and my good friend Mr. MEEK from Florida, who was delayed for a minute, will be here any second to talk about taking America in a new direction.

We have heard a lot tonight, and I want to agree with my colleagues on one thing that they said earlier, just a few minutes ago, that the American people know how to spend their money better than the United States Congress, and I agree with that.

If you look at where this Congress has given the money, $16 billion in subsidies to the oil companies, hundreds of thousands of dollars in tax returns, tax breaks for millionaires, Madam Speaker, I agree that the American people would not do that, and that is why it is time to take the country in a new direction.

I want to, before we get too revved up here, thank our good friend from Massachusetts for carrying the ball last night when the younger and the weaker, the fatigued other Members of the 30-something did not have the stamina to come here at 11:40 last night, and you showed up, and I yield to my friend.

Mr. DELAHUNT. Madam Speaker, well, I am glad to see that you have recovered and that Mr. MEEK has made it. I knew that both of you were tired. You worked hard yesterday, but I hope that in the future you can just reach down, grab a little extra, and you know, be here when it counts. I have been very impressed with your perseverance, your performance over the course of the past year and a half; but remember, it has to be consistent. It has to be consistent. It cannot be just about talk. It has to be actions.

Mr. MEEK of Florida. Madam Speaker, I thank Mr. DELAHUNT, and I know you are all excited about your birthday that took place last week, and it is well noted not only amongst the Members but also in the CONGRESSIONAL RECORD. We notice that you are eligible for Medicare. We are excited about that. Hopefully, having you as Medicare recipient now, folks on Medicare will have a stronger voice in Congress because you can actually understand what they are going through.

It has been 3 years and 2 months we have been doing 30-something. We are just so glad that we can have you as the something of the 30-something which I will be joining you in September.

Mr. DELAHUNT. I look forward to seeing you graduate to a different level, and I am sure that you will be able to be here for the last hour once you hit that magic mark in September.

Like I was saying, we hear a lot of rhetoric on the floor here, and we just heard an hour's worth of good talk, good talk, and you know, I welcome the fact that it would appear, if you listen carefully, that the Republican majority is going to get serious about fiscal responsibility.

I would only note that they are coming very late to the issue, because, I know neither of you were here in 1994, but in 1994, this branch, Madam Speaker, was taken over. The Republicans assumed majority. So let us see, from 1994 to 2006, that is 12 years, that is 12 years and now we are faced with runaway deficits, external debt.

We just recently received a report from the Comptroller General of the United States that informed the American people that despite the fact that they have already spent 30 billion of their dollars in Iraq, that the bill is coming for another $50 billion to reconstruct Iraq.

Mr. RYAN of Ohio. What is that $50 billion going to be spent on?

Mr. DELAHUNT. Well, I think a lot of it is going to line the pockets of corrupt officials because that is what Mr. Walker, who is the Comptroller General of the United States, found. He expressed concern about the black market in the sale of oil.

We all remember the words of Paul Wolfowitz who was the Under Secretary of Defense that the revenues from the oil reserves of Iraq would pay for its reconstruction. False.

Mr. RYAN of Ohio. Again, this is the 30-something Hour, Madam Speaker. This is the 30-something Hour, so we are talking about issues that are going to face generations to come, but I want to agree again with the statement that the previous speakers made, which we do not like to refer to, but they said that the American people know how to spend their own money better than the United States Congress, and I am all in on that statement.

Mr. DELAHUNT. But, Madam Speaker, the Republican majority in this House is spending the American people's money not in America, but in Iraq.

Mr. RYAN of Ohio. And not spending it in a manner which the United States citizens, from Florida and Ohio or Massachusetts or wherever they are from, would completely and totally and wholly disagree with where the Republican Congress is spending their money. They are building hospitals in Iraq. They are building schools in Iraq. They are building clinics in Iraq. They are building roads in Iraq, in a fruitless attempt to try to win over the Iraqi people.

Mr. DELAHUNT. And where are they getting the money?

Mr. RYAN of Ohio. We are borrowing the money from China, Japan, and OPEC countries in order to fund the war and to fund tax cuts that are going predominantly to people who make more than $1 million a year.

The average American person, Madam Speaker, does not agree with that policy. They wholly reject that policy because it makes no sense. People in Youngstown, Ohio, work very hard, and they meet their obligations for the Federal Government. They pay their taxes, and to watch the United States Congress, Republican-controlled, take their hard-earned money and build roads and bridges in an elective war, with no plan, no exit strategy, no idea of how to execute it, and take their money and build roads and bridges and hospitals over there. I yield to my friend.

Mr. MEEK of Florida. I just want to make sure that just because they say it, Madam Speaker, the Republican majority does not necessarily mean that it is true. You have heard me say this before. The good thing about the 30-something Working Group is that we come to the floor and not with rhetoric, not with a Democratic message that is not factual. We do not do that. People are looking for straightforward government, making sure that we level with the American people, not level with Democrats, not level with Republicans and Independents, but level with the American people.

The American people want us to work in a bipartisan way, but only the majority can allow that to happen. We have legislation that is moving through the process that Democratic Members are not even noticed of the conference committees that are going on, some of the decisions that are being made, and we have Republican majority Members that come here and say, well, the Democrats, how can they say it when they have been in control.

Let me just say this real quick. I tell you they did not share in the hour before this hour, they did not share how the Republican majority has made history in all the wrong ways. On $1.05 trillion borrowed in 4 years, 2001 to 2005, from not only President Bush but the Republican majority that dethroned 42 Presidents, 224 years of history, $1.01 trillion.

Mr. RYAN mentioned who we are borrowing from. Japan, $682.8 billion. The American people had nothing to do with that. Republican majority, rubber-stamp Congress, had everything to do with that. China, at $249.8 billion; UK, $223.2 billion; Caribbean, $115.3 billion; Taiwan and on and on and on.

What they also did not say is how the Republican majority has given themselves a pay increase along with all Members of Congress, meanwhile, Madam Speaker, not addressing the minimum-wage workers in America since 1997. So I would not come to the floor with a straight face talking about the American people can handle their dollars that we give them or they can handle the dollars because they can handle it best.

Well, guess what, I think that is a true statement because the bottom line is the Republican majority has shown that they cannot. Just real quick, I want to make sure that we spell this out.

In 1998, Members of Congress, $3,100 raise; minimum-wage workers, zero; 2000, Members of Congress, $4,600 raise; minimum wage, zero; 2001, $3,800 increase, cost of living Members of Congress; minimum wage, zero; 2002, zero minimum wage; $4,900 real money increase for Members of Congress thanks to the Republican majority; 2003, $4,700; minimum-wage workers, zero; $3,400, 2004; minimum-wage workers, zero; 2005, $4,000; minimum-wage, zero; 2006, $3,100; minimum-wage workers, zero. And the Republican leadership has said it is just not going to happen. They did not want to share that with the American people. That is why the 30-something Working Group, why we do that.

The good thing about this report is that we are saying on this side of the aisle we will not vote for an increase in Members' pay if we do not vote for an increase in the minimum wage. That will mean an increase in individuals that are making above the minimum wage because the American workers should be making more than the CEOs that are retiring with big-time retirement packages.

□ 2140

I wish I had my chart here.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. Yes, I do have my chart. So that we don't have CEOs of major oil companies with $398 million retirement packages. A retirement package. And a $2 million tax break, thanks to the Republican majority.

So, Mr. RYAN, when folks come to the floor and start talking about, and Mr. DELAHUNT, what the American people can do, tell you what, why don't we play fair? We have control of the minimum wage, Mr. DELAHUNT, we can raise the minimum wage.

On this side of the aisle we said, number one, we will be raising the minimum wage. Okay, not raising the salaries for Members of Congress.

Mr. RYAN of Ohio. Within the first 100 hours.

Mr. MEEK of Florida. Within the first 100 hours we are willing to move forward, and we have said it, in our new direction for America. We have said we are going to cut student loan costs in half, Madam Speaker, more than the Republican majority that is in control now.

We have said that we are going to move in the direction of true energy innovation, investing in the Midwest versus the Middle East, here in America with E–85 ethanol. Republican majority has the House now. They are not doing it.

We have said that we are going to pay as we go and have real fiscal responsibility, because we are the only party in this Chamber, Mr. DELAHUNT, that can say we have actually balanced the budget. We have balanced the budget, with surpluses as far as the eye can see. The Republican majority takes over and we are borrowing from countries that we have issues with, like China, Japan, and the U.K. Well, not the U.K., but other countries that are questionable. OPEC nations. And I don't even want to go through that list.

So when we start talking about these things, gentlemen, and when they come to the floor, and this is a free country and what a democracy, but meanwhile, Mr. DELAHUNT, we have veterans that have fought, some are at Arlington Cemetery for paying the ultimate price for us to salute one flag. We look at the services and the things that we have promised veterans, and this is not a Democrat or Republican or Independent or nonvoter issue, this is an American issue. To see veterans having to wait 2 and 3 months to see a specialist at a VA hospital, whether it be a foot doctor, an eye doctor, or just getting a simple exam, is unacceptable, especially when the Republican majority is giving tax breaks in a record breaking way to individuals that are not even asking for them, and when billionaires have $398 million retirement packages, I think it is important for us to come to the floor and share this with the American people.

It is not only important, it is our obligation. So that the reason why, Mr. DELAHUNT, as I land, that it is important, no matter how late, if it is 11:40 at night or it is a few minutes before 10 p.m.

Mr. DELAHUNT. Or if it is at 11:30.

Mr. MEEK of Florida. Or 11:30.

Mr. DELAHUNT. And you are by yourself.

Mr. MEEK of Florida. We have worked all day, and some Members of Congress, Madam Speaker, are home enjoying themselves, relaxing, what have you, some are working in their offices right now answering their e-mails or regular mail, that we come to the floor, take away from what some may say is our personal time after we finish our regular business, that we come to the floor to show how we have the will and the desire to put America in a new direction and not only fight for working class folks, but making sure that those that pay their price to this country, which are a number of Americans but especially our veterans, will be treated with dignity and respect.

Mr. RYAN of Ohio. If the gentleman will yield.

Mr. MEEK of Florida. Yes, sir, I would yield, Mr. RYAN.

Mr. RYAN of Ohio. Because I think it is so important that the American people and the Members who are watching this here tonight understand that things will be completely different when the Democrats take over in January; that we will, within the first, not 100 days, Madam Speaker, Mr. DELAHUNT, but within the first 100 hours out of this House we will pass a minimum wage increase that will get us in a few years to $7.50 an hour; that we will, in the first 100 hours, cut student loan interest rates in half for parents and for students, which will save families $5,000 over the course of the loan.

We are not rocket scientists. We are not saying we have some extravagant plan that is very elaborate and very complex. These are basic fundamental things. We are going to strip the oil companies of the $16 billion that they get in subsidies, and we are going to put that towards education and innovation and alternative energy sources. And all these things we need to do, Mr. DELAHUNT, in order for us to be competitive as a country.

Mr. MEEK of Florida. One second, Mr. RYAN. I just want to make sure we are accurate. It is $7.25, not $7.50, sir, that we want to move the minimum wage. I want to make sure that we are accurate. I know you mistakenly said $7.50. I would like to do $7.50, but our plan is $7.25, just for the record. Because we believe in making sure that even when we make a mistake to level with the American people.

Mr. RYAN of Ohio. Reclaiming my time, I yield to my friend from Massachusetts.

Mr. DELAHUNT. I appreciate the gentleman yielding his time, and I want to compliment my friend from Florida, Mr. MEEK, because he just did something that is rare in Washington. He acknowledged that there was an error; that there was a mistake. Because you will never hear that on the floor of this House.

But the American people, I would submit, want their elected officials to acknowledge when a policy has failed and come up with another idea and be forthright about it. I mean, when I hear about all of the problems that haven't been solved because of a minority party, I begin to wonder, is there an alternative reality there?

As I said earlier, Madam Speaker, the Republican majority has owned this Chamber for 12 years. Where have you been? Now you are talking about fiscal responsibility. And the reason you are talking about it is because there is 100 days to an election. That is why you are talking about it. And you talk about the direction of the country. You know, we talk about a new direction and a change in direction, Madam Speaker, because there is no alternative.

If we continue to go and continue to chart the same course that the administration and the Republican House and the Republican Senate have charted for the United States, we will be in serious trouble. And let me just give you four statistics:

Since the Republicans have controlled both branches of Congress in the last 5 years, and President Bush was inaugurated in 2001, college tuition has increased by 40 percent, health care costs to the American people have increased by 55 percent, and gas prices have increased by 79 percent.

But Ms. WASSERMAN SCHULTZ, you know what has gone down in this country? Madam Speaker, you know what has declined in this country? Median household income. A family of four in this country, since the Republicans have governed here in this institution for 5 years, the average American family has experienced a decline of 4 percent in their income. On top of all the escalating costs that are eating away at their security, everyone in America knows that retirement security no longer exists. They know that their health care plan can be canceled at any time. They know that they won't be able to afford to send their children to college because they can't afford the loans. I mean, the list goes on and on. We have got to change the direction of this country.

With that, I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend, Mr. DELAHUNT, and I am glad to be here with my three good friends from the 30-something Working Group.

You know, the answer to the question that is on everybody's mind, which is why do they keep moving us in this direction? Well, if you actually shine a light or a magnifying glass on what is really going on here, then it would be clear that their priorities are all wrong. So instead, what they do is they engage in the politics of distraction, like they did all during last week.

If you recall last week, let us take a walk down memory lane here, did we focus on the priorities of the American people, like gas prices and health care and the true direction that we should be going in in the war in Iraq? Were those at the top of the Republican agenda last week?

Mr. DELAHUNT. We talked about stem cell research.

Ms. WASSERMAN SCHULTZ. We talked about trying to override, unsuccessfully, a veto on stem cell research. We did that and the Pledge of Allegiance bill, and we did gay marriage. We engaged in the politics of distraction, because the only way that the Republican leadership here can take the focus off of all the horrendously bad things that they are doing on the priorities of the American people is by focusing on that.

I had a social studies text book with me last week, I am not sure if we still have it, but last week I really wanted to bring a social studies textbook to the floor because essentially there is no point in using it any more in our public high schools. At the end of the day, the Republican leadership here has thrown out the concept of how a bill becomes a law.

That Pledge of Allegiance bill we brought here last week? I sit on the House Judiciary Committee. That bill was defeated in committee, and yet we still saw it on this floor. When we teach high school civics, we teach that a bill has to go through the committee process, it has to garner a majority of the committee members to move on then to either the next committee or to the next point of reference in the legislative process.

Mr. RYAN of Ohio. And the bill stripped the courts of hearing a case that the courts actually ruled in favor of what they wanted.

Ms. WASSERMAN SCHULTZ. Exactly. Let us focus on what the bill itself actually did, which also throws out the whole system of checks and balances and who is responsible for what according to the way the Founding Fathers set it up.

That bill actually said, like you said, Mr. RYAN, that specifically because the Republican leadership here does not agree with a specific court decision, they decided to pass a bill stripping the courts of the ability to decide that question. Now, whether or not you agree that ''under God'' as part of the Pledge of Allegiance is or is not constitutional, that is not relevant. We certainly shouldn't be passing legislation here that was defeated in committee; that couldn't even garner enough support on the Republican side to pass out of committee, and they stack the committees in their favor, to strip the courts of the ability to decide a question that the Republicans don't agree with.

But, you know, the rubber stamps, the rubber stamps in this body just went ahead and approved it anyway. Break it out, Mr. MEEK.

Mr. RYAN of Ohio. Ms. WASSERMAN SCHULTZ, you are exactly right. It wasn't that they didn't like the answer, because it went to the appeals court and the court ended up ruling in their favor, that ''under God'' should stay in the Pledge. But they didn't like the question, which is so typical down here, Mr. DELAHUNT.

They don't like the questions that people are asking, whether it is at President Bush's press conferences or having a hearing and asking questions about what is going on in Iraq or Katrina or with gas prices or what the oil companies are doing. When you have an elected body in a democracy that stops liking the questions, we are losing the basic fundamental aspect.

Mr. DELAHUNT. If the gentleman would yield.

Mr. RYAN of Ohio. Be happy to yield.

Mr. DELAHUNT. Just stop for one moment. The war in Afghanistan and Iraq has been going on for years. Every day we pick up a newspaper and learn about the loss of American lives.

□ 2200

Every day we hear about the rampant corruption that goes on in Iraq. Every day we hear about the escalating costs of the military deployment in Iraq. And now we know from the Comptroller General, not from the administration, that the $30 billion that we have already spent in Iraq is not enough to rebuild the country. It is going to cost us $50 billion more. And you know what, Madam Speaker? We ought to be having a hearing on a weekly basis, every committee, every single committee who has some jurisdiction, and yet nothing happens.

Why are we losing ground in Afghanistan? Why? But we do not dare ask the question.

Ms. WASSERMAN SCHULTZ. Will the gentleman from Ohio yield?

Mr. RYAN of Ohio. I yield to the gentlewoman.

Ms. WASSERMAN SCHULTZ. Thank you very much. Because the Prime Minister of Iraq is here in Washington, today met with the President, and the whole notion of stubbornness and refusal to acknowledge that they are wrong and refusal to change course is so evident in the decision-making that goes on with this administration as far as the direction that we are going in Iraq.

June 13, when the President went on that surprise visit to Iraq and praised up and down the Prime Minister's plan for ending the bloody violence in Baghdad, came back and said, The Prime Minister of Iraq has a plan and I am supportive of it.

Well, today they finally acknowledged that it is not working and it is not effective and not that, yes, we are going to change course. It is ''changing the plan is under consideration.''

Well, because we have had a shift in focus, in terms of the media's attention, to the crisis in the Middle East as it relates to Hezbollah, its attacks on Israel, it has deflected attention away from the fact that the actual number of deaths and bombings have increased in Iraq in the last month.

Mr. DELAHUNT. If the gentleman from Ohio would continue to yield for one moment, we all know that there is much public discourse about whether the violence in Iraq is of such a magnitude that it should be called a civil war. There are no figures that are ever released by the administration, but the United Nations just released a report in the last several days that indicated in the months of May and June, 6,000 Iraqis were killed because of political violence. Will somebody please explain to me, is that enough to make it a civil war? Of course it is a civil war going on there, Madam Speaker. Please stop using semantics with something that is so serious that the American people deserve to be continually informed.

Mr. RYAN of Ohio. Madam Speaker, in this talk today, as we watched the press conference, the Iraqis have army and police force in one region that is in southern Iraq, where nobody lives. They have got control of it, and the Prime Minister is here with the President saying, See, we are making progress.

You are not making progress. Electricity, water, utilities are all at prewar levels. Below prewar levels.

Ms. WASSERMAN SCHULTZ. And instead, Mr. RYAN, we are focusing on the Pledge of Allegiance and gay marriage. And what it really comes down to, do you think that the mom whose baby is in Iraq fighting on behalf of our country is worrying about whether one of her children is going to be able to say ''under God'' in the pledge at school, or is she more worried that her baby over in Iraq is going to come back to her? What do you think is a higher priority for her?

Mr. RYAN of Ohio. Or that the baby, in the country that this baby was born into, is going to owe $11 trillion to China and Japan and OPEC countries.

This is bogus. This Congress is bogus, Madam Speaker. This is the biggest illusion, smoke and mirrors nonsense. This is disrespecting the American people in the past couple of weeks. Totally has disrespected and insulted the intelligence of the American people.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. Thank you. How about this? I mean, let us go beyond just the mom or dad of a young man or woman fighting in Iraq. How about the father of four who leaves for work every day, and do you think he is worrying about whether someone who is gay is going to be able to get married or not, or is my Member of Congress voting to amend the Constitution to deal with that, or do you think that it is more likely that he is pissed that he is having to pay $3.01 a gallon to fill up his tank and it is going to cost him like $55 and he is wondering whether he is going to be able to get to work in the morning?

Where on the list of priorities, Mr. DELAHUNT, do you think that is for the

Joe and Jane average constituents that we represent?

Mr. DELAHUNT. Could I add to that?

Ms. WASSERMAN SCHULTZ. Of course.

Mr. DELAHUNT. What do you think an American mother feels as she sees this administration embroil us, embroil us, in wars, sectarian strife all over the world? Does she become concerned that at some point in time her child will be compelled to serve in the military?

I found it fascinating reading some articles in the Weekly Standard, which is, if you will, the gospel of the neoconservative movement, suggesting now is the time to bomb or strike Iran. Just another war. Just another war. And, of course, the original frontier in terms of the war on terrorism, Madam Speaker, was Afghanistan. And you know what is happening in Afghanistan? The Taliban is back, the group that gave safe haven to Osama bin Laden and al Qaeda, because of the distraction that was foisted on the American people by this administration with the complicity of this Congress and putting us into the quagmire of Iraq.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, do you know how many troops we have in Afghanistan versus how many we have in Iraq?

Mr. DELAHUNT. Yes, I do.

Ms. WASSERMAN SCHULTZ. Twenty-two thousand in Afghanistan versus 130,000 in Iraq.

Mr. DELAHUNT. If the gentleman from Ohio will continue to yield, do you know who really said it the best? The NATO commander who was taking over the NATO force in Afghanistan. He happens to be a British general by the name of David Richards. And he said this: You know, we were distracted. We took our eye off the prize, and that is why we have the problems that we have now. We became too focused on Iraq, and we forgot about Afghanistan, and some would have us already hitting into Iran.

When does it end, Mr. MEEK? When does it end?

Mr. MEEK of Florida. Mr. DELAHUNT, I just wanted to say really quickly that it is important that we point out, you have got one, two, three, and I am four Members of Congress. We have friends on the majority side of the aisle. We see them every day. We have lunch together, and we go to the dining room here in the Capitol. We know one another's families. We travel together to foreign countries. We visit military bases here in the United States and abroad. Madam Speaker, this is not personal. This is business. And the bottom line is that this Congress is making history in all the wrong ways. We have a rubber-stamp Congress, as Ms. WASSERMAN SCHULTZ pointed out earlier, that has rubber-stamped everything that the administration has put forth to this Congress, and now we are in a situation where the American people do not see the same vision that the Republican majority has.

Now, Ms. WASSERMAN SCHULTZ, before we leave here tonight, you must talk about immigration.

□ 2210

You must talk about immigration in a way that shows that the Republican majority and the Bush White House is not leveling with the American people.

Mr. DELAHUNT, you pointed out, Mr. RYAN was mentioning 750 earlier. I am looking here at our plan, it says 725. He was in the middle of a speech, and I wanted to make sure that we were accurate for the record. I wanted to make sure we were leveling with the American people. I want to make sure that Members watching in their offices or watching at home are saying, even on the majority side, the reason why I can't be upset with those four Members on the floor right now is because they speak the truth; not fiction, not what we think will sound good. We are sharing the facts with the American people and with the Members of Congress, Madam Speaker.

So that is the reason why Members of the majority side, which is the Republican majority that is in control, we have situations where States are suing the Federal Government on education, lack of funding. We have local communities trying to figure out how they are going to stand up to unfunded mandates handed down from this Congress.

We have minimum wage workers that haven't received a raise since 1997. Meanwhile, Members of Congress have received $3,100, $4,900, $3,200, in some cases $2,900, $4,100, and a proposed $3,100 this year. Meanwhile, minimum wage workers are sitting waiting on some leadership and representation in Congress.

As we raise their minimum wage, what we have pledged to do in New Direction for America, Members, people that are making $8 and $9 an hour, employers are going to have to say, we have to give them also a raise, because the minimum wage has risen. So the American everyday worker not making minimum wage will do better under our plan.

Saying that, Mr. DELAHUNT, that is the reason why we should feel very motivated and empowered to be here any time we get an opportunity to come to the floor.

So I am excited about the fact that we are armed with the facts. I am glad, Ms. WASSERMAN SCHULTZ, the facts she had she got from third party validators, not what we came up with, to share with Members and the American people, because we don't want members of the rubber-stamp Republican majority to go home and say ''we didn't quite understand that,'' or ''it was the Democrats.'' We have to make it abundantly clear that the Republicans are in control.

Mr. RYAN, as I close, I just want to break it down like this: On the Democratic side, we don't have the opportunity to bring a bill to the floor. We are not chairmen or chairwomen of committees. We can't order up a congressional hearing and subpoena Halliburton and other companies that obviously have done things that have reached the level of, some may say, the criminal level. We can't do that.

We can't have inquiries of Federal agencies. Our good friend from Tennessee has legislation that is talking about agencies coming to the Congress and asking them, what happened to $28 million that we gave you last year? They say I don't know. They just write it off. It is the taxpayers' money.

Mr. DELAHUNT. What happened to the $89 billion in Iraq.

Mr. MEEK of Florida. What happened to the $89 billion in Iraq. This will never surface, Madam Speaker, unless we get rid of the rubber-stamp Congress and we move towards a Congress that is willing to follow the Constitution of the United States to make sure that the American taxpayer dollars have the proper oversight and that we spend it in a way that is responsible, not just giving away tax breaks to millionaires and special interests when the Republican majority feels like doing it.

Ms. WASSERMAN SCHULTZ. There is just no accountability. There are just words. There is no action to back up the words.

You know, if you listen to the Republicans on immigration, as Mr. MEEK referenced, you would think that they were the hardest line, the hardest core, that border security was the highest priority to them. But if you closely examine the facts, you don't have to even closely examine the facts, you just scratch the surface a little bit. Take a look at what the real record of this hard line Republican congressional leadership is when it comes to border security. Let's show the American people who is for immigration reform and who is just kidding.

These are third-party validators here. Here is border security by the numbers. We took a look and found that as it relates to the average number of new Border Patrol agents that are added each year, because the Republicans talk a good game about how many Border Patrol agents they want to add, well, under the Clinton administration, from 1993 to 2000, the average number per year added was 642. You take a look how many were added, Border Patrol agents per year, under the Bush administration from 2001 to 2005, it was 411.

That is not just a couple, that is not a handful, that is a big difference. 642 minus 411, I am not a mathematician, whatever it is, someone subtract it for me.

Mr. RYAN of Ohio. 231.

Ms. WASSERMAN SCHULTZ. A 231 difference. That is a big difference. Maybe that is an anomaly. Maybe that is just isolated.

No, keep going. Let's look at another indicator of who is for border security and who is just kidding. The INS fines for immigration enforcement, making sure that we actually crack down on illegal immigrants: 1999, 417. The actual

statistic is in 1999 the United States initiated fines against 417 companies. In 2004, it initiated fines against three companies. Who was President in 1999? President Clinton. A Democrat was President. Who was President in 2004? President Bush.

We are talking about going after the firms, the businesses, that aggressively hire illegal immigrants. But maybe that was an isolated incident. Maybe it was just those two indicators that were off the charts, different than the policy that the Republicans talk about.

Keep going. Let's look at the Bush administration's record on pursuing immigration fraud cases. In 1995, under President Clinton's administration, 6,455 immigration fraud cases were prosecuted. In 2003, under President Bush, 1,389 cases were prosecuted.

At the end of the day, I think the American people will want to examine the facts, and not just listen to the words.

Mr. RYAN of Ohio. Madam Speaker, I think that is the perfect example. Those are facts. We did not make it up. Those are facts on how the Clinton administration versus the Bush administration handled illegal immigration.

But look, if you are just the average Joe and you are sitting in the cheap seats watching politics in America, that is not all you see, is the failure to address the illegal immigration problem.

You have watched over the past 5 years, Katrina, in which our FEMA, the Republican appointed members of the emergency management system here in the United States of America, had five or six days, knowing that a hurricane was coming to the Gulf States, and we got the kind of response that we got go.

You look at Iraq. You look at not when the statues fell, but look afterwards, and you see it has been an utter and complete failure. Utilities and all the electricity, all at below pre-war levels. Our army right now, two-thirds of our army is not combat ready. Two-thirds. That is atrocious.

And when you look at lack of investment in alternative energies, and the median wage is down 4 percent, all of the increases in college tuition, all these things, if you are just watching this from afar and you see millionaires getting tax breaks and average Americans struggling to get ahead and falling behind every single paycheck, you have to at some point say, aren't you taking the country in the wrong direction? Aren't you taking us down the wrong road?

Real quick, Mr. DELAHUNT, whether it is domestic policy or foreign policy, you look at what is happening, and there is a severe disconnect between where the American people want to be and where the administration and President Bush's Congress is taking us.

Mr. DELAHUNT. I really found it interesting. I ran across this article today in the Washington Post, and much of what we have said is repeated here. The Iraq war didn't work and we didn't prepare for peace. The response to Hurricane Katrina was a monumental failure of government. You don't go to Congress to become the party that you have been fighting for 40 years, the spending, the finger pointing, not getting bills passed. Just shut up and get something done.

Now, that was the quotes of a candidate, but it was a Republican candidate. It was a Republican candidate. I think that tells you something about going in the wrong direction, Madam Speaker.

I find it interesting that the frustration level is so profound now that the former Speaker of the House that sat in the Chair that you, Madam Speaker, are currently occupying, summed it up like this: ''We just ought to start firing everyone.''

□ 2220

That is what he said. And yet we continue to go in the wrong direction. We continue to hear that, you know, if the Democrats would only help us. I mean, we do not even get invited to committee hearings. They don't tell us where a hearing is if it is a significant hearing, and I am referring to, specifically, I am referring specifically to the Medicare prescription drug legislation that was passed several years ago.

We couldn't find the room where they were meeting to discuss an issue of such great consequence. I mean, it is unbelievable.

Mr. RYAN of Ohio. I enjoyed watching Mr. Gingrich over the past year or so be critical. But the funny part is that this is the neoconservative agenda we are living with now. It has been implemented. There is really nowhere else to go. They have given tax cuts to the wealthy. They have appointed all of their cronies. They control the House, the Senate, the White House, the Supreme Court. They control every major branch of government, they have all of their appointees in all of the right positions through the executive branch, and it is not working. They have implemented the neoconservative foreign policy agenda.

Mr. DELAHUNT. Do you know what we have accomplished with that? We have strengthened Iran.

Mr. RYAN of Ohio. We have increased the number of terrorists.

Mr. DELAHUNT. We have increased the number of terrorists.

What I find interesting, tomorrow in this Chamber the Prime Minister of the newly elected government will be addressing the body. And this is what he has to say. He is referring to Israel's action after Hezbollah kidnapped two Israeli soldiers and began shelling northern Israel, but he is referring to Israel: ''I condemn those aggressions and call on the Arab League's foreign ministers meeting in Cairo to take quick action to stop these aggressions. We call on the world to take quick stands to stop Israeli aggression.''

No reference at all to the actions of Hezbollah. None whatsoever. And the Speaker of the House in Iraq, Madam Speaker, again the exact position that Mr. HASTERT holds in this House, uttered anti-Semitic remarks that every American would deplore and find unacceptable. May I quote what he had to say. He is referring to the terrorist acts against other Iraqis. And this is what he claimed, and I am quoting him: ''These acts are not the work of Iraqis. I am sure that he who does this is a Jew, and a son of a Jew. I can tell you about these Jewish Israelis and Zionists who are using Iraqi money and oil to frustrate the Islamic movement in Iraq. No one deserves to rule Iraq other than Islamists.''

That same speaker said this, Madam Speaker: ''The United States' occupation is butcher's work under the slogan of democracy and human rights and justice.''

And understand that there has been a bilateral military cooperation agreement signed by Iraq with Iran. What have we done? We have got over 2,500 Americans killed. Tens of thousands seriously wounded. And is this what we expect? No. It is not what we expect. It is certainly not what we deserve. And now Iran has become the hegemon in the Middle East.

Mr. MEEK of Florida. Thank you for sharing that, because that is so very, very important. It is going to be the issue of tomorrow and today. I mean, when we get into after the 12 o'clock hour.

Mr. RYAN, I think it was important, and Mr. DELAHUNT brought up some comments that the past Speaker made, the person that gave birth to the Republican ''revolution,'' the Contract on America, I mean for America, and what has happened to all of that, the broken promise to America from the Republican majority.

Ms. WASSERMAN SCHULTZ pointed out the fact that the Republican majority talked about that they are tough on immigration, but at the same time they have been in control double digit years, and now all of a sudden they notice that we have an immigration border protection problem.

And folks are burning Federal jet fuel flying down to the border for photo shots; this, that and the other that we are doing something about it. Bill Buckley, I don't need to talk about his credentials, because here in this article from Connecticut.

Mr. RYAN of Ohio. That is William F. Buckley.

Mr. MEEK of Florida. William F. Buckley. It is an article that Bush is not a true conservative when it comes down to spending. As you know, he has dethroned a number of individuals. And he is noted in this article, which was dated July 22, 2006 as the Father of Moderate Conservatism, talking about William F. Buckley.

□ 2225

He is saying, if you had a European prime minister who experienced what we have experienced, it would be expected that he would retire or resign.

This is what Buckley said about the President of the United States. He is allowed to do that because this rubberstamp Republican Congress allows him to do it.

I would like to yield to Ms. WASSERMAN SCHULTZ, and hopefully Ms. WASSERMAN SCHULTZ will yield to Mr. DELAHUNT and then yield to you, to talk about, Madam Speaker, what Newt Gingrich, the Speaker of the House of Representatives, former Speaker, is saying about this Congress.

Ms. WASSERMAN SCHULTZ, if you will indulge me, please.

Ms. WASSERMAN SCHULTZ. I would be glad to.

In fact, what is really interesting about these comments from Speaker Gingrich was that he was sitting on a panel of the American Enterprise Institute, a conservative think tank, with former Speaker Foley, the Democratic Speaker who Gingrich succeeded, and they were literally trading head nods back and forth from what one another was saying. And one of the things that Speaker Gingrich commented on was as follows:

''Congress has to think about how fundamentally wrong the current system is. When facing crises at home and abroad,'' he said, ''it's important to have an informed, independent legislative branch coming to grips with this reality, and not sitting around waiting for presidential leadership.'' And he said so much more than that. Mr. DELAHUNT, I would yield to you. And he went on, on the same day and in the same panel discussion.

Mr. DELAHUNT. Well, I think what he said in a quote that appears here, really, is the summation, if you will, of his disgust with what is occurring in the American political system. He described it as a broken system. These are his words, Newt Gingrich's words:

''The correct answer,'' Gingrich said, and he is speaking to the remedy, ''is for the American people to just start firing people.''

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, before you yield to Mr. RYAN, he actually went on and I have the rest of his comments from that point. He actually went on and suggested that Congress rediscover its power to supervise the administration. And he said, ''The failure to do effective aggressive oversight disserves the country and disserves the President.''

I mean, disserves the country and disserves the President. We are not talking about the namby pamby liberals that the Republican leadership always refers to. We are talking about the former Speaker of this House and the leader of the Republican Revolution. This is damning criticism. Damning criticism. Mr. RYAN.

Mr. RYAN of Ohio. I want to thank Mr. MEEK for the opportunity to speak on this point, which Mr. Gingrich stated back in March that they, the Republican majority, are seen by the country as being in charge of a government that can't function.

When you look at what he is talking about, and what even Mr. Gingrich stated the other day on Meet the Press, is that the institutions haven't kept up with the times. And the majority has had now 12 years to try to reform these institutions, and they have made them worse, not better. Because, in the example of FEMA where they appointed horse attorneys, equestrian attorneys to run FEMA, or all the graft and patronage that is going on in Iraq, Mr. DELAHUNT, which you know about better than us and spoke very eloquently about at 11:30 last night by yourself, all of these issues add up.

When you have higher tuition costs, the paycheck you get doesn't buy as much, when you have higher health care costs, when you are worried about your pension, when you have the auto industry collapsing before its very eyes, you have a low minimum wage that hasn't been raised since 1997, you are unable to govern, as Mr. Gingrich said.

Mr. MEEK of Florida. Mr. RYAN, Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, this is what Republicans are saying. I mean, making history in all the wrong ways.

Ms. WASSERMAN SCHULTZ and I will be back at 11:32 for the last hour here tonight. We hope that you gentlemen will be able to join us.

Mr. RYAN of Ohio. We want to congratulate our 30-something. Ms. WASSERMAN SCHULTZ here was rated ''One of the Most Beautiful People on Capitol Hill.'' And that is quite an honor. It is an honor for us to be here with you. KENDRICK and I and Mr. DELAHUNT didn't even make the list. I don't even think we were nominated. But we have all have roles to play, and unfortunately, Ms. WASSERMAN SCHULTZ covers them all. WWW.HouseDemocrats.gov/30-Something. All the charts you saw here tonight, and we could maybe get a copy of the Hill newspaper.

Mr. DELAHUNT. That should be put on the Web site. Congresswoman WASSERMAN SCHULTZ.

Mr. RYAN of Ohio. And I thank the leader and our leadership, STENY HOYER and JIM CLYBURN and JOHN LARSON for the opportunity to be here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). The Chair must remind members that remarks in debate should not include words that might be construed as vulgar or profane.

Mr. MEEK of Florida. Madam Speaker, can you clarify what is vulgar or profane? Just an inquiry of the Speaker.

The SPEAKER pro tempore. The Chair will be pleased to consult off the record on that question.

ASSURING THE FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, I ask unanimous consent to revise and extend.

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

There was no objection.

Mr. BARTLETT of Maryland. Madam Speaker, in the last year and a half I have come here to the well of the House a number of times to talk about subjects ranging from embryonic stem cells and the challenge of deriving these cells ethically so that we might hopefully enjoy the great potential medical benefits. I have come here to talk about electromagnetic pulse, a very interesting consequence of the detonation of a nuclear weapon above the atmosphere that produces a surge which is very much like a lightning strike everywhere all at once or an enormously enhanced solar storm. And I have come here I think maybe as many as 18 times in the last year and a half to talk about a problem which we as a country and we as a world face, and that is the peaking of oil. We are shortly, I believe, if we haven't already, going to reach the maximum production rate of oil in the world, and then the world will need to deal with how we substitute renewables.

But tonight I come to the floor to talk about something that could very easily become a victim, a casualty of the tyranny of the urgent. All of us are familiar with this phenomenon in our personal lives, in our professional lives; it is true for our country that very frequently the urgent pushes the important off the table. Things you have got to deal with today frequently push things off until tomorrow that you might wait until tomorrow to address.

I want to spend a few moments this evening talking about something that concerns me. We have 10 children in our family, I have 15 grandchildren and two great grandchildren, and I am concerned that I leave them a country as good and great as I found when I was born into this country in 1926.

The story that I want to spend a few moments on tonight begins with a quote from Benjamin Franklin. There are several versions of this. I have one here from the Dictionary of Quotations, requested from the Congressional Research Service. It says, ''On leaving Independence Hall at the end of the constitutional convention in 1787, Franklin was asked, 'Well, Doctor, what have we got, a republic or a monarchy?' '' Of course, they were very used to a monarchy because that is what they lived under as a colony of England.

According to Dr. James McHenry, a Maryland delegate, he replied, ''A republic, if you can keep it.''

Another version of this has the question asked by a woman who asked him as he came out of the constitutional convention, ''Mr. Franklin, what have

you given us?'' And his reply, ''A republic, Madam, if you can keep it.'' And that is what I want to talk about tonight, a republic, and if you can keep it.

So often when I hear people talk about this great country that we live in, they refer to it as a democracy. A speaker can do this after the opening exercises which very frequently may include a Pledge of Allegiance to the flag. And you come to that part of the Pledge which says ''and the republic for which it stands.'' And having just recited that, perhaps without thinking about what it means, the person will get up and talk about this great democracy that we live in and will talk about our commitment in keeping the world safe for democracy.

What is the difference between a democracy and a republic? And why, in our pledge of allegiance to the flag, does it say a republic? And why did Benjamin Franklin emphasize, ''A republic, Madam, if you can keep it''?

An example of a democracy, and I was interested to find that this was a quote from Benjamin Franklin, too. A good example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You see, in a pure democracy, the will of the majority controls; and that there are two wolves and one lamb and they cast votes on what they are going to have for dinner, it very well might be lamb.

I kind of hesitate to use the next example of a democracy because I really don't want to be misunderstood, Madam Speaker. But if you will just think about it, I think you will realize that a lynch mob is an example of a democracy, because clearly in a lynch mob the will of the majority is being expressed.

□ 2240

Are you not glad you live in a republic? What is the difference? A democracy is majority rule. What happens is what the majority wishes. In a pure democracy, there are no elected leaders. The people simply vote, and that is what happens. The laws represent the current opinion of the majority of the people.

In a republic, we have the rule of law. One example in our history that helps me understand this is an experience with Harry Truman. Take charge, Harry. You remember the characterization. The steel mills were striking and the economy was already in trouble. In those days, it mattered that the steel mills were striking. Today, much of our steel is made overseas, and it might not matter so much. Then it mattered.

Harry Truman wanted to prevent a worsening of the economy as a result of the strike of the steel mills. So he issued an executive order, and what he did was to nationalize the steel mills. What that meant was that the people who now worked for the steel mills were government employees because he had nationalized them, and as such, they could not strike. I remember that was a very popular action.

But the Supreme Court met in emergency session, and in effect what they said, by the way, I think this is just one of two times that the Courts have overridden an executive order of the President, and what the Supreme Court said was in effect was, Mr. President, no matter how popular that is, you cannot do it because it violates the Constitution.

You see, in a republic, we have the rule of law; and the law in this Republic in which we are privileged to live is fundamentally the Constitution. I have here a small copy of the Constitution. It is not a very big document; but, oh, what an important document it is.

I hear us talking about wanting a democracy in Iraq, and I keep asking myself the question, Is that really what we want in Iraq, a democracy? You see, we have three groups there, the Shiia, the Sunni and the Kurds, and the largest of these far and away are the Shiia. They were oppressed for many years under Saddam Hussein by the Sunni, and if we had a pure democracy there, surely the will of the majority would be to oppress the Sunni and maybe the Kurds as they have been oppressed for these number of years under Saddam Hussein.

I think what we really want in Iraq is a republic. We want the rule of law, which says that you cannot discriminate against any people, any ethnic group, that you cannot oppress any ethnic group.

I thought that what we wanted to do in Iraq represented a pretty steep hill to climb. There is no nation around Iraq that has anything like the government that we would like them to have. They are bordered by countries which are dictatorships. We call them royal families, but they are dictatorships. They have got lots of money, and so they can be benevolent dictators, but nevertheless, they are really dictatorships. Then they have countries that have kings, Jordan and Syria.

The only country that comes even close to the kind of government we would like them to have is Turkey, but they have a very interesting situation in Turkey. The most respected institution in Turkey is the military, and three times in the last several years the military has thrown out the government and told them to try again, that they are not doing very well.

I have a quote here from Benjamin Franklin that I thought was very interesting and relevant to Iraq. It says only a virtuous people are capable of freedom. As nations become more corrupt and vicious, and you see the attacks in Iraq, as a nation becomes more corrupt and vicious, they have more need of masters.

I went to the Web to see what it had to say about democracies versus republics, and I found this little discussion: in constitutional theory and in historical analyses, especially when considering the Founding Fathers of the United States, the word ''democracy'' refers solely to direct democracy. By that, they mean where the people directly determine what the laws will be, whilst a representative democracy where representatives of the people govern in accordance with a Constitution is referred to as a republic.

Using the term ''democracy'' to refer solely to direct democracy retains some popularity in United States conservative and libertarian circles. The original framers of the United States Constitution were notably cognizant of what they perceive as danger of majority rule and oppressing freedom of the individual.

For example, James Madison in Federalist Paper No. 10 advocates a constitutional republic over a democracy precisely to protect the individual from the majority. However, at the same time, the framers carefully created democratic institutions and major open-society reforms within the United States Constitution and the United States Bill of Rights. They kept what they believed were the best elements of democracy but mitigated by a Constitution, with protections for individual liberty, balance of power and a layered Federal structure forming what we now call a constitutional republic.

A couple of interesting observations about some of the limitations of a democracy. I have one here from Benjamin Franklin; and whether he knew it or not, he was paraphrasing Socrates because I think the earliest quote came from Socrates. Benjamin Franklin said when people find they can vote themselves money, that will herald the end of the republic. I think he really meant democracy, because if it is truly a republic, then you cannot vote yourself money. Then you could not do it. Socrates wisely observed that a democracy is doomed when its citizens can vote themselves moneys from the public Treasury.

This concerns me. When more than half of the American people benefit from big government, I think that will be a tipping point; and if you think our deficits are big now, just watch what they could be when we pass that tipping point.

The second part of his statement, if you can keep it, what were his concerns? We cannot get inside Benjamin Franklin's head to know what he was referring to, but we can only kind of surmise by putting this quote in context.

In his day, 11 years after the Declaration of Independence, and by the way it took us 11 years to write our Constitution, so let us have a little patience in Iraq, please. Eleven years after writing the Declaration of Independence, the United States of America, this new fledgling country was far away from any other major power. It had just about a decade before defeated the most important power of that day, the superpower, the colonial superpower of that day, England; and so I doubt that

Benjamin Franklin was concerned about the loss of this Republic from without. We were isolated by these oceans. We had just defeated a major world power, and so I doubt that Benjamin Franklin was concerned about a threat from without.

Today, I have little concern for a threat from without. This one person out of 22 in the world has about exactly half of all the military in all the world. We spend about as much money on the military as all the rest of the world put together, and I do not regret this because I tell you, if we do not get that right, if we do not have a military adequate to protect ourselves, nothing else that we do will matter much, will it?

□ 2250

I think that Benjamin Franklin was more concerned about a threat to this republic from within.

Just 50-odd years after this, at the beginning of our country, a young Frenchman by the name of Alex de Tocqueville spent several years visiting our country. Already this new country was the envy of the world, and Alex de Tocqueville wrote a thesis on his observation of America. His two-part book, entitled Democracy in America, is still hailed as the most penetrating analysis of the relationship of character to democracy ever written. And this is how he summed up his experience.

''In the United States, the influence of religion is not confined to the manors, but shapes the intelligence of the people. Christianity there reins without obstacle by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and in force.'' And then this great quote from Alex de Tocqueville. ''I sought for the key to the greatness and genius of America in her great harbors, her fertile fields, and boundless forests; in her rich mines and vast world commerce; in her universal public school system and institutions of learning. I sought for it in her Democratic Congress and in her matchless constitution. But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America,'' he said, ''is great because America is good. And if America ever ceases to be good, America will cease to be great.''

Have you ever asked yourself the question, Madam Speaker, of why we are so fortunate? This one person out of 22 in the world has a fourth of all the good things in the world. How did we get here? We are no longer the hardest working people in the world. That was a characteristic that helped make us great. We no longer have the most respect for technical education in the world. The Chinese this year will graduate more English speaking engineers than we graduate, and a big percent of our graduating engineers will be Chinese students. We no longer have the best work ethic in the world. We no longer have the most respect for the nuclear family. Why are we so fortunate?

I think, Mr. Speaker, for two reasons, and I want to spend just a couple of moments talking about these, because I think that if we aren't careful, we could be at risk of losing what our forefathers bequeathed us and Benjamin Franklin's concern ''if you can keep it'' may be realized.

I think one of the reasons that we are such a fortunate people is because our Founding Fathers believed that God sat with them at the table when they deliberated and wrote the Constitution. I think that they believed that God guided them in what they did.

You wouldn't believe from our history books today, which have been bled dry of any reference to our Christian heritage, that our early Congress purchased 20,000 copies of the bible to distribute to its new citizens. You wouldn't believe that for 100 years this Congress voted money for missionaries to the American Indians.

President Adams made an interesting observation, which I will just paraphrase. He said that our Constitution was written for a religious people; that it would serve the purposes of no other. He was the President of the American Bible Society, as was his son, John Quincy Adams, who noted in his later years that of those two presidencies, the Presidency of the United States and the Presidency of the American Bible Society, that he valued more the Presidency of the American Bible Society.

I don't know if you noted, Mr. Speaker, but in the Declaration of Independence, God is mentioned four or five times, depending upon how you relate these statements. That is of considerable interest to me, because we are now considering whether or not the Supreme Court would look at if it is okay to say ''under God'' in the Pledge of Allegiance to the flag. Let me read these references in our Declaration of Independence to God.

It says, ''the separate and equal station to which the laws of nature and of nature's God entitled them.'' And then in the next paragraph, it says, ''we hold these truths,'' and all of us, Mr. Speaker, know these words. We repeat them so often. ''We hold these truths to be self-evident; that all men are created equal.'' Now, if you are created, there is a God somewhere, isn't there? That ''all men are created equal and they are endowed by their creator with certain unalienable rights.''

Mr. Speaker, never state or assume that the rights that you have come from your government. These rights come from God, and it is the responsibility of your government to make sure that they are not taken away from you.

And then I look further through the Declaration of Independence, and there is this one phrase here that when you read this, you just have to smile. You wonder what was in the minds of our Founding Fathers. I have no idea what King George had done that required them to write this complaint, but, you know, it is prophetic. I think there is no better way to describe our regulatory agencies. And they used such poetic language then. What they said was, ''he has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance.'' I smiled when I read that, and I thought what better definition could we have of our regulatory agencies.

And then near the end of the Declaration of Independence, in the last paragraph, ''we therefore, the representatives of the United States of America in general Congress assembled, appealing to the supreme judge of the world.'' That has to be God, doesn't it? And then in the last sentence of this last paragraph, it says, ''and for the support of this declaration, with a firm reliance on the protection of divine providence.'' Another reference to God.

So five times in the Declaration of Independence our Founding Fathers referenced God. He was important in their life. They wanted him to be important in their country.

And I don't know if you knew it, Mr. Speaker, or not, because we seldom sing that far, but I have here the Star-Spangled Banner, written by Francis Scott Key. I pass his grave several times a week. It is in Frederick, Maryland. Let me read the third stanza of this. We seldom sing that, and I doubt that one American in fifty could recite it for you.

''And where is that band who so vauntingly swore that the havoc of war and the battle's confusion, a home and a country should leave us no more? Their blood has washed out their foul footsteps' pollution. No refuge could save the hireling and slave from the terror of flight or the gloom of the grave: And the Star-Spangled Banner in triumph doth wave o'er the land of the free and the home of the brave.''

And then this last verse: ''O thus be it ever when free-men shall stand between their loved home and the war's desolation; blest with victory and peace, may the heaven-rescued land praise the power that hath made and preserved us a nation! Then conquer we must, when our cause it is just, and this be our motto: In God is our trust! And the Star-Spangled Banner in triumph shall wave o'er the land of the free and the home of the brave.''

I wonder, Mr. Speaker, if our courts might somehow declare the Star-Spangled Banner and the Declaration of Independence unconstitutional because they mention God?

□ 2300

Now I have a wonderful quote here from Benjamin Franklin. The time was June 28, 1787. Benjamin Franklin was 81 years old, Governor of Pennsylvania, and probably the most honored member of the Constitutional Convention. The convention was deadlocked over

several key issues of State and Federal rights when Franklin rose and reminded them of the Continental Congress in 1776 that shaped the Declaration of Independence.

By the way, one of the issues that divided them and almost prevented us from having a Constitution was the concern that they somehow draft a Constitution that would assure that the large States could not trample on the rights of the smaller States. And this is what he said:

''In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle,'' and it was the struggle for independence, ''must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine that we no longer need His assistance?''

And then this part of the quote which I really love:

''I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men.

''If a sparrow cannot fall to the ground without His notice, it is probable that a new Nation cannot rise without His aid. We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that build it.''

And then a request that set a precedent that we honor to this day. This very day in this Congress we follow the tradition that Benjamin Franklin started with this request:

''I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business.''

Mr. Speaker, I often reflect on the fact that the only place in our great country that you cannot pray is in our schools. And I wonder what our Founding Fathers would say about that. So I think that one of the reasons that we are such a blessed country, a blessed people, is because our Founding Fathers believed that God sat with them at the table, that He guided their efforts, and I think we put at risk this privileged position that we have in the world if we deny that heritage. And I am concerned as the Ten Commandments come down from the courthouse walls and the nativity scenes disappear from the public square and the Supreme Court is going to take a look at whether it is okay to say ''under God'' in the Pledge of Allegiance to the flag.

A second reason that I think that we are a great, free country is because of the enormous respect that our Constitution shows for the civil liberties of our people. The ink was hardly dry on the Constitution before our Founding Fathers were concerned that it might not be clear that their intent was to have a very limited central government; that essentially most of the rights, most of the power should stay with the people. And so they wrote the first 10 amendments, which we know as the Bill of Rights. They started as 12 in that process of two-thirds vote of the House and two-thirds vote of the Senate and ratification by three-fourths of the State legislatures; and 10 of those 12 made it through, and we know them as the Bill of Rights.

And, Mr. Speaker, as you go down through those Bill of Rights, you will see that time after time it talks about the rights of the people.

And, by the way, that first amendment, so simple the establishment clause of the first amendment that it really is quite a marvel how it is misinterpreted. You see, our Founding Fathers came here to escape two tyrannies. One was the tyranny of the Church and the other was the tyranny of the Crown. In England there was a state church. It was the Episcopal Church. And in most of the countries on the continent of Europe, there was a state church. It was the Roman Church. And those churches were empowered by the state, and they could, and did, oppress other religions.

I have such great respect for our Founding Fathers because when they came here, they did a perfectly human thing. In Old Virginia Roman Catholics could not vote. But when it came time to write these first amendments to the Constitution, they finally had figured it out that that was not what they came here for. They came here to establish a country that provided freedom to worship as you chose. So they wrote a very simple establishment clause, and it meant just what it says: ''Congress shall make no law respecting an establishment of religion.'' Please do not establish a religion. And, furthermore, do not prohibit the free exercise thereof, or prohibiting the free exercise thereof. That is all it means.

Mr. Speaker, our Founding Fathers would be astounded if they could be resurrected and see that we had interpreted this very clear language as requiring freedom from religion. You see, they meant it to assure freedom of religion, and there is a big difference.

I mentioned that they came here to escape two tyrannies. The second was the tyranny of the Crown. And I know my liberal friends do not like to reflect on it and they really abbreviate the second amendment, which, they say, reads the right of the people to keep and bear arms shall not be infringed. That is in the second amendment, but that is not the second amendment.

The second amendment, you see, deals with their concerns that never ever would a small oligarchy in the seat of government be able to take over and oppress the people. So this is what they said: ''A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.''

I asked them, Mr. Speaker, what do you think that means? You know, they do not want to think what that means, so they change the subject. But in most of these first 10 amendments there is explicitly stated or implicitly stated the rights of the people: the right of the people peaceably to assemble; the right of the people to keep and bear arms. And over and over it is talking about the right of the people.

Notice, Mr. Speaker, that this does not say ''citizen.'' I am not always pleased with the decisions of our courts, but I really believe that this Republic we live in is so essential to who we are and our favored status in the world that words do matter. And when the Court says that illegal aliens are people, they are protected by the Constitution, Mr. Speaker, maybe we need to amend the Constitution to say when you read ''people'' in the Constitution, please read that as ''citizen.'' But that is not what it said. And I am very concerned that we do not rationalize away the clear wording of the Constitution. I think the enormous respect that we have for the rights of the individual, for the civil liberties of individuals, has established a milieu, a climate, in which creativity and entrepreneurship can flourish.

□ 2310

I think that is one of the reasons that we are such a privileged people. And I think, Mr. Speaker, that if we permit any erosion of these rights given to us by God and guaranteed to us by our Constitution, that we put at risk the favored status that we have in the world.

I am concerned, Mr. Speaker, that it may already be happening. I think that Benjamin Franklin may have had a concern when he said if you can keep it, that we might just ignore the Constitution. And I think with all of the best intentions that we are walking that path. We are doing that today.

I want to talk about three things that we spend a lot of time on here and we spend a lot of money on in our country. I am not saying, Mr. Speaker, that we shouldn't be doing these things. What I am saying is that if we want to do them, we need to amend the Constitution, because I don't think there is any basis in the Constitution for our involvement in these three things.

First, let me note how we rationalize that it is okay to do these three things. First let me mention what they are, because that will relate to the rationalization.

The first of these is philanthropy. I have a very interesting quote from Davy Crockett on philanthropy. A second of them is health care. A third one is education.

How do we rationalize that it is okay for us to be involved in this? Well, they go to the preamble to the Constitution. They read ''We the People of the

United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare.''

There it is. They say ''welfare,'' so we now can be involved in philanthropy because it is there in the preamble to the Constitution.

I would note, Mr. Speaker, if they read on and came to Article I, Section 8, which defines the responsibilities of the Congress, that they would note that it says there ''provide for the common defense and general welfare of the United States.''

They are talking about the corporate welfare, not welfare as we use it today instead of philanthropy.

The second justification they use is the commerce clause, ''to regulate commerce with foreign nations and among the several states and with the Indian Tribes.'' So they rationalize that if it crosses a State line, we can have control.

Now, I would submit, Mr. Speaker, that if that was the intent of the Founding Fathers, they never, ever, would have written the Ninth and Tenth Amendments. The Tenth Amendment, by the way, is the most violated amendment in the Constitution. The Ninth Amendment, this was written in old English and kind of legalese. ''The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.''

What does that say in everyday English? What it says is that just because the Constitution doesn't identify a right as belonging to the people, unless it specifically is given to government, it belongs to the people.

Then the Tenth Amendment, this is a really interesting amendment. ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

In common, everyday English, what this says is if you can't find it in Article 8, the Federal Government can't do it, because Section 8 of this Article enumerates the powers of the Congress. I will read those in just a moment.

I had a very interesting experience here in this very spot probably 12, 13 years ago when I first came to the Congress. I was given 3½ minutes of debate time. That is a long time, as those many viewers who watch C–SPAN recognize. We were voting on something that I thought was unconstitutional.

So I took my Constitution and I turned to Article I, Section 8. That is just the words between my two thumbs here, by the way, it is less than 2 pages in this small document, and I went through it summarizing each of the articles there. The Congress has power to lay and collect tax. Boy, we know how to do that. To borrow money. We are doing that big time. To regulate commerce, to establish a uniform rule of naturalization. It goes on.

Then I finished my debate and I turned to walk up that center aisle, and the recording clerk, who is recording everything we say here tonight and was then, came walking up the aisle after me and tapped me on the shoulder and asked me, ''What was that you were reading from?'' They take down what we read, but they like to have a written copy if they can.

I thought that that was very interesting. The recording clerk, who sits here day after day listening to Members of Congress, heard the Constitution so infrequently that when it was read, the recording clerk didn't know it was the Constitution.

When asked that question, I said, ''Oh, it is the Constitution.'' And the clerk said, ''Can I see it?'' And so I had it open like this. ''Can I copy it?'' They took it and copied it on the copy machine. I would suggest, Mr. Speaker, that this reflects a trend that we somehow need to deal with.

What have we come to? Much of what we do here, as I said before, I don't find any basis in the Constitution for. I am not saying we shouldn't do it. All I am saying, Mr. Speaker, is I have a big concern that when we simply ignore or rationalize the Constitution so that we can do something that is not specifically permitted by the Constitution, I wonder tomorrow how we might be rationalizing away these great civil liberties, these great rights given to us by God and protected by our Constitution.

Health care. By the way, we don't really have a very good health care system in our country. We have a really good sick care system. If you think about it, you really don't get involved in that system until you are sick. Maybe, Mr. Speaker, if we had a better health care system, we would be spending less money on our sick care system.

Also education. In a moment I am going to read this in the Constitution. It is very short. I want you to stop me, Mr. Speaker, when I come to that part in Article I, Section 8, that says it is okay for us to be involved in health care, that it is okay for us to be involved in education, that it is okay for us to be involved in philanthropy.

By the way, I have never met anybody who had a good, warm feeling on April 15 because so much of their tax money goes to philanthropy. I think that is a great tragedy. The Bible says it is more blessed to give than to receive, and yet I find no one who has a good, warm feeling on April 15 because so much of the tax money that is taken from them is used in philanthropy. What a shame, that the government has usurped the role of philanthropist and our people are denied that experience.

I had a really interesting experience in our church. Our kids don't go out trick-or-treating, so they went out before Halloween and left bags at the homes and said, ''We will come back on Halloween. If you put some food in there, we will make up some food baskets for Thanksgiving.'' So they did that, and with the ladies in the church, they made up food baskets.

Then they called the welfare people and said, ''We need some needy families that we can take these food baskets to.'' The welfare people were indignant. ''What do you mean, needy families? Families that need food? What do you think we are here for?'' And I thought, what a tragedy that government unconstitutionally, I believe, has usurped the role of philanthropist.

□ 2320

The Government unconstitutionally, I believe, has usurped the role of philanthropists. I have here a very interesting experience from Davy Crockett, who was a Congressman. And if you will do a web search for just Davy Crockett and farmer, it will come up. Because it is a very interesting story.

I was one day in the lobby of the House of Representatives when a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. It seemed to be that everybody favored it. The Speaker was just about to put the question when Crockett arose.

Everybody expected, of course, that he was going to make a speech in support of the bill. And this is what he said: ''Mr. Speaker, I have as much respect for the memory of the deceased and as much sympathy for the suffering to the living, if suffering there be, as any man in this House. But we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into argument to prove that Congress has no power under the Constitution to appropriate this money as an act of charity. Every Member upon this floor knows it.

We have the right as individuals to give away as much of our own money as we please in charity, but as Members of Congress, we have no right to appropriate a dollar of the public money.

Now, how did Davy Crockett get to that position? This is a very interesting story. You will find it fascinating reading. We do not have time this evening to go into it. But Davy Crockett, before this, was out campaigning. Before that campaign ride on his horse there was a fire that they could see from the steps of the Capitol in Georgetown. And they went there and several wooden buildings in those days were burning.

Davy Crockett and other Members of Congress worked very hard to put out the fire. And when the fire was finally out, there were a number of people who were homeless. And among them were women and children. And, of course, their heart went out to these women and children.

So the next morning in the Congress here, the primary item of business was

doing something about those poor people who were victims of the fire. And so they voted $20,000 for these victims of the fire. And that done, they went onto other business and Davy Crockett forgot about it.

Then about a year later, he was out campaigning. And it was mostly rural then. And he was on his horse. There was a farmer with his team who was plowing. So Davy Crockett times his horse so that he gets to the farmer just as he comes to the end of the row.

He speaks to the farmer. And the farmer is very cold. And finally he tells him, he says, ''Yeah, I know who you are, you are Davy Crockett. I voted for you last time you ran, but I cannot vote for you again.''

And then he made a very interesting statement. He said, ''I suppose you are out electioneering now. But you had better not waste your time or mine, I shall not vote for you again.''

Davy Crockett said, ''this was a sockdolager'', I don't know what a sockdolager is, but that is what he said. And this is what the man said: ''You gave a vote last winter which shows that either you have no capacity to understand the Constitution or that you are wanting the honesty and firmness to be guided by it. In either case you are not the man to represent me.''

Well, Davy Crockett was finally convinced that he had not understood the Constitution. He asked the man, gee, I really would like to apologize. I would like to explain to the people that I am now a new man, I understand the Constitution.

He said, if you will get a few people together and have a barbecue, I will pay for it. He said, well, we won't need you to pay for it. But if you come a week from this coming Saturday, we will have a barbecue. And Davy Crockett came and there were 1,000 people there that he spoke to and apologized for his vote in the Congress.

Now, I want to read from the Constitution. And I want you to stop me, it will not take very long to read. I want you to stop me, Madam Speaker, when I come to that part that says that it is okay for us to be involved in education, in philanthropy, and in health care.

The Congress shall have power to lay and collect taxes, duties, imports and excises, to pay the debts, to provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States; to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes; to establish a uniform Rule of Naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and fix the Standard of Weights and Measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish Post Offices and post roads; to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute Tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the laws of Nations.

I will not read the rest of this, because I tell you all of the rest of the Constitution deals with just two things, and read it to affirm that this is correct.

All of this part deals with the Congress and its responsibility for the military. We declare war. This is not the King's army. We declare war. Raise and support armies and so forth.

Then the last couple of paragraphs here deal with the District of Columbia, and then to make all of the laws necessary to enforce the above. Now, where, Madam Speaker, was there any reference to our right to be involved in these three things? I am not saying that we should not be doing these things, I am simply saying that if we are going to do them, I am very concerned that we should not do them by ignoring the Constitution.

If they are good and proper things to do, we should have amended the Constitution. We have done it 27 times. I do not mind doing it again. But I really mind ignoring the Constitution. Because let me tell you why, we are engaged now in a war. I have no idea when the war will end.

Civil liberties are always a casualty of war. Abraham Lincoln, my favorite President, suspended habeas corpus. And during World War II, we interred the Japanese Americans. My friend, Norm Minetta, with whom I served in this House, Secretary of Transportation, several years younger than I. He says, ''Roscoe, I remember holding my parents hand as they led us into that concentration camp in Idaho.''

That war is over. And we are now a bit embarrassed that we did that. The civil war is over. And we got back habeas corpus. But I am concerned that we not permit this war to result in an erosion of our civil liberties. I do not know when the war will end.

I have a great quote here. It is probably not from Julius Caesar, because it did not appear in print, as far as we know, until what, 01. It probably was not passed down by word of mouth until that time. But this ascribed to Julius Caesar.

I think it so reflects this inherent reaction of people to a war situation. ''Beware of the leader who bangs the drums of war in order to whip the citizenry into a patriotic fervor. For patriotism is indeed a double-edged sword, it both emboldens the blood just as it narrows the mind. And when the drums of war have reached a fever pitch, and the blood boils with hate, and the mind is closed, the leader will have no need in seizing the rights of the citizenry, rather the citizenry, infused with fear and blinded by patriotism will offer up all of their rights unto the leader, and gladly so. How do I know? For this is what I have done, and I am Julius Caesar.''

That is probably not Julius Caesar. But it does, I think, reflect a common tendency on the part of people.

Benjamin Franklin, I do not know if he was the first to say it, ''if you will up your freedom to get security, at the end of the day you will neither have freedom nor security, or you will deserve neither freedom nor security.''

□ 2330

We are now at war. When will this war end? I want to make very sure that I bequeath to my kids and my grandkids more than an ever increasing debt, more than an energy deficient world. I want this great free country to be bequeathed to them just as I got it from my fathers.

This was a great new experiment. We weren't certain it was going to succeed. I am reading here from the Gettysburg Address, and Abraham Lincoln recognized this as an experiment which might not succeed. I don't know if you have thought about that in this Gettysburg Address.

Four score and seven years ago our fathers brought forth on this continent, a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Not so in England and Europe, was the divine right of kings.

Now we are engaged in a great civil war, testing whether this Nation, or any nation so conceived and so dedicated, can long endure.

And then he ended that Gettysburg Address with almost a prayer, that this Nation, under God, shall have a new birth of freedom, and that that government of the people, by the people, and for the people shall not perish from the earth.

This has been a great experiment. We are the most blessed people on the planet. It has been said by a number of people that the price of freedom is eternal vigilance.

What will our children inherit? Unfortunately, we are going to bequeath to them an enormous debt, the largest intergenerational debt transfer in the history of the world. We are going to bequeath to them a world with deficient energy to run a society as we run ours. Will we also bequeath to them a Constitution gutted by apathy where the civil liberties of our people are at risk?

Mr. Speaker, the world needs the United States and for the United States to be the great free powerful country that it is. I believe that we need to be very vigilant in protecting these great civil liberties given to us by our Creator and guaranteed to us by our Constitution.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order

of the House, the Chair recognizes the gentleman from Florida (Mr. MEEK) for the time remaining before midnight.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House again tonight, and I can tell you that we in the 30-something Working Group come to the floor to share not only with Members of Congress, Mr. Speaker, but also the American people about the plans that we have for the country.

As you know, we have been sharing with the Members our concern of this side the aisle the Republican majority and rubber stamping the Republican President and all of his ideas and original thoughts that have put this country in an unprecedented financial situation that we have never been in before, especially as relates to the borrowing that has been going on from foreign countries within the last four years and continue to happen even now.

Mr. Speaker, as you know on this side of the aisle we talk about taking America in a new direction, a new direction in making sure that American workers make a liveable wage and definitely a minimum wage, raising the minimum wage to $7.25 an hour from what it is now. The Republican majority has not done so since 1997.

We also talk about energy innovation, making sure that we invest in the Midwest versus the Middle East as relates to E–85, alternative fuels, and other technology that can assist us in working with Detroit and other motor companies here in the United States and making more fuel efficient cars. That will happen. That is our plan on HouseDemocrats.gov.

Also, we talk about making sure that folks can retire with dignity, protecting Social Security, and making sure that we don't privatize Social Security. If left up to the White House, that will happen. Thanks to many of the Members here on this floor that are on the Democratic side of the aisle that we have fought time after time again in some 600 to 500-plus town hall meetings around the country, helped turn the tide on that issue because the Republican majority was all set, cocked, and ready to privatize Social Security.

Another initiative there is to make sure that veterans are honored in the way they should be honored. We have made a full commitment that those that have served this country will no longer need to reap the benefits of a broken promise to them, to make sure that we fulfill that. I think, also, for us to talk about the issue of access to college. We have said that we are going to cut student loans price cost in half and also roll back the interest rate, and make sure that we have tax breaks for those that wish to go to college and pay for their college. And, also, make sure, Mr. Speaker, that we implement the real security, Homeland Security here and overseas. We have our plan here. This is just a small pamphlet here that talks about the real security plan. We have put forth this plan and legislation here on the Democratic side of the aisle. Unfortunately, none of those bills have surfaced to the floor or many of them are stuck in subcommittees and not heard in committees and not worked in a bipartisan way. And we have committed to the American people that we will continue, we will promote bipartisanship versus not working in a bipartisan way as the Republican majority has decided to do so.

I talked about energy efficiency and HouseDemocrats.gov right here energizing America. Talked about innovation. We want to make sure that we have the scientists, we have the school teachers that can teach the next generation, making sure that we carry out broadband opportunities throughout the country not just in certain parts of the country, but to make sure we have that in here. We want to educate 100,000 new scientists and engineers within the period of 4 years, and provide scholarships to students that qualify to work in those fields of innovation, making sure that we have highly qualified teachers in every math and science 12th grade classroom by offering tuition assistance to talented undergraduate students, and also paying competitive salaries to make sure that teachers will go into the profession and won't have to make a sacrifice beyond their means.

I think it is important, Mr. Speaker, that we point these things out. We were in the majority; and if we have the opportunity to do so after November going into January, those are things that we will implement immediately, that we would make sure, and other initiatives.

One other, Mr. RYAN, before I yield to you, is the issue of making sure that we work towards balancing the budget. The Republican majority talks about cutting it in half. We are the only party here in this Chamber that has actually balanced the budget and know how to do it. Pay as you go is how you do it, not borrowing, Mr. RYAN and Mr. Speaker, from foreign nations at the record number that the Republican majority has done. We have said we will do away with the rubber stamp, Mr. RYAN. No longer will the White House have their original thoughts pass through this Congress without any question, without any oversight, without any major questions, and very little change. Energy companies will not be able to come here and use the power of this House, either be Democrat or Republican. When we are in the majority, they will not use it to their benefit, we will use it to the American people's benefit.

Mr. RYAN of Ohio. I think it is important what you said. These aren't unreachable goals for us. These are goals that are achievable, and they are very achievable in the early days. Many of these advances we could make within the first 100 hours, Mr. MEEK, within the first 100 hours. Within the first 3 or 4 days that we are here, the American people are going to know by the legislation that we pass out of this House next January that there is a new America, and we are going to go in a new and a different direction.

And all we have to do, Mr. Speaker, is just think about what will happen in those first 100 hours. We pass an increase in the minimum wage to $7.25. How many lives will that affect around this country? Six or 7 million directly, and then millions of others as the bottom gets bumped so the middle income people will get bumped as well.

Cutting student loans. If you have a student loan right now and your rate is 6 or 7 percent, parents and students, loans interest rate will be cut in half within the first 100 days here. That is $12 billion. So many people may be saying, well, are you going to get the money? We are going to not give the oil industry $12 billion in corporate welfare. The American people have a choice to make. Okay? They can reaffirm that legislation, they can reaffirm that position that the Republican Congress implemented over the last year or two and that President Bush affirmed by signing the bill into law and Vice President CHENEY kicked off with his secret meeting that he had years ago where we were complaining and saying, well, the oil industry was in there writing the legislation. And everyone said, well, the Democrats, you know, they were in there writing the legislation and now we have $3 gas prices. Okay?

So these small steps, and as you said so articulately at the wee hours or almost the wee hours of the morning about balancing the budget. We implemented what was called pay-go years ago, which means the government can't spend any money that it doesn't have. It can't go out and borrow it. You have to cut it from a program in order to get it, like we will do with our education. We are going to reimplement those rules so that we have a system in place that will restrain the runaway spending.

□ 2340

Now, you have many conservatives like William F. Buckley saying that this President is not a conservative because of the spending, the borrowing that has been going on from this Congress, on and on and on and on. We can take care of these problems very simply.

Now, I am not saying that the structural problems are not going to be more difficult. Getting to a balanced budget after the Republicans have bumped the debt ceiling five times and are going to allow the United States Government to borrow more money from foreign governments than any President prior to President Bush put together, that is going to be a difficult thing to overcome, and that is going to take time. Reforming the government when Republicans have put in all their cronies that operate like they operated FEMA, it is not that they are bad people, but it is that power corrupts, Mr.

Speaker, and absolute power corrupts absolutely.

The institution is corrupted because there has been no change, and we when you see Newt Gingrich, the man who gave birth to the Republican revolution, be the most critical of what is going on here, it is not the Democrats saying it only. It is William F. Buckley, it is Pat Toomey, it is Newt Gingrich, it is Dick Armey.

Ms. WASSERMAN SCHULTZ. It is Charles Barkley.

Mr. RYAN of Ohio. It is Charles Barkley. For God's sake, if you do not believe it, Mr. Speaker, that Newt Gingrich criticism does not hold water, Charles Barkley's should.

Mr. MEEK of Florida. Let me just say this very quickly before I yield to Ms. WASSERMAN SCHULTZ here.

A Washington Post editorial on Tuesday, July 25, which is today, A14, this is an editorial, Mr. Speaker, and I am just going to read the first paragraph, maybe some of the second.

Do large corporations need another tax break? The House of Representatives seems to think so. It plans this week to take up a measure defining when States can tax companies doing business in their State and make it easier for companies to avoid paying State taxes. The Congressional Budget Office estimates that the Business Activity Tax Simplification Act would drain $1 billion from State government treasuries during the first year in effect and $3 billion a year by 2011 as corporations continue to take advantage of this situation.

Now, it just goes on. The National Governors Association is just totally outraged by this, and they are saying a Federal corporate tax cut using State dollars, that is what they are calling this, this is the editorial today in the Washington Post.

I think it is important that we point out who the Republican majority is fighting on behalf of. We have State governments now that are in deficits have to figure out how they can make up. Mr. RYAN used to be a State senator. Ms. WASSERMAN SCHULTZ used to be a State Senator and State representative in the Florida legislature. I used to be a State senator and State representative in the Florida legislature. I think it is important for us to look at the States and look at what they have to do.

We are both Fleming fellows, and when we were taking that fellowship program at the Center for Policy Alternatives in Washington, D.C., for State legislatures, it talked about the devolution of taxation, putting tax cuts here, putting it on the backs of the States. We can take out a credit card and we can borrow from foreign Nations; that is this Republican rubber stamp Congress has been doing, but in the States, Mr. Speaker, they have to balance their budget. And so when they balance the budget, what do they do? Raise tuition costs. They cut dollars going to local governments, and local governments then have to put a penny here and a penny there, and a million here and a million there on property taxes to be able to make it up.

Meanwhile, we have got Members here in Congress, because special interests knocked on their door and said, hey, can you help us get more money, more subsidies that you have already given us, while we are at it, let us do all we can, do not worry about it, the folks back home will pay for it, that is why it is important, 11:30 at night we are back and we are making sure we share with the Members and the American people.

I just wanted to read this because we are all creatures of State government and State service, and we know how those legislatures feel. This is the National Governors Association. So these are not Democratic governors only, not Republican governors only, not Independent governors only.

Ms. WASSERMAN SCHULTZ. I am so glad that you highlighted that because the fiscal irresponsibility is startling, and so often it is difficult for us to quantify or physically represent what the impact is of the fiscally irresponsible decisions that are going on here, and we are not just making this stuff up ourselves.

Mr. MEEK is absolutely right. The three of us were State legislators. We worked every day to balance our State budgets. States cannot operate in the red like the Federal Government can. The Federal Government can deficit spend. That is not possible at the State level. So, when we pass down a tax cut, it means that there is less revenue available at the State level in the programs that they are counting on those Federal dollars to fund, and so they have the devolution of the tax cuts.

Look, it is so often the Republicans talk about how they make these references to tax-and-spend liberals. Well, not only as you have talked about are they borrow-and-spend Republicans, but they also have refused to acknowledge that tax cuts are another form of spending. I mean, they are adopting irresponsible tax cuts for the wealthiest few. It would be one thing if they were passing tax cuts on to middle class working families. They are passing tax cuts that add to the deficit for the wealthiest few.

Let us just go over some opinions and some reality that is being offered out there as far as what third party validators have to say about their irresponsible spending.

Here is a USA Today editorial from February 21, 2006, of this year. The title of it is, ''Who's spending big now? The party of small government,'' and USA Today said, ''Tax cuts, they say, force hard decisions and restrain reckless spending. The last time we looked, though, Republicans controlled both Congress and the White House. They are the spenders. In fact, since they took control in 2001, they have increased spending by an average of nearly 7.5 percent a year, more than double the rate in the last 5 years of Clinton-era budgets.''

Now, what kind of an impact are we talking about on real people? The tax cut reconciliation package that we passed out of this Chamber a couple of months ago, let us see who that helps because one would think that the purpose of a tax cut is to just give tax dollars back to the average person.

Does the tax cut bill do that? Well, let us take a look at the evidence because the average amount that an American would get back, based on income from the 2006 tax cut bill passed by the Republicans, looks like this. If you make between $10,000 and $20,000 a year, you get enough back from that tax cut bill to buy a Slurpee. If you make between $40,000 and let us say $50,000 a year, you get enough back just about, because it is continuing to increase, to buy a gallon of gas, not a tank, mind you, a gallon of gas, which is about three bucks. And if you make more than $1 million, you did okay in the tax cut bill. You get enough to buy a Hummer.

There is a slight discrepancy here. It is really pretty startling. Now, when we are talking about the billions, with a B, that the tax cut bill cost, again, it is hard to illustrate for folks what the kind of numbers and immensity, enormity of what we deal with here every day really means. So how much is a billion just so people can wrap their minds around it?

Well, a billion hours ago, humans were making their first tools in the Stone Age. To quantify it further, a billion seconds ago, it was 1975 and the last American troops had pulled out of Vietnam. A billion minutes ago, it was 104 A.D., and the Chinese had first invented paper. But under the Republicans, $1 billion ago was only 3 hours and 32 minutes at the rate that the government spends money under this Republican leadership.

That is just to help people understand what is really going on here, who is for fiscal responsibility and who is just a lot of talk.

Mr. RYAN of Ohio. And who has a record of it.

Ms. WASSERMAN SCHULTZ. And who has a record of it.

Mr. RYAN of Ohio. We do not really have to look that far to the 1993 operation that we had here and the Democrats who obviously were not perfect, but we knew how to balance budgets. We knew how to implement the PAYGO rules so that we were not borrowing money.

We actually were going to pay down the debt and begin generating surpluses in the United States of America. Can you imagine now, since the Republicans have raised the debt limit five times, harking back to a day when we actually had surplus money and we were on track to actually pay off the national debt in the United States of America? Actually pay it off?

□ 2350

That is what we need to get back to. And it is not that difficult if you are

disciplined and you are willing to say no.

This is like giving candy to a baby, and then the baby wants more candy, and they keep giving it to them. That is the oil industry. That is the top 1 percent. And really, quite frankly, I am even starting to meet people in my district who are in the top 1 percent who are saying I don't want any more tax cuts. I am doing fine. I have a Hummer, I have this, I have a nice house, I have Italian marble flown in, I am doing okay. But kids 2 miles away, on the other side of town, aren't doing well. Their parents are trying to work for minimum wage, a single mom with one child is living in poverty with that kid by working a minimum wage job. It is unacceptable.

And when you run these huge budget deficits and you raise the debt, and this is the interest we are paying in the 2007 budget, $230 billion, just on the interest on the debt. We get no value from that. That is not lowering tuition costs, where people would benefit, get educated, contribute to the economy and generate wealth. That is not taking care of our veterans. That is not investing in health care or research or alternative energy sources. There is no value from that. And that is the disappointing part, is that we are not getting any kind of benefit from that money.

In fact, as Mr. MEEK pointed out in the last hour, that money is going to Japan and China to pay down the money that we are borrowing, and paying interest on the money we are borrowing from them. So here we are, and this is just silly, we are borrowing money from China to give tax cuts to the wealthiest 1 percent, who don't need it, and to give $16 billion in subsidies to the oil companies, to give huge subsidies to the health care industry, and then the money that we borrow, China will charge interest on it, and then take the money they make off us and invest it back into their state-run factories because China is a Communist country.

That is not a level playing field, to begin with, because China manipulates their currency, as we talked about yesterday. They do not enforce their intellectual property laws. They have no environmental laws. They have no human rights, no religious freedoms, none of the things we value. So they are taking this money and wiping out the middle class of the United States. That is not free trade. That is not fair trade. It is an unbalanced system.

And we just keep feeding the beast: Right here. How much more do you want? How much more interest do you want?

Be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, referring back to the chart, we are talking about $230 billion on the debt. And I am looking at education there on that chart, and you can stack three of those charts, the education dollars investment beside the debt and you still won't make it to the 230.

You have the homeland security folks running around here talking about we have to protect the homeland on the majority side, as though, Mr. Speaker, that just became a problem. Folks burning all kind of Federal jet fuel running down to the border talking about how we are going to get tough. Sending National Guard troops from throughout the States when we already have an overextended military and saying we would like to do more in homeland security. But as it relates to the Republican majority plan, the investment dollars are not there.

Look at veterans, the blue over here, Ms. WASSERMAN SCHULTZ, which is quite interesting. Goodness, what we are paying down on the debt because of the Republican out-of-control spending on the majority side, the rubber stamp Congress, doing everything the President says to do for the billionaires and millionaires and all of the people that Mr. RYAN pointed out, who are not outside rallying in front of the Capitol saying we need more money, doing what I just pointed out here in The Washington Post editorial just today, just stacking on top, piling on, putting more cream, and whip cream, and whipping it on up and throwing eight or nine cherries on top of this eight-floor cake they are giving to the special interests. Looking at what the veterans are getting. Nothing. Little or no investment. Well under $50 billion.

I am looking at this chart, and it is well under $30 billion. So when you look at it as it relates to the investment, it just doesn't pay off.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. And just so we can segue into how we would do it differently, what we would do is we would go back to the days of PAYGO rules. We would make sure that we have some fiscal discipline that we impose on ourselves, just like the State legislatures that we came from, just like they do, which is that we are not going to deficit spend. Just like families who struggle every day to not spend more money than they take in; to not put all their wants and desires on a credit card and live on credit card debt. We need to operate this budget like families feel compelled to operate their family budgets. We are simply not doing that.

What we would do, and we have offered amendments time and again, Mr. RYAN, through Mr. SPRATT, our lead Democrat on the House Budget Committee. He has offered amendment after amendment that has been rejected unanimously by the Republicans again and again opposing reestablishing PAYGO.

PAYGO is tough. It forces some difficult choices. But it would make sure that we could really cut the deficit and go back to the surpluses that we had under the Clinton administration. I mean, that is the direction that we need to move in. If we continue down this path, if we continue in the direction that the Republicans have taken us, we will continue to spiral downward and pass the deficit and the debt onto future generations.

Really, we only have a couple of minutes, and what I didn't get to mention at the end of our last hour was what Speaker Gingrich had said. So if you would just before we end yield back to me, I kind of want to throw that out there for everyone's final thoughts. Be happy to yield.

Mr. MEEK of Florida. Mr. RYAN.

Mr. RYAN of Ohio. Well, one other thing that we have forgotten to mention tonight, and I know the clock is ticking, but with all these other costs, we keep forgetting to mention interest rates for people who are going out and trying to get a car or a house and the significant increase over the past year or so in interest rates. So you have the health care, you have the tuition costs, you have the gas, natural and what you get at the pump, and you throw in there if you are trying to get a new house or car and what your interest rates are now, or they would have been because everybody is going out trying to borrow money, you run into a difficult situation.

Again, by balancing the budget, as President Clinton and the 1993 Democratic Congress proved, by balancing that budget, you will in turn reduce interest rates and then let the private sector go out and borrow money and make things happen in the market.

Www.housedemocrats.gov/30something. All of our charts and everything are available, including the article that voted Ms. WASSERMAN SCHULTZ one of the 50 most beautiful people on Capitol Hill.

With that, I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Well, just to throw this out, I want to end by telling you what Speaker Gingrich said at the end of that panel. He said, ''While waiting for voter backlash to clean up Congress, he had some pithy advice for lawmakers, who in the current wave of scandal and personal enrichment on Capitol Hill have confused the public interest with their personal interest, said the former Speaker, my answer to them is: Go home.''

Good advice.

Mr. MEEK of Florida. Mr. Speaker, it was an honor once again to address the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mrs. MCCARTHY, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. BISHOP of New York, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Mr. WEINER, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.
(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)
Mr. OSBORNE, for 5 minutes, July 26 and 27.
Mr. GARRETT of New Jersey, for 5 minutes, today.
Mr. FRANKS of Arizona, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was take from the Speaker's table and, under the rule, referred as follows:

S. 1950. An act to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2977. An act to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the ''Paul Kasten Post Office Building''.

H.R. 3440. An act to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. José Celso Barbosa Post Office Building''.

H.R. 3549. An act to designate the facility of the United States Postal Service located at 210 West 3rd Avenue, Warren, Pennsylvania, as the ''William F. Clinger, Jr. Post Office Building''.

H.R. 3934. An act to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, at the ''Lieutenant Michael P. Murphy Post Office Building''.

H.R. 4108. An act to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building''.

H.R. 4456. An act to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie W. Caraway Station''.

H.R. 4561. An act to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''.

H.R. 4688. An act to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building''

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office''.

H.R. 5245. An act to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 26, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8758. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2006-2007 Marketing Year [Docket No. FV06-985-2 IFR] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8759. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on Transition Assistance and Disabled Transition Assistance Programs (TAP/DTAP), pursuant to Section 595 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

8760. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting the Department's preliminary planning for OMB A-76 commercial activity study; to the Committee on Armed Services.

8761. A letter from the Acting Assistant Secretary, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Federal Perkins Loan Program; Federal Work-Study Programs; Federal Supplemental Educational Opportunity Grant Program; Federal Family Education Loan Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathematics Access to Retain Talent Grant Program (RIN: 1840-AC86) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8762. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Federal Perkins Loan Program; Federal Work-Study Programs; Federal Supplemental Educational Opportunity Grant Program; Federal Family Education Loan Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathematics Access to Retain Talent Grant Program (RIN: 1840-AC86) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8763. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate [Docket No. 060131020-6152-02] (RIN: 0691-AA57) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8764. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8765. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-41, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on International Relations.

8766. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-35, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on International Relations.

8767. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Elements of a Revised Proposal to Iran''; to the Committee on International Relations.

8768. A letter from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8769. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-11; Introduction [Docket No. FAR-2006-0023] received July 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8770. A letter from the Secretary, Department of Transportation, transmitting the Department's Safe Routes to School (SRTS) Task Force Report, pursuant to Public Law 109-59, section 1404(h); to the Committee on Transportation and Infrastructure.

8771. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project,'' in accordance with Section 972(c)(5) of the Energy

Policy Act of 2005; to the Committee on Science.

8772. A letter from the Secretary, Department of Energy, transmitting the Department's report on Cost and Performance Goals for the Office of Fossil Energy Coal-Based Technologies as required by Section 962 of the Energy Policy Act of 2005; to the Committee on Science.

8773. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's legislative proposals submitted with the Authorization Request for Fiscal Year 2007 and 2008, pursuant to 31 U.S.C. 1110; jointly to the Committees on Financial Services and the Judiciary.

8774. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare Prescription Drug Program (Version 8.1) [CMS-0018-IFC] (RIN: 0938-A042) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8775. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance With Special Use Authorizations (RIN: 0596-AB36) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Resources and Agriculture.

8776. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revision of the Deadline for Submission of Emergency Graduate Medical Education Affiliation Agreements [CMS-1531-F] (RIN: 0938-AO35) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; with an amendment (Rept. 109–332 Pt. 2). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Transportation and Infrastructure. H.R. 5013. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies (Rept. 109–596). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCKEON. Committee of Conference. Conference report on S. 250. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (Rept. 109–597). Ordered to be printed.

Mr. BISHOP of Utah. Committee on Rules. House Resolution 946. Resolution waiving points of order against the conference report to accompany the bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (Rept. 109–598). Referred to the House Calendar.

Mr. BISHOP of Utah. Committee on Rules. House Resolution 947. Resolution providing for consideration of the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (Rept. 109–599). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CARNAHAN:

H.R. 5874. A bill to direct the Secretary of the Interior to suspend the application of any provision of Federal law under which any person is given relief from any requirement to pay royalty for production oil or natural gas from Federal lands (including submerged lands), for production occurring in any period in which the market price of production exceeds certain prices, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. HINCHEY, Mr. MORAN of Virginia, Ms. LEE, Ms. WATERS, Mr. OWENS, Ms. WATSON, Ms. MCKINNEY, Mr. STARK, Mr. FILNER, Ms. CARSON, Mr. FATTAH, Ms. KILPATRICK of Michigan, Mr. MEEHAN, Mr. PAYNE, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. WU, Ms. JACKSON-LEE of Texas, and Mr. KUCINICH):

H.R. 5875. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); to the Committee on International Relations.

By Mr. MICA:

H.R. 5876. A bill to amend title 49, United States Code, relating to nonallowable airport development project costs; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. HYDE, and Mr. ACKERMAN):

H.R. 5877. A bill to amend the Iran and Libya Sanctions Act of 1996 to extend the authorities provided in such Act until September 29, 2006; to the Committee on International Relations, and in addition to the Committees on Financial Services, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. THOMPSON of Mississippi, Mrs. NAPOLITANO, Mr. BISHOP of Georgia, Mr. WYNN, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, Mr. OWENS, Mr. CARDIN, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Mr. RUSH, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. CONYERS, Mr. BUTTERFIELD, Mr. BOYD, Mr. ROSS, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. BACA, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Ms. SOLIS, Mr. PAYNE, Ms. LEE, Mr. RUPPERSBERGER, Mr. FARR, Mr. CLYBURN, Mr. CLAY, and Mr. CLEAVER):

H.R. 5878. A bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal colleges and universities, and Hispanic-serving institutions to foster entrepreneurship and business development in underserved minority communities; to the Committee on Education and the Workforce, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 5879. A bill to terminate the limitations on imports of ammonium nitrate from the Russian Federation; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5880. A bill to suspend the antidumping duty orders on imports of solid urea from Russia and Ukraine; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 5881. A bill to amend title 10, United States Code, to eliminate the offset between military retired pay and veterans service-connected disability compensation for certain retired members of the Armed Forces who have a service-connected disability, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5882. A bill to amend title XIX of the Social Security Act to increase the minimum Federal medical assistance percentage under the Medicaid Program for States to 53 percent; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ of Pennsylvania, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, and Mr. PLATTS):

H.R. 5883. A bill to establish a commission to assist in commemoration of the sesquicentennial of the discovery of oil at Drake Well near Titusville, Pennsylvania, on August 27, 1859, and the resulting development of the American petroleum industry; to the Committee on Government Reform.

By Mr. RAMSTAD:

H.R. 5884. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to extend the date for making a gift tax qualified terminable interest property election; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. LARSON of Connecticut, and Ms. DELAURO):

H.R. 5885. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mrs.

CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mr. LANTOS, Ms. LEE, Mr. MCGOVERN, Mr. NADLER, Mr. OWENS, Mr. PALLONE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WOOLSEY, and Ms. SOLIS):

H.R. 5886. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for a AmeriCare that assures the provision of health insurance coverage to all residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mrs. MALONEY):

H.R. 5887. A bill to improve vaccine safety research, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico:

H.R. 5888. A bill to direct the Secretary of Homeland Security to ensure that an individual may file an orphan petition for at least 2 years after approval of an advanced processing application; to the Committee on the Judiciary.

By Mr. CARNAHAN (for himself and Mr. LEACH):

H. Con. Res. 453. Concurrent resolution expressing the sense of Congress regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments; to the Committee on International Relations.

By Mr. KING of Iowa:

H. Res. 942. A resolution recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906; to the Committee on International Relations.

By Mr. KNOLLENBERG:

H. Res. 943. A resolution recognizing Robert Bosch Corporation and its 100 years of commitment and leadership in the United States manufacturing industry; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. COSTA, Ms. HARRIS, Mr. MOORE of Kansas, Mr. ORTIZ, Mr. HOLDEN, and Ms. HART):

H. Res. 944. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CUMMINGS, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. MCDERMOTT, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. KUCINICH, Ms. WOOLSEY, Ms. KAPTUR, Mr. HINCHEY, and Mr. HALL):

H. Res. 945. A resolution expressing deep concern at the ongoing violence in the Middle East, and particularly the current hostilities between the State of Israel and Hezbollah which have intensified since July 12, 2006; to the Committee on International Relations.

By Mr. TAYLOR of Mississippi (for himself, Mr. MELANCON, Mr. JEFFERSON, Mr. PICKERING, Mr. GORDON, Mr. WICKER, Mr. THOMPSON of Mississippi, and Mr. JINDAL):

H. Res. 948. A resolution recognizing the dedication of the employees at the National Aeronautics and Space Administration's Stennis Space Center who, during and after Hurricane Katrina's assault on Mississippi, provided shelter and medical care to storm evacuees and logistical support for storm recovery efforts, while effectively maintaining critical facilities at the Center; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FERGUSON and Mrs. BONO.
H.R. 354: Mr. MURPHY.
H.R. 414: Mr. CLYBURN and Mr. SANDERS.
H.R. 415: Mr. CLYBURN, Mr. CHANDLER, and Mr. WYNN.
H.R. 450: Mr. PAYNE.
H.R. 503: Mr. CAMPBELL of California.
H.R. 517: Mr. DAVIS of Illinois and Mr. STUPAK.
H.R. 676: Ms. NORTON, Ms. LINDA T. SÁNCHEZ of California, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 864: Mr. HOYER.
H.R. 896: Mr. ROSS.
H.R. 959: Mr. ROGERS of Michigan and Mr. PLATTS.
H.R. 1002: Mr. SMITH of New Jersey.
H.R. 1264: Mr. TIERNEY and Mr. WHITFIELD.
H.R. 1376: Mr. MATHESON and Mr. WELDON of Pennsylvania.
H.R. 1380: Mr. GORDON.
H.R. 1384: Mr. BEAUPREZ and Mr. ORTIZ.
H.R. 1548: Mr. DOYLE.
H.R. 1658: Mr. RAHALL.
H.R. 1898: Mr. PETERSON of Pennsylvania, Mr. DENT, Mr. HOBSON, Mr. BILBRAY, Mr. ROYCE, and Mr. ISSA.
H.R. 2034: Mr. BOOZMAN.
H.R. 2239: Mr. CARDIN and Mr. WELLER.
H.R. 2421: Mr. RAMSTAD, Mr. DANIEL E. LUNGREN of California, and Mr. PUTNAM.
H.R. 2429: Mr. SALAZAR.
H.R. 2808: Mr. CAMPbell of California, Mr. DICKS, Mr. LARSEN of Washington, Mr. CRENSHAW, Mr. PUTNAM, Mr. BURTON of Indiana, Ms. CARSON, Mr. ROGERS of Alabama, Mr. RANGEL, Mr. CROWLEY, Ms. SLAUGHTER, Mrs. CAPITO, Mr. UPTON, Mr. PENCE, Mr. ABERCROMBIE, Mr. RUPPERSBERGER, Mr. MARKEY, Mr. BOOZMAN, Mr. SANDERS, Mr. OWENS, Ms. BALDWIN, Ms. DELAURO, Mr. KUCINICH, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. PASTOR, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. BASS, Mr. FERGUSON, Mr. HOSTETTLER, Mr. VISCLOSKY, Mr. RYAN of Wisconsin, Mr. CUELLAR, Mr. FILNER, Mr. NADLER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. MCCRERY, Mr. SPRATT, Mrs. TAUSCHER, Mr. KIND, Mr. BACA, Mr. ACKERMAN, Ms. HOOLEY, Mr. OBEY, Mr. EDWARDS, Mr. WEINER, Mr. BARROW, Mr. MOLLOHAN, and Mr. PEARCE.
H.R. 2835: Ms. ZOE LOFGREN of California.
H.R. 3019: Mr. CHOCOLA.
H.R. 3055: Mr. MEEHAN and Mr. WYNN.
H.R. 3185: Mr. HASTINGS of Florida.
H.R. 3186: Mrs. JO ANN DAVIS of Virginia and Mr. CANTOR.
H.R. 3195: Ms. WATERS, Mr. CLEAVER, Mrs. CHRISTENSEN, and Mr. TERRY.
H.R. 3248: Mr. BURGESS.
H.R. 3361: Mrs. LOWEY.
H.R. 3476: Mr. BOUSTANY.
H.R. 3547: Mr. TAYLOR of North Carolina.
H.R. 3762: Mr. SHERMAN.
H.R. 3795: Mr. DAVIS of Kentucky.
H.R. 3854: Ms. ROYBAL-ALLARD.
H.R. 3882: Mr. KING of Iowa.
H.R. 4005: Mr. SMITH of New Jersey.
H.R. 4113: Mr. STEARNS.
H.R. 4202: Ms. MOORE of Wisconsin.
H.R. 4212: Mr. DAVIS of Illinois.
H.R. 4341: Mr. WILSON of South Carolina.
H.R. 4434: Mr. CONYERS.
H.R. 4562: Mr. PASCRELL, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. JOHNSON of Connecticut, Mr. KELLER, Mrs. DRAKE, Mr. PETRI, Mr. FEENEY, Mr. KLINE, Mr. WICKER, Mr. FOSSELLA, Mr. HAYWORTH, and Mr. BECERRA.
H.R. 4727: Mr. RAHALL.
H.R. 4747: Mr. REHBERG.
H.R. 4873: Mr. CARDIN, Mr. GERLACH, and Mr. EMANUEL.
H.R. 4901: Mr. FALEOMAVAEGA, Mr. WU, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Mr. REYES, Ms. LEE, Ms. BORDALLO, and Mr. FARR.
H.R. 4903: Ms. WOOLSEY and Mr. LANTOS.
H.R. 4922: Mr. GONZALEZ and Mr. KENNEDY of Minnesota.
H.R. 4953: Mr. KUCINICH.
H.R. 4981: Mr. DENT and Mr. MCCOTTER.
H.R. 4987: Mr. SAXTON.
H.R. 5005: Mr. WICKER, Mr. WELDON of Pennsylvania, Mr. KINGSTON, Mr. PITTS, Mr. DINGELL, Mr. MCHENRY, Mr. SCOTT of Virginia, and Mr. FRANKS of Arizona.
H.R. 5013: Mr. MURTHA, Mr. HEFLEY, Mr. WELDON of Pennsylvania, and Mr. PITTS.
H.R. 5023: Mr. MCDERMOTT.
H.R. 5091: Mr. GRIJALVA.
H.R. 5092: Mr. JINDAL, Mr. BAKER, Mr. KING of Iowa, Mr. MURTHA, Mr. WICKER, Mr. WELDON of Pennsylvania, Mr. KINGSTON, and Mr. PITTS.
H.R. 5134: Mr. KENNEDY of Minnesota, Mr. GRAVES, and Ms. BORDALLO.
H.R. 5166: Mr. HASTINGS of Washington.
H.R. 5173: Mr. COBLE.
H.R. 5177: Mr. SESSIONS.
H.R. 5201: Mr. JINDAL.
H.R. 5238: Mr. WEINER.
H.R. 5249: Mr. STUPAK and Mr. KLINE.
H.R. 5280: Mrs. BONO, Mr. BROWN of Ohio, Mr. PITTS, and Mr. HALL.
H.R. 5291: Mr. PUTNAM.
H.R. 5304: Mrs. SCHMIDT.
H.R. 5329: Mr. BILBRAY.
H.R. 5344: Ms. MATSUI.
H.R. 5348: Mr. PALLONE and Mr. MCDERMOTT.
H.R. 5369: Mr. SOUDER.
H.R. 5388: Mrs. LOWEY.
H.R. 5452: Mr. HAYWORTH and Mr. TAYLOR of North Carolina.
H.R. 5465: Mr. MORAN of Virginia and Mrs. MYRICK.
H.R. 5496: Mr. HOLT.
H.R. 5500: Mr. GREEN of Wisconsin.
H.R. 5513: Mr. FOSSELLA, Mr. WELDON of Pennsylvania, Ms. BERKLEY, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. KINGSTON, and Mr. BISHOP of Georgia.
H.R. 5519: Mr. BOOZMAN and Mr. ENGLISH of Pennsylvania.
H.R. 5550: Mr. MCDERMOTT.
H.R. 5552: Mrs. JO ANN DAVIS of Virginia, Mr. LAHOOD, Mr. KOLBE, Mrs. EMERSON, Mr. WALSH, Mr. TIBERI, Mr. MICA, Mr. MORAN of Virginia, Mr. GOODLATTE, Mr. MILLER of Florida, Mr. SIMPSON, Mr. CASE, Mr. CULBERSON, Mr. WELDON of Pennsylvania, Mr. WAMP, Mr. TIAHRT, Mr. SWEENEY, Mr. DUNCAN, Mr. HEFLEY, and Mr. WESTMORELAND.
H.R. 5562: Mr. FOSSELLA and Mr. GONZALEZ.
H.R. 5575: Mr. DAVIS of Illinois.
H.R. 5624: Mr. TOM DAVIS of Virginia.
H.R. 5674: Mr. CARDIN and Mrs. JONES of Ohio.
H.R. 5680: Ms. WATERS.
H.R. 5688: Mr. MCDERMOTT.
H.R. 5735: Ms. WATERS.
H.R. 5752: Mr. BOOZMAN.
H.R. 5755: Mr. SWEENEY, Mr. BOOZMAN, Mr. PLATTS, Mr. HIGGINS, Mr. REICHERT, and Mr. RYAN of Wisconsin.
H.R. 5767: Mrs. MYRICK, Mr. MCCOTTER, Mr. KLINE, Mrs. BLACKBURN, and Mr. KING of Iowa.

H.R. 5770: Mr. CUMMINGS and Ms. NORTON.

H.R. 5805: Mr. KENNEDY of Minnesota, Mr. WILSON of South Carolina, and Mr. GONZALEZ.

H.R. 5807: Mr. GONZALEZ.

H.R. 5834: Ms. BORDALLO, Mr. COSTA, and Mr. CONYERS.

H.R. 5835: Mrs. DRAKE, Mr. MANZULLO, Mr. BISHOP of Georgia, Mr. GONZALEZ, Mr. ABERCROMBIE, Mrs. CAPITO, Mr. DOGGETT, and Mr. FORTUÑO.

H.R. 5866: Mr. GINGREY.

H. Con. Res. 292: Mr. DOYLE.

H. Con. Res. 449: Mr. OXLEY.

H. Con. Res. 450: Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mr. RAHALL, Mr. OWENS, and Mr. GEORGE MILLER of California.

H. Res. 189: Mr. BACHUS, Mr. TIAHRT, and Mr. PLATTS.

H. Res. 461: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 518: Mrs. DRAKE and Mr. GOODE.

H. Res. 526: Mr. MCNULTY.

H. Res. 745: Ms. BORDALLO and Mr. KILDEE.

H. Res. 759: Mr. WAXMAN.

H. Res. 760: Mr. GILCHREST.

H. Res. 888: Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. BERMAN, and Mr. GONZALEZ.

H. Res. 894: Mr. MELANCON, Mr. JINDAL, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. TOWNS, Mr. PAYNE, Mr. OWENS, Mr. ROSS, Mr. CARNAHAN, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. RUSH, Mr. OBERSTAR, Mr. MEEK of Florida, Mr. PASTOR, Mr. DAVIS of Alabama, Mr. TAYLOR of Mississippi, Mr. DAVIS of Florida, Mr. BARROW, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. BUTTERFIELD, Mr. CASE, Mr. DAVIS of Illinois, Ms. WATERS, Mr. BISHOP of New York, Mr. AL GREEN of Texas, Mr. WATT, Mr. FARR, Mr. CLAY, Ms. KILPATRICK of Michigan, Mr. CLEAVER, Mr. MCDERMOTT, Mr. CLYBURN, Mr. FALEOMAVAEGA, Mr. KIND, Mr. COSTELLO, Mr. KENNEDY of Rhode Island, and Mr. GENE GREEN of Texas.

H. Res. 928: Mr. SNYDER, Mr. RUPPERSBERGER, Mr. FILNER, Mr. TOWNS, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. FORBES, and Mr. NORWOOD.

H. Res. 935: Mr. JINDAL, Mr. PAYNE, and Ms. CARSON.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, JULY 25, 2006 *No. 99*

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who is slow to anger, You are loving and patient beyond our ability to measure or understand.

Today, bless the Members of this body. Give them direction for their work, motivation for their deeds, and forgiveness for their mistakes. Help them to develop a sense of dependence on You. Temper their talents with wisdom, and give them the ability to see the power of cooperation and unity. Discipline their compassion and channel their zeal that they may do Your will.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to executive session for the consideration of the nomination of Jerome Holmes to be U.S. circuit judge for the Tenth Circuit. There are 2 hours remaining for debate on this judicial nomination, and therefore, if all that time is necessary, we will vote just before 12 noon today. We will be recessing from 12:30 to 2:15 today to allow for our weekly policy meetings. When we resume business at 2:15, we will begin consideration of the child custody protection bill under an agreement that we reached last Friday. There are up to four amendments that can be considered before we proceed to passage of that bill. We will stay in session this afternoon and evening in order to finish the child custody protection bill, and I hope some of that debate time will be yielded so we can finish that bill at an earlier hour.

I remind everyone again that there will be a cloture vote on the motion to proceed to the consideration of the Gulf of Mexico Energy Security Act tomorrow morning. That vote will occur sometime around 10 a.m. so that we can conclude that vote before we go to the scheduled joint meeting. We will proceed to the House of Representatives in order to hear the 11 a.m. address by Prime Minister Nuri al-Maliki of Iraq.

The vote will be sometime around 10 a.m. tomorrow, and a little after that we will convene here in preparation for going to the House of Representatives.

We have had a very productive few weeks since the Fourth of July, addressing the issues surrounding the alternative stem cell technology bill, the fetal farming prohibition bill, the child protection bill, Homeland Security appropriations, the Voting Rights Act reauthorization, the Water Resources Development Act, and confirmed four judges.

We have made great progress over the last few weeks, but we have a lot to do—most immediately the Child Custody Protection Act—today, and then we will move to the deep sea energy exploration issue. Pensions is currently on the way to conference, and I am very hopeful that the conference will be completed at some point in the near future. And we need to address the DOD appropriations bill. So these are very busy times.

The House of Representatives will be going out this week, and we will be here through next week before the recess.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF JEROME A. HOLMES TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 764, which the clerk will report.

The legislative clerk read the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The ACTING PRESIDENT pro tempore. There will be 2 hours of debate equally divided between the Senator from Pennsylvania, Mr. SPECTER, and

the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, before the Senate this moment is the nomination of Mr. Holmes to be a judge in the Federal court system. I see the Senator from Oklahoma is here. I am sure he will speak to this nomination. I am not going to address the nomination but put a statement in the RECORD relative to my vote, which will be in opposition to Mr. Holmes.

I have reviewed his record, as many members of the Senate Judiciary Committee have, and there are many positive things to be said, as the Senator from Oklahoma has mentioned in our committee deliberations. I am concerned, though, about some of the statements that have been made by Mr. Holmes in relation to his nomination on the issue of affirmative action. I am concerned about whether he will truly come to this important lifetime appointment with the type of objectivity and open mind that we hope for when we give people this opportunity to serve their Nation.

I am also concerned that the Leadership Conference on Civil Rights yesterday made it clear that they oppose his nomination. It is an important factor, in my judgment, in my decision, and I am sorry that I will not be able to support this nomination as a result of that.

I also want to make it clear that the job of a Federal judge is a very important one. It relates to issues that affect us every single day. Just last week we had an extensive debate on the floor of the Senate about stem cell research—those issues relative to life and death in medical research that come before the courts. Judges have to make decisions. I have no idea what Mr. Holmes's position is on this issue. I don't know what statements he has made relative to it. What I am about to say does not reflect on him at all.

But I do want to say I am very concerned about what I read in this morning's newspaper about stem cell research. We know what happened last week. President Bush used his first Presidential veto to stop medical research—the first time in the history of the United States that a President has made a decision that we will stop Federal funding of medical research. He made that decision 5 years ago and said that no Federal funds would go to the use of these embryonic stem cells.

We know how these stem cells are created. They are created in a perfectly legal medical process where a man and a woman having difficulty in conceiving a child expend great sums of money, effort, and anguish to try to create this new baby in a petri dish, a glass dish, in vitro in glass. It is the fertilization process in the laboratory that usually takes place between a man and a woman in their married life. It is a miracle that it works, that this process leads to human life and people who have been praying for a baby finally have that moment when they are told, yes, it worked, in vitro fertilization worked, and you are going to have that baby you dreamed of and love the rest of your life.

But in the process, there are created other embryos which are not used. One is used to impregnate the woman. The others are left open, extra, surplus. What happens to them? They can be preserved at extreme cold temperatures for long periods of time. But, ultimately, if they are never used by the couple, they are thrown away. They are discarded.

The question we had before us was, Is it better to take those embryonic stem cells that would be cast away and discarded and use them for medical research to find cures for diabetes, Parkinson's, Alzheimer's and Lou Gehrig's Disease? Is it better to use them for that purpose?

That was the vote. And it was a bipartisan vote, 44 Democrats and 19 Republican Senators. Sixty-three voted in favor of stem cell research, reflecting America's feelings. Seventy percent of American people say we should go forward with this research; that these embryonic stem cells that will be thrown away, it is far better to use them to find cures to relieve human suffering.

That is what most Americans believe. That is what a bipartisan majority of the Senate believed. The magic number in the Senate is not 63 when it comes to this issue. The important number is 67. Why? That is the number of Senators it would take to override a Presidential veto, a veto of the stem cell research bill. We fell four votes short.

It became an operative issue when the President of the United States decided to use his first Presidential veto to stop this medical research.

On Saturday, I went back to Chicago. I met with a group of people. I wish the President could have been there. I wish he could have been standing with me out there in Federal Plaza by the Federal Building. I wish he could have walked over to the wheelchair of Danny Pedroza, who is suffering from a terrible neurological anomaly which has created a burden I can hardly describe on his parents to keep him alive. I wish the President could have heard his mother say: Every morning when I walk into his bedroom, before I approach him, I look to see if he is breathing. That is the struggle which she will face every single day. All she wants the President to consider is the fact that this research may give her little boy or other little boys and girls who face that a chance.

I wish the President could have been there to see the victims of Parkinson's, slightly embarrassed by the tremors which come, and stand before the microphones and talk about their lives today.

I wish he could have been there to meet the mother of this beautiful little girl who suffers from juvenile diabetes. Her mother—I know her well by now, and I will not use her name on the Senate floor; I have used it before—gets up every night twice in the middle of the night to go over and take a blood sample from her daughter to make sure there is no imbalance. Every night, twice a night. Think about that for a moment.

I wish the President could have been there to see the Lou Gehrig's disease victim that I saw at a round-table meeting in Chicago a few months ago. He looked like a picture of health and strength. Here was a man who was sitting in a wheelchair, immobile. He couldn't move any of his limbs. He couldn't speak. His wife spoke for him and talked about how stem cell research was their last prayer; that maybe, just maybe, it could help him but certainly help others. As she spoke, he sat in the wheelchair with tears coming down his cheeks.

You think to yourself: Mr. President, these are real life stories. These are people who get up every single day and night in their battle. These are mothers and fathers whose lives have changed dramatically and will never be the same because of their love for their child or that husband or that wife. These are people who counted on you to sign this bill, to give them a chance.

What do we learn this morning? We learn that there was a little apology from the White House about the language that was used about the stem cell veto. I would like to read some of this into the RECORD because I think it really reflects on what we were considering on the floor of the Senate last week.

This article in this morning's Washington Post says:

> President Bush does not consider stem cell research using human embryos to be murder, the White House said yesterday. Reversing its description of its position just days after he vetoed legislation to lift Federal funding restrictions on the hotly disputed area of study, White House Press Secretary Tony Snow said yesterday that he ''overstated the President's position.''

It went on to say the President rejected the stem cell research bill ''because he does have objections with spending Federal money on something that is morally objectionable to many Americans.''

So the standard now is not that the President vetoed the bill because using these embryonic stem cells is somehow taking human life or murder. No. The standard is, according to Mr. Snow speaking for the President, that this is an issue that is ''morally objectionable to many Americans.''

We know that 70 percent of Americans support stem cell research. We know that on any given issue, whether it is the war in Iraq, or virtually any expenditure of Federal funds on a controversial issue, there will be many Americans who object to it and oppose it. The President is now saying he is not going to the heart of the issue as to whether this process is immoral; rather, he is saying it was politically unpopular and objectionable to many Americans.

It wasn't objectionable to the families of the victims I met with on Saturday. What was objectionable was the President's veto. What was objectionable is the fact that he would turn his back on this opportunity for medical research.

When the President vetoed this bill, he had with him what are known as snowflake babies. I met some of them, the most beautiful kids you can imagine. These so-called snowflake babies are beautiful little children. They were outside in the lobby. These were children who were once these frozen embryos we talked about, and now are babies, smiling, gurgling, jumping up and down. The President had many of them with him at his veto of the stem cell research bill.

I think the total number of these babies in America is about 200. It is an amazing act of love and courage for these families who want a baby so badly they will go to the expense of this process. I am sure these children will be loved the rest of their lives. They are lucky kids. We are lucky to have them on this Earth. There are 400,000 frozen embryos. It is not likely there will be so many families coming forward to adopt or to create the life through a frozen embryo.

The answer to the President is this: There is room for both. We can use embryos to create life for the couple who comes to the laboratory, for those who want to adopt the embryo. There is ample opportunity for that. But there is also an opportunity to use these embryonic stem cells to save lives and to spare people from suffering. That is the point the President missed. That is what this election is all about.

Last week, the House and the Senate voted on embryonic stem cell research. The next vote on the issue will be on November 7. That is when the American people will vote on stem cell research. That is when they will have a chance to decide whether they want different leadership in this Congress. That is when they will have a chance to decide whether they want to give the Senate the four more votes we need to override President Bush's veto. That is when they have to decide whether we can bring this issue up after the 1st of next year, pass it in the House and Senate and, if the President persists in his veto position, override that veto in the House and the Senate.

That is what elections are all about. That is what this Government is about. That is why it is important, for those who follow the stem cell research debate, to understand it is not over. It has just begun. We will continue the battle to fight for stem cell research. We will do it on a bipartisan basis. We will try to find the Senators on both sides of the aisle who support it. We beg those across America who think it is important to move forward on stem cell research to understand now it is in their hands. On November 7, across America, in congressional elections for the House and the Senate, voters have a chance to ask the candidates: Where do you stand on this? How will you vote? Will you vote to override another veto by President Bush if it is forthcoming? That is what the process is all about.

Today we debate a Federal judge. As I said, my remarks are not meant to reflect on him personally at all because I don't know his position on this issue nor would I even presume it at this moment in time. But it is to put into context the decisions we make in the Senate, not just on judges but on issues that affect real lives in America. Sadly, this Senate has been derailed and diverted from the important issues people care about. Do you know what issue we are going to next? After this judicial nominee, we are going to be embroiled, at least for hours—and I hope that is all we take of the time of the Senate on an issue that is so peripheral it has never ever been raised to me by anyone in the State of Illinois—on a question about people who would transport their children or young people across a State line for an abortion situation, a tragic decision to be made, for sure, but we are going to take up the time of the Senate to deal with that when, in fact, there is no controversy or issue that has been brought to my attention by anyone in my State about this matter.

What else could we be doing in the Senate? How about something on gasoline prices for Americans who are now facing $3 a gallon, gasoline that might go to $4 a gallon if we are not careful? How about a national energy policy? Wouldn't that be a good debate in the Senate? Wouldn't it be worth our time to spend a few moments changing the Tax Code to help ordinary families pay for college education expenses for their kids? Think about students making it into good schools and graduating with a mountain of debt. Wouldn't it be interesting if the Senate found time to debate ways to help those families with tax deductions? Wouldn't that be time well spent? Or perhaps a little time talking about health insurance? Forty-six million Americans have no health insurance and this Senate does not want to take up an issue to offer American businesses the same kind of health insurance that is available for Members of Congress. Why aren't we considering that? Shouldn't we be considering the minimum wage across America? It has been 9 years since we have increased the minimum wage—it is $5.15 an hour—and during that same period of time, Members of Congress have voted themselves an increase in salaries of $31,000. For 9 years we have said to the hardest working, lowest paid Americans, you get no pay raise. That has been our position. Shouldn't we change it? Shouldn't we take the position the Democrats have taken, if we can't raise the minimum wage, we are not going to increase congressional pay, period? Shouldn't we also be considering legislation that deals with some of the serious problems facing people with pensions across America who work for a lifetime with the promise that they will be taken care of, yet when they finally reach their golden years they find out that through some corporate sleight of hand or a merger or bankruptcy, they are left holding the bag? Why don't we do something to help those families? Or change the Tax Code that rewards companies that send jobs overseas? Why would we reward an American company with a tax break for exporting jobs? Why don't we consider any of those issues I have just listed as a priority?

No, what we are doing is dwelling on this debate relative to those extreme narrow issues that appeal to the base of the Republican Party vote. We went through Constitutional Amendment Month—that was June—where we said we are going to address a major problem across America, that is flag burning, but it turns out there have only been a handful of instances in America in the last year. Has anyone even reported to have burned a flag in this country? And we decided we are going to change the Bill of Rights because of our concern over this major, dominant issue?

Then, of course, the issue of gay marriage, a divisive issue. To think we want to amend the Constitution—thank goodness they could not even rally a majority of 100 Senators to vote for that constitutional amendment which was clearly a political experiment, a political project by the Republican side.

We cannot seem to find the time to get to the real issues of an energy policy, a health care policy, doing something about paying for college expenses for families. We cannot find the time for that. No, we have to go after these divisive issues relative to abortion and other matters such as that. That is the agenda and those are the priorities of the Republican leadership in the Senate.

It is the reason why an overwhelming majority of Americans have said, it is time for a change in Washington. They have taken a look at this Republican Congress and they say it is time for a significant change, to move us back toward an agenda that truly will make a difference and move this country in a new direction.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tem. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I don't know quite where to begin. If you are sitting out in America today and you heard what you just heard, what you heard was, I am going to point out how bad you are. Here is what is wrong, here is the choice. What you heard was

a partisan rant about the situation we find ourselves in today rather than a constructive hand that says, let's work together to get things done.

We heard a debate about stem cells so it could be used politically. We heard a lot of words that were interchanged, stem cells versus embryonic stem cells. We heard words that President Bush does not care about people with illnesses, Republicans do not care about people with illnesses. We heard words that 70 percent of Americans support stem cell research. The fact is when you as Americans are asked, do you think your taxpayer dollars ought to be used to destroy embryos for embryonic research, that number changes to 38 percent.

Half truths are just that. The time we are supposed to be using is on the nomination of a great American by the name of Jerome Holmes. What we saw is, Members are going to vote against him because they have a litmus test. That is what is going to drive our country farther apart rather than bring us together. If you don't match up and you don't pass the litmus test, then you can't be voted for.

The problem is, that works both ways. If the Senate is going to change its approach to judicial nominees, and you have to match either a liberal or conservative dogma, what will happen to our courts? What will happen to our country?

The fact is Jerome Holmes is a man of absolute character, impeccable credentials, and has integrity that nobody questions. Except by a sleight of hand and backhanded inference that he doesn't care about minorities, even though he is African American, he does not care about minorities because he happens to have published a difference of opinion on the legal basis for affirmative action, that is the litmus test. That is why he is not going to be voted on.

Here is a man who grew up in less than ideal circumstances, graduated cum laude, went to Georgetown University, has advanced degrees from Harvard, has been a prosecutor, has been a defender, has been an advocate for those who are less fortunate, and will be the first African American ever to be on the Tenth Circuit Court of Appeals.

Yet as we heard, he measures up in everything except one thing: He doesn't buy into what some want him to buy into on one issue. Who better to question his own opinion—not his legal opinion but his own personal opinion? Is it the fact that you can't have a personal opinion about anything and become a judge in this country? How would we know anything about them?

It takes great courage for an African American, a lawyer, to say, I think there are some things that are wrong with the affirmative action plan.

He did not say: I don't think we should have equality. He did not say: I don't think we should make up for past deeds that have not been rectified. What he said was: Here is what the Supreme Court did. I think they should have gone a little further. And on that basis alone he does not meet the absolute litmus test that is going to be required.

Well, think what happens if every judge who is conservative has to be pro-life. Do they have to be pro-life? No. We have to get away from this idea that you have to fit a certain mold politically before you can be a judge in this country. And, if we do not, we are going to destroy this country.

What we want is people of integrity who understand the limited role of a judge; and that is not to put your personal opinions in but to, in fact, take the Constitution, take the statutes, and take the treaties, follow Supreme Court precedent, and make sure everybody who comes into your courtroom gets a fair chance, given what those rules are. They are not to make new law. They are not to put their opinions in. They are not to change based on what they feel rather than what the law says.

The only way we can have blind justice is to make sure those litmus tests are not a part of the selection. And what we heard today was the opposition—wouldn't go into details—come and aggressively tell us why you do not want Jerome Holmes to be an appellate judge on the Tenth Circuit. We are not going to hear that. We are not going to hear that at all. Instead, we are going to hear a political debate about the politics of division in our country rather than the healing hand of reconciliation that should be about the leadership in this body and Congress. How do we reconcile our differences to move the country forward instead of divide? How do we gain advantage in the next election by making somebody look bad.

That is what we just heard. How do we make somebody look bad? It is easy to make somebody look bad. It is a lot harder to build them up and say, in spite of our differences, we can walk down the road together to build a better America for everybody. We did not hear that this morning. What we heard was the politics of division. First of all, I think it is improper to do that when we are considering the nomination of such a great American as Jerome Holmes.

I want to comment a minute on the stem cell debate. I am a physician. I think it is so unfortunate that we are gaming this. All of us, as families and members of this society, have members in our families who have diseases for which future research is going to unlock wonderful and magnificent cures. There is no question about that. But there is a question about an embryo. I personally believe to destroy an embryo is to take a life. That is my personal belief. You can have a different position than that, and it does not make you a bad person. It just means we have different positions. It does not make you incapable of making good decisions in the future if you have a different position than I do.

But there are some facts that are not out, and I would hope the American public would listen to them. Embryonic stem cells have tremendous potential. There is no question about it. But they also have potential tremendous danger. And there will be no cure that will come from embryonic stem cells that does not come along with potential danger, and that is called rejection because it will not be your tissue, it will be the tissue of a clone, which will still have foreign DNA in it that is foreign to you. So any cure that comes out of embryonic stem cell research will be faced with a lifelong utilization of medicines to keep you from rejecting that treatment.

Now, the difference between an embryonic stem cell and a cord blood or adult stem cell or an amniotic membrane stem cell or chorionic stem cell is that it is your tissue, there is no rejection. There is no potential for rejection if you use your own stem cells to treat yourself so you do not have to have a lifelong utilization of medicines. And the complication of those medicines is tremendous.

The other thing we did not hear today, which is the most promising for everything that we have in terms of research, is called germ cell stem cells, that have absolutely all the potential of embryonic stem cells with none of the downside and none of the rejection and none of the carcinogenesis or teratogenesis, which means the forming of tumors—has none of the downside—so, in fact, we now have in front of us, in the last 9 months, in this country an ethical alternative that solves all the problems associated with embryonic stem cells and gives us all the potential. But we did not hear a thing about that today.

We did not hear it because we were creating a wedge issue for the elections rather than solving the problems of health care in this country. We did not hear about the fact that you can take a stem cell from the duct of the pancreas and recreate beta islet cells to have people—children and adults—who are insulin dependent today have reproduction of their insulin on their own from their own cells. We did not hear that. What we heard was division rather than reconciliation.

I think it is highly unfortunate that we take time when we should be talking about the merits of what do we want in our judges. I do not care if a judge is liberal or conservative. I do not care if a judge is a Republican or a Democrat. What I do care about is do they buy the fact that they have a limited role? Do they understand what that role is, that they are there to follow stare decisis, precedent set by the Supreme Court, and the only books they get to look at is what the law, the Constitution, and the treaties say? That is what they get to decide it on, and the facts of the case.

It should not matter what their political affiliation is. It should not matter what their philosophy is of life.

What should matter is, how do they see their role? Jerome Holmes is a man who understands the role of a judge. He will make a fine judge. There is not anybody who knows this man who has come forward, in any of the testimony or any of the history, who has raised an issue about his integrity, his competence, or his character. But we have one issue. He has written his real opinion.

If we say judges cannot have an opinion outside of their job, then we are going to have terrible judges—terrible judges. And if we use only political marks—you have to line up on all the politically correct stuff from my viewpoint or somebody else's viewpoint to be a judge—we are going to have terrible judges. But, more importantly, we are going to have a divided country.

What we need in our country today is leadership that brings us together, not leadership that divides us. We need leadership that looks at a vision of America as to what we need 30 years from now, and what do we do today to get there, rather than to concentrate on our differences today so we can have a political advantage in the next election. The American people understand that. They can be manipulated. We saw that today.

But America is great when America embraces its heritage. And that heritage is self-sacrifice and service for the next generations. It is not about, how do I make myself better today; how do I create an advantage for me politically today. It is about putting me second and our country first. It is about putting my party second and our country first. It is about creating a future for the very lives we are saying we want to cure with stem cells so they have something to look forward to.

Those who vote against Jerome Holmes do not have that vision for America. They have a vision of alienation, of division, of failure for our country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Holmes nomination is pending.

Mr. LEAHY. Is there a time agreement?

The ACTING PRESIDENT pro tempore. Yes, there is.

Mr. LEAHY. How much time is available to the Senator from Vermont?

The ACTING PRESIDENT pro tempore. Forty minutes thirty seconds.

Mr. LEAHY. I thank the Chair. Mr. President, today, the Senate considers the nomination of Jerome A. Holmes for a lifetime appointment to the Court of Appeals for the Tenth Circuit. Just last week we confirmed another nominee to the Tenth Circuit, the fifth to be appointed by this President. This progress comes in stark contrast to the seven years in which a Republican-led Senate failed to confirm a single new judge for that court. Indeed, when I moved forward with the nominations of Harris Hartz of New Mexico, Terrence O'Brien of Wyoming, and Michael McConnell of Utah, it broke a long-standing partisan barricade that had been maintained by Republicans. Among the victims of the Republican obstruction were outstanding lawyers President Clinton nominated such as James Lyons and Christine Arguello, who were never even granted hearings by the Republican majority. Judge Lyons was among the many Clinton nominees voted unanimously ''Well Qualified'' by the American Bar Association who were never granted hearings, and Ms. Arguello is a talented Hispanic attorney whose nomination had significant, widespread and bipartisan support from her community and State. They were among the more than 60 qualified, moderate judicial nominees of President Clinton that Republicans ''pocket filibustered'' and defeated without hearings or votes of any kind.

Just last Thursday, Democratic Senators joined in the confirmation of Judge Gorsuch, an extremely conservative nominee, and three others. Working together we confirmed two circuit court nominees and two Federal trial court nominees in a matter of minutes. We brought the total number of judicial nominees confirmed during this President's term to 255, which exceeds the total for the last 5½ years of the Clinton administration. It brought the total number of judges confirmed over the last 18 months to 50. Of course, during the 17 months I chaired the Judiciary Committee the Senate confirmed 100 lifetime judges, twice as many in less time. Last week's success demonstrates again how we can make progress in filling vacancies by working together. Senator SALAZAR's support for Judge Gorsuch was a critical factor in our ability to act swiftly. Senator LINCOLN's and Senator PRYOR's support for confirming Judge Shepherd to the Eighth Circuit likewise made a real difference.

Regrettably, this nomination we consider today is not without controversy and concern. Mr. Holmes initially was nominated to fill a district court seat in Oklahoma. The White House withdrew that nomination and renominated him to the circuit court after Judge James H. Payne asked the President to withdraw his nomination. That withdrawal came after public reports that Judge Payne had ruled on a number of cases in which he had a conflict of interest. While the committee never had a chance to hear directly from Judge Payne about the reported conflicts, these types of conflicts are a violation of Federal law as well as canons of judicial ethics and have no place on the Federal bench. Certainly, they should not be rewarded with a promotion.

Before Mr. Holmes' hearing, I raised concerns about the many controversial letters and columns he has written on such topics as juror racial bias, affirmative action, discrimination, and school vouchers. In these writings, Mr. Holmes derided opposing points of view and those who held them. I asked Mr. Holmes to address my concerns about how he might rule on civil rights issues and how he would treat litigants as a judge. Regrettably, Mr. Holmes' stock answers to my questions that he would follow Supreme Court precedent have not reassured me that he would be the kind of judge who understands the critical role of the courts as a protection of individual rights and civil rights.

In one column, Mr. Holmes described certain allegations of racial prejudice at criminal trials as ''harmful'' because it ''bolster[s] the cynical view that jurors vote along racial lines,'' which ''undermines public confidence in the fairness of the criminal justice system.'' In fact, Mr. Holmes suggested that it is the focus on the problem of racial bias in jury selection—as opposed to the racial bias itself that—harms the criminal justice system. He wrote that focusing on racial bias ''may actually give the green light to jurors to exercise arbitrary power in the jury box when their racial number allow it.''

The Supreme Court has long recognized that racial bias in jury selection undermines constitutional guarantees to a fair trial, establishing in the landmark 1986 decision Batson v. Kentucky that striking jurors on the basis of race is unconstitutional. In contrast to Mr. Holmes' statement that accusations of racial bias are merely ''cynical,'' Batson was based on evidence showing patterns of race discrimination in jury selection. It has been reaffirmed repeatedly during the last 20 years in sharp contrast to the views of Mr. Holmes. I gave Mr. Holmes every opportunity to admit error and indicate not only that he had learned of the Supreme Court's precedent but that he had adopted that view of the law and accepted the prohibitions against racial discrimination as just, but received no such reassurance. Instead, the nominee begrudgingly acknowledged that he would have to follow Supreme Court precedent when expressly bound by it.

In another column Mr. Holmes wrote after the Supreme Court's landmark affirmative action decision, Grutter v. Bollinger, he criticized the High Court for missing an ''important opportunity to drive the final nail in the coffin of affirmative action'' and said that the ''court did not go far enough: Affirmative action is still alive.'' In addition, he described affirmative action scholarship programs as involving classifications that are ''constitutionally dubious and morally offensive.''

This was a landmark case and in it Justice Sandra Day O'Connor spoke for the Supreme Court and the Nation. Justice O'Connor, a conservative appointed by President Reagan, considered the facts and the law carefully. She took into account the brief from 65 leading U.S. corporations that noted

the importance of a diverse workforce and the brief of a highly respected group of former military officers that the military needed a racially diverse and highly qualified corps of officers. She built upon the Supreme Court's Bakke decision when she upheld the University of Michigan Law School's use of race as a factor in law school admissions and affirmed the important interest in diversity. She proclaimed: ''Effective participation by members of all racial and ethnic groups in the civic life of our nation is essential if the dream of one nation, indivisible, is to be realized.'' She went on to note that she hoped and expected that consideration of race might no longer be necessary in another 25 years. Even after the decision, Mr. Holmes chose to criticize Justice O'Connor's pragmatic, principled and practical resolution of what had become an ideological dispute. Sadly, Mr. Holmes seems to continue to want to take sides, and in my view, he is on the wrong side.

Just last week, the Senate unanimously extended the expiring provisions of the Voting Rights Act of 1965 for another 25 years. We all hope that such special provisions will no longer be necessary after another 25 years of growth and progress. But they are needed now.

Last week, we also heard the President, who has nominated Mr. Holmes, acknowledge that slavery and racial discrimination ''placed a stain on America's founding, a stain that we have not yet wiped clean.'' In his first-ever address to the NAACP national convention during his time in office, the President said racial discrimination remains a ''wound'' that ''is not fully healed.'' I will not soon forget President Bush speaking to the nation from Jackson Square in New Orleans and acknowledging that ''poverty has roots in a history of racial discrimination, which cut off generations from the opportunity of America.''

Such powerful words inspire hope for change. But that change only occurs when those words are followed by action. During his address to the NAACP, the President lamented the Republican Party's loss of support among many African Americans in our country today. He called it a ''tragedy'' that the party of Abraham Lincoln could disenfranchise the African-American community. It is not difficult to understand why. Despite his eventual support for the reauthorization of the Voting Rights Act, this President's priorities, his polices—and indeed his nominees do not demonstrate any sort of meaningful commitment on the part of this administration to confront the very real racial and economic disparities that continue to persist today.

When considering a nominee to a lifetime appointment on the Federal bench, a chief consideration of mine has always been whether all litigants would get a fair hearing in that nominee's courtroom. That is why I have been, and remain, concerned about the tone and stridency of Mr. Holmes' writings. In answering my questions about the tone of his criticisms of those with whom he disagrees on issues, Mr. Holmes seeks to make a distinction between ''the role of the opinion-article writer'' and the role of a judge. The fact that Mr. Holmes took part in hard-edged debate on public issues should not be disqualifying. It appears, however, that those opinions are what earned him this elevated nomination and what his proponents expect he will deliver from the bench.

Mr. Holmes has been an outspoken critic not only of affirmative action programs and efforts to combat race discrimination, but of African-American civil rights leaders who support them, calling them ''ideologically bankrupt.'' He has called into question the sincerity of civil rights organizations opposed to school vouchers by describing them as having ''longstanding ties to school employee labor unions, which view vouchers as a dangerous threat to the educational status quo, in which teachers bear little or no accountability for their students' educational failures.'' When the convention of the NAACP reacted negatively last week to President Bush's advocacy for vouchers, it was not because they were under the sway of any teachers' union. It was because they know how important public education is to the futures of so many from minority communities.

In a letter to one publication, Mr. Holmes criticized claims of race discrimination based on forced assimilation, characterizing a doctor's complaint that his colleagues had ''negative reactions to his dreadlocks'' as ''naïve.'' In another article, he described a defense attorney's concerns about racial bias in jury selections as ''philosophically offensive.'' Mr. Holmes' comments belittling those concerned with the persistence of race-based barriers in this country leave me with little assurance that he has the ability to maintain objectivity when applying constitutional and statutory remedies for race discrimination and concerned that he will not have an open and fair mind as a judge.

Mr. Holmes membership in the Men's Dinner Club of Oklahoma City, which restricts its membership to men, also concerns me about his ability to have an open mind. He did not resign his membership until February 2, 2006, less than 2 weeks before his initial nomination to be United States District Judge for the District of Oklahoma, presumably only after he had been notified that he would be nominated. When I asked him about why he said in his response to the committee's questionnaire that he did ''not perceive the club as practicing invidious discrimination,'' he did not respond directly. Instead, he declared in a self-serving conclusion that he would ''not knowingly be a member of any organization that harbored or expressed any bias against women, or any other groups on the basis of immutable characteristics.'' I am left to wonder what it is that Mr. Holmes would consider the kind of discrimination with which he would not want to be associated and why he was not troubled by the Men's Dinner Club. It was a place for social and professional advancement for him and he seemed not at all concerned with its restrictive policies. The fact that Mr. Holmes did not resign until the eve of his nomination because ''some might perceive the Men's Dinner Club as being an improper organization'' is troubling.

I worry that even before I announced any opposition to Mr. Holmes' nomination, we had already begun to hear the whispers of criticisms taken from the pages of the playbook of extreme right-wing groups. These groups marked a new low a few years ago by launching a scurrilous campaign to inject religion into the debate over judicial nominations. These smears were fabricated as a calculated weapon to chill proper consideration of candidates nominated for significant judicial positions. Similar, baseless accusations of other forms of discrimination serve only to inflame and distract from the fair and deliberate consideration of judicial nominations.

The Senate has confirmed 255 of this President's nominee including 100 who were approved during the 17 months that Democrats made of the Senate majority. The first confirmation when I became chairman was of an African-American circuit court nominee on whom Republicans had refused to vote. For that matter, it was Republican Senators who defeated the nominations of Justice Ronnie White, Judge Beatty, Judge Wynn, Kathleen McCree Lewis and so many outstanding African-Americans judges and lawyers who they pocket filibustered.

I was surprised when we debated Mr. Holmes' nomination in the Judiciary Committee that those defending Mr. Holmes' nomination criticized any expression of concern about his troubling writings in the area of civil rights. I appreciated when the Senator from Oklahoma apologized to me after that debate. The Senators from Oklahoma are within their rights in supporting this nomination. In fact, I consider their support as a weighty factor in considering this nomination.

That support is not universal. This is a controversial nomination. A number of leading organizations concerned with civil rights, including the NAACP, MALDEF, and many others, raised ''grave concern'' about Mr. Holmes' record. The Leadership Conference on Civil Rights, the country's oldest, largest civil rights coalition has opposed the confirmation of this nomination. Having reviewed the record, I share those concerns.

In the last several months, as we have worked to reauthorize and revitalize the Voting Rights Act, I have been thinking about the civil rights movement, what progress we have

made, and what distance we still have to go. The new law is named for Coretta Scott King among others. Dr. Martin Luther King Jr. knew that our judges and our courts were important to securing civil rights. It was not the Congress but the Supreme Court that moved the Nation forward in its Brown v. Board of Education decision in 1954. It is worth recalling Dr. King's call for the political branches to join the courts in protecting the fundamental rights of all. In his 1957 address, ''Give Us the Ballot,'' Dr. King said, ''[s]o far, only the judicial branch of the government has evinced this quality of leadership. If the executive and legislative branches of the government were as concerned about the protection of our citizenship rights as the Federal courts have been, then the transition from a segregated to an integrated society would be infinitely smoother.'' Dr. King knew how important fairminded judges were to the realization of equality. Dr. King's view and that expressed by Mr. Holmes appear to be in sharp contrast.

I take no pleasure today in doing my duty. I have considered this nomination on its merits and, in good conscience, I cannot support it. Based on Mr. Holmes' own writings and his responses to our questions, I will vote no. I hope that Mr. Holmes will prove my concerns unfounded and be the kind of judge that Dr. King would have admired, a judge in the mold of Thurgood Marshall, William Hastie or A. Leon Higginbotham, Jr.

I ask unanimous consent that a letter raising grave concerns from the Leadership Conference on Civil Rights regarding Mr. Holmes' nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, June 14, 2006.

Hon. ARLEN SPECTER, Chairman,
Hon. PATRICK J. LEAHY, Ranking Member,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER AND RANKING MEMBER LEAHY: On behalf of the undersigned organizations, we write to express our grave concern regarding the nomination of Jerome Holmes to serve on the Court of Appeals for the Tenth Circuit. Mr. Holmes has been a longstanding and outspoken critic of affirmative action. His criticism of affirmative action raises serious questions about whether litigants could expect him to rule impartially and fairly on claims that turn on legal principles of affirmative action, and about Mr. Holmes' approach to antidiscrimination laws more broadly, if he is confirmed.

Many civil rights organizations, including the Leadership Conference on Civil Rights (LCCR), the Leadership Conference on Civil Rights Education Fund (LCCREF), and the other signatories to this letter, worked to persuade the U.S. Supreme Court to uphold the University of Michigan's affirmative action programs. In the closely watched decision, the Supreme Court reaffirmed that universities may take race into consideration as one factor among many when selecting incoming students. In a 5 to 4 opinion written by Justice O'Connor, the Supreme Court in Grutter v. Bollinger specifically endorsed Justice Lewis Powell's view in 1978's Regents of the University of California v. Bakke that student body diversity is a compelling state interest that can justify using race in university admissions. The Supreme Court thus resolved a split among the lower courts as to Bakke's value as binding precedent.

Both before and after the Court spoke in Grutter, Mr. Holmes has been openly hostile to affirmative action, expressing his deeply held beliefs regarding the matter. To that end, Holmes has penned several articles widely publicizing these views. In one article, Holmes referred to affirmative action as a vehicle to ''[sow] the seeds of racial disharmony.'' As the Court decided the University of Michigan affirmative action cases, Holmes stated that, ''[t]he court did not go far enough . . . the court upheld the affirmative action policy of the university's law school. And in so doing, it missed an important opportunity to drive the final nail in the coffin of affirmative action.'' With regard to minority scholarships, Mr. Holmes has written that, the ''shelving [of] race-based scholarship programs . . . takes us one step closer to a time when constitutionally dubious and morally offensive racial classifications will no longer impede the progress of any citizen toward full achievement of the American dream.''

Affirmative action is a tool to provide qualified individuals with equal access to opportunities. Affirmative action programs, including recruitment, outreach, and training initiatives, have played a critical role in providing African-Americans and other minorities and women with access to educational and professional opportunities they would otherwise have been denied despite their strong qualifications.

Although progress has been made over the last 30 years, ensuring equal opportunity for African-Americans and other minorities and women remains an elusive goal. Continued use of affirmative action is necessary to help break down barriers to opportunity and ensure that all Americans have a fair chance to demonstrate their talents and abilities. Therefore, we have no choice but to express our deepest concerns regarding Mr. Holmes' nomination.

If you have any questions or need further information, please contact Nancy Zirkin, LCCR deputy director or Richard Woodruff at the Alliance for Justice.

Sincerely,

Alliance for Justice; American Federation of State, County and Municipal Employees; Feminist Majority; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; Legal Momentum; Mexican American Legal Defense and Educational Fund; NAACP Legal Defense & Educational Fund, Inc.; National Association for the Advancement of Colored People (NAACP); National Partnership for Women & Families; National Urban League; National Women's Law Center; People For the American Way; The American Association for Affirmative Action; YWCA USA.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, could the Chair advise the time remaining on both sides?

The ACTING PRESIDENT pro tempore. The majority has 46 minutes remaining; the minority has 22½ minutes.

Mr. COBURN. I thank the Chair.

I ask unanimous consent that letters from judges, Democrats, Republicans, businesses, the Governor of Oklahoma, be printed in the RECORD in support of Mr. Holmes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS,
TENTH CIRCUIT,
Oklahoma City, OK, June 14, 2006.

Re recommendation of Jerome Holmes nomination for the United States Circuit Judge for the Tenth Circuit Court of Appeals.

Hon. ARLEN SPECTER,
Chairman of Judiciary Committee, U.S. Senate, Washington, DC.

DEAR SENATOR: I am pleased to recommend highly my former clerk, Jerome Holmes, as a splendid candidate for service as a United States Circuit Judge of the Tenth Circuit.

Jerome gave extraordinary service to me as my law clerk from August 1990 to August 1991. He is dedicated to the highest standards of intellectual service and performed his work for our court as my clerk with complete impartiality and compassion for the people whose cases were before the court. I am convinced he will give extraordinarily fine service as a fair minded and industrious judge of the Tenth Circuit Court of Appeals if his nomination is confirmed. I heartily commend Jerome for your favorable consideration.

Sincerely,

WILLIAM J. HOLLOWAY, Jr.

CROWE & DUNLEVY,
ATTORNEYS AND COUNSELORS AT LAW,
Oklahoma City, OK, June 13, 2006.

Re Jerome A. Holmes.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I write in support of the nomination of Jerome A. Holmes to the Tenth Circuit Court of Appeals. After a distinguished career in the Office of the United States Attorney for the Western District of Oklahoma, in August, 2005, Jerome joined our firm as a director. Jerome has already assumed firm leadership positions as the chair of both our Diversity and Business Development Committees.

Jerome is thoughtful and principled in all that he does. The other directors of this firm quickly learned to respect and rely upon him. Jerome has been able to represent the clients of the firm and become an integral part of our firm through his outstanding analytical abilities and his excellent temperament.

In fact, Jerome Holmes is a paradigm for the judicial temperament and discretion that we expect of a judicial officer. He is the most articulate and well spoken attorney I have had the opportunity to work with, and is easily able to ponder multiple sides of complex issues and arrive at a thoughtful analysis.

Jerome has long been active in both the Oklahoma Bar Association and the Oklahoma County Bar Association and is now serving our profession as the vice president of the Oklahoma Bar Association. He has earned the respect of the legal community, both bench and bar, in this city and tate.

Jerome Holmes will fill the role as a member of the Tenth Circuit Court of Appeals with distinction and the highest level of professional integrity. I take, great pleasure in

sending my highest recommendation of Jerome Holmes for this important judicial position.

Yours truly,

BROOKE S. MURPHY,
President.

RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS, ATTORNEYS AND COUNSELORS AT LAW,
Oklahoma City, OK, May 26, 2006.

Re recommendation of Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Please accept this letter as an enthusiastic endorsement of Jerome A. Holmes for a position on the U.S. Court of Appeals for the Tenth Circuit. Although I often find myself in disagreement with Senators Inhofe and Coburn on a variety of policy issues, I have a great deal of respect for Jerome and must commend the Senators for endorsing his nomination for this important judicial position. I respectfully request that you move Jerome's name forward for confirmation.

Jerome is an experienced trial lawyer, working on civil and criminal matters. He recently entered private practice at one of the largest law firms in Oklahoma, after a distinguished 11-year career as a federal prosecutor in the U.S. Attorney's Office for the Western District of Oklahoma. During his time in the U.S. Attorney's Office, Jerome primarily prosecuted cases involving white collar and public corruption offenses. He also worked for almost one year on the prosecution team that brought charges against the perpetrators of the Oklahoma City Bombing.

Jerome received his Juris Doctor from Georgetown University Law Center, where he served as Editor-in-Chief of the Georgetown Immigration Law Journal. He received a B.A. degree from Wake Forest University, graduating cum laude. In addition, Jerome earned a Master in Public Administration degree from Harvard University's John F. Kennedy School of Government, where he was a John B. Pickett Fellow in Criminal Justice Policy and Management.

Jerome is licensed to practice law in three jurisdictions, including Oklahoma. He also has been admitted to practice before the Bars of the U.S. Supreme Count and the U.S. Courts of Appeals for the Tenth Circuit and the District of Columbia Circuit.

Jerome is a leader in his profession, currently serving on the Oklahoma Bar Associations's Board of Governors (BOG) as Vice President. He is the first African American in the history of the Oklahoma Bar Association to occupy an officer's position on the BOG.

Jerome's long-standing concern for the economically disadvantaged is evident in his professional and civic activities. Jerome serves on the ABA's Commission of Homelessness & Poverty and is Chair of the Board of one of the largest providers of shelter to Oklahoma's homeless, City Rescue Mission. Jerome also is committed to ensuring that the doors of the legal profession are open to underrepresented racial and ethnic minorities. He is Chair of his law firm's Diversity Committee and has devoted numerous hours to working with minority high school students in a mock trial program.

Jerome enjoys widespread support among Oklahoma Democrats and Republicans alike. In Oklahoma legal circles, Jerome has a very strong reputation. He is a dedicated professional who would be committed as a judge to fairness and justice, rather than ideology. I heartily endorse Jerome's nomination for the Tenth Circuit position without reservation. Please help all Oklahomans by moving Jerome's name forward for confirmation as soon as possible.

Sincerely,

MICHAEL C. TURPEN.

JIM ROTH,
OKLAHOMA COUNTY DISTRICT ONE,
Oklahoma City, Oklahoma.

Re: nomination of Jerome Holmes, 10th Circuit Court of Appeals

Hon. ARLEN SPECTER,
Chairman, U.S. Senate, Judiciary Committee, Washington, DC.
Hon. PATRICK LEAHY,
Ranking Member, U.S. Senate, Judiciary Committee, Washington, DC.

DEAR DISTINGUISHED SENATORS: It is truly an honor to offer this Letter of Recommendation for your consideration on behalf of Jerome Holmes, a nominee for the lOth Circuit Court of Appeals.

I have known Jerome Holmes for several years, both professionally and personally, as I am also a member of the Oklahoma Bar Association. I know him to be a person of Integrity and Character and I have always appreciated Mr. Holmes' fairness in our dealings. What's more, I have witnessed Mr. Holmes' efforts in our local community to improve the lives of those around us; all people regardless of where they live, what they look like or how much money they have. He has an altruistic spirit that makes him a standout in this world.

I serve Oklahoma County as one of three elected County Commissioners, am a proud Democrat and consider Jerome Holmes to be a principled leader who demonstrates mutual respect for all people. In particular, he is respectful of views that differ from his own and he enjoys tremendous bipartisan support and respect.

If I can provide any further information or perspective, please do not hesitate to contact me at your convenience.

Respectfully yours,

JIM ROTH,
County Commissioner.

HOLY TEMPLE BAPTIST CHURCH,
Oklahoma City, June 21, 2006

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS SPECTER AND LEAHY: I am writing in reference to the nomination of the Honorable Mr. Jerome A. Holmes, Esq.'s judicial appointment. I appreciate the concern that has been expressed about his nomination based upon his writings and positions on affirmative action. In all honesty I stand in a position that is contrary to the interpreted and most likely actual personal stance of Mr. Holmes, yet my relationship with him moved me to write and to express my support for him.

I have known Mr. Holmes for many years and believe that he does have a high regard for the views of those who maybe different from his own. That in and of itself is enough for me to believe that he would ''hear'' fairly. In addition, Mr. Holmes has displayed a level of integrity in all his dealings that I have been aware and has shown in our personal conversation willingness to listen and respect differing views. I trust Mr. Holmes and so in light of our differences I support his nomination.

I do realize the responsibility that is upon me as a Pastor, Community Leader and a concerned citizen. This is no light matter for me, indeed it is with much prayer and struggle that I searched out the right words to convey the right tone to reinforce my message. As a member of the NAACP, Urban League and many other organizations that fight for the rights of minorities, I am moved to ask your continued approval of this nomination.

Sincerely,

GEORGE E. YOUNG, Sr.
Pastor.

JUNE 19, 2006.

Re recommendation of Jerome A. Holmes, U.S. Court of Appeals for the Tenth Circuit.

Hon. ARLEN SPECTER,
U.S. Senator,
Washington, DC.

DEAR SENATOR SPECTER: As Governor of the State of Oklahoma, and as a former Chair of the State Senate Judiciary Committee, I have had a lot of experience in the selection of judges. In our modified Missouri system of appointment of judges, the Governor plays a key role when judicial vacancies occur. Not only does the Governor appoint members to the Judicial Nominating Commission, but he or she also is forwarded the final three names of judicial applicants for gubernatorial selection. I take this responsibility very seriously, and I have personally interviewed every single candidate forwarded to me.

I have come to know and respect Mr. Jerome Holmes, a nominee for the Tenth Circuit vacancy created by the retirement of my friend, Judge Stephanie Seymour. Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics and integrity. Indeed, I recently appointed his former supervisor, Judge Arlene Johnson, to our court of last resort on criminal matters, the Oklahoma Court of Criminal Appeals. When Arlene was Chief of the Criminal Division of the U.S. Attorney's office in the Western District of Oklahoma, Jerome was her chief deputy. Their division was considered a model division of the U. S. Attorney's office. Jerome handled this difficult task with competence and honor, and he was part of the prosecution team that brought charges against the perpetrators of the Oklahoma City federal building bombing.

I have also come to know Jerome on a personal basis through the Oklahoma Symposium, a sort of ''think tank'' gathering of top Oklahomans that meets formally once a year, and informally in small groups from time to time. It is an honor to be invited to join the Symposium, and Jerome was among the first to be invited for membership.

Jerome is uniquely qualified for this position. He served as a law clerk for Federal District Judge Wayne Alley and then for the then-Chief Judge of the Tenth Circuit Court of Appeals, the honorable Judge William Holloway. Jerome then practiced for several years in civil litigation before devoting himself for eleven years to the U.S. Attorney's Office in Oklahoma City. For several months, he has been practicing at Crowe & Dunlevy, one of the largest and most respected law firms in Oklahoma. In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

I hope you will see fit to appoint this remarkably talented young man to this important position. I know of the Tenth Circuit, as well, because my cousin, Judge Robert Henry, will become the Chief Judge of that Circuit in 2008. I know he shares my high regard for Jerome, as he has told me of Jerome's excellent professional appearances before that court.

I continue, Senator, to appreciate the very important work that you do. Please do not

hesitate to contact me if I can be of service, or, of course, if you should come to Oklahoma.

Sincerely,

BRAD HENRY,
Governor.

RYAN, WHALEY & COLDIRON,
ATTORNEYS AND COUNSELORS AT LAW,
Oklahoma City, OK, June 21, 2006.

Re: nomination of Jerome A. Holmes to the Tenth Circuit.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER AND SENATOR LEAHY: I am writing in support of the nomination of Jerome A. Holmes for the United States Court of Appeals for the Tenth Circuit.

I am a lifelong Democrat. For six years I was fortunate to work on the United States Senate staff of Senator David Boren and the Senate Agriculture Committee. During this time I met Senator Leahy and personally witnessed his leadership as a committee chairman. I was the Democratic nominee for an Oklahoma congressional race in 1994. I later became a federal prosecutor and eventually served as the United States Attorney for the Western District of Oklahoma, first through appointment by Attorney General Janet Reno and then through nomination by President Clinton.

I have known Jerome Holmes for over ten years through our work together in the United States Attorney's Office and now in private practice. I believe his intellect, experience and character make him an excellent choice for a position on the appellate court. I saw these qualities firsthand as Jerome carried out his many responsibilities as a prosecutor. One of the most important duties he performed was that of the office's legal ethics and professional responsibility counselor. Jerome acted ably in this capacity during a time of heightened scrutiny for federal prosecutors following the passage of the Hyde Act and the McDade Amendment. Since both of you are former prosecutors, I trust that you can appreciate the degree of confidence in Jerome's abilities and integrity that were required in order to be given such an assignment by me and other United States Attorneys.

Jerome's nomination has apparently triggered concern from groups that have focused on his writings on affirmative action. In this regard, I can offer three observations. First, I have known Jerome to be open-minded and respectful of different views. More importantly, I know Jerome to be respectful of the role of the courts, as opposed to the role of the advocates, and I believe this understanding to be partly the result of his three years of service as a law clerk for federal appellate and district judges. Finally, as noted above, I know Jerome to be a person of unwavering integrity. Therefore, when Jerome states under oath that he will put his personal views aside and follow the law, I believe he will do just that.

I hope these observations are helpful as you consider Jerome's nomination, which I hope you will act upon favorably. I respectfully request that this letter be made part of the committee record regarding his nomination. If I can be of further assistance or if you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

DANIEL G. WEBBER, Jr.

OKLAHOMA BAR ASSOCIATION,
Oklahoma City, OK, July 21, 2006.

Re: confirmation of Jerome A. Holmes, Nominee for Judicial Appointment to Tenth Circuit Court of Appeals.

Hon. JAMES M. INHOFE,
Russell Center Office Building,
Washington, DC.

DEAR SENATOR INHOFE: As president of the Oklahoma Bar Association, I am writing in support of the nomination of Jerome A. Holmes, Esquire to the United States Court of Appeals for the Tenth Circuit.

I've had the pleasure of serving with Jerome for the last 2½ years, in various official capacities with the Oklahoma Bar Association. I selected Jerome to serve as my Vice President for this year. He has served in that capacity with exceptional skill, talent and knowledge of a vast breadth of issues.

I have enjoyed working with Jerome as I find him to be an intelligent lawyer and an extremely thoughtful leader who excels in everything that he does. I believe that Jerome should be entitled to bipartisan support because he displays the demeanor, work ethic and outstanding capacity to reach an appropriate decision under our constitution. Jerome will be an outstanding jurist who will follow the law and not his personal views or beliefs.

Again, I appreciate your consideration of my support for the confirmation of Jerome Holmes to the United States Court of Appeals for the Tenth Circuit by the full Senate. Please feel free to contact me if you have any questions regarding his qualifications.

Very truly yours,

WILLIAM R. GRIMM,
President, Oklahoma Bar Association.

RESOLUTION TO THE U.S. SENATE

Whereas, Jerome A. Holmes exemplifies the highest standards of the legal profession, has given unselfishly of his time and talents to further the legal profession, has served as Vice President and Govrenor of the Oklahoma Bar Association and has held numerous other high positions within the Association;

Whereas, Jerome A. Holmes has consistently demonstrated that he possesses the demeanor, intelligence and legal skills to serve in the highest office of his profession and the public;

Whereas, Jerome A. Holmes has served his profession, his community, his state, and his nation with courageous, devoted and tireless service to insure that the rule of law prevails and that there be liberty and justice for all;

Whereas, Jerome A, Holmes has received a nomination from President George W. Bush to serve as a judge of the Tenth Circuit Court of Appeals pending confirmation by the United States Senate; .

Be it Resolved, on behalf of the Oklahoma Bar Association, the Board of Governors unqualifiedly and wholeheartedly supports the confirmation of Jerome A. Holmes to the position of judge of the Tenth Circuit Court of Appeals;

Be it Further Resolved, the Board of Governors requests the honorable members of the United States Senate for favorable confirmation of Jerome A. Holmes.

In Witness Whereof, this Resolution is unanimously Adopted by the Oklahoma Bar Association Board of Governors this 21st day of July 2006.

WILLIAM R. GRIMM, PRESIDENT,
Oklahoma Bar Association.

Mr. COBURN. Mr. President, I want to take a few moments to discuss the comments we just heard. I will go back to the litmus test.

My belief is there is no way Jerome Holmes could have given an answer in response to questions that were asked by Senator LEAHY that would have met with Senator LEAHY's approval. We had a hearing on Mr. Holmes. The great concerns we have heard on the floor, nobody came to ask any of those questions. No one showed up other than myself and two other Members to hear Jerome Holmes' response, both in terms of his comments and beliefs about affirmative action, but also about the beliefs he has. This is a man who has experienced racial discrimination. This is a Black man who rose to heights without the assistance of anyone else other than his sheer will and great effort on his part and the character instilled in him by his parents.

There are multiple allegations that have been raised. I will hold back on answering those specifically with Mr. Holmes' responses.

I yield to the senior Senator from Utah 20 minutes. If he needs additional time, I will be more than happy to yield that to him. Would the Chair please notify us when we have 10 minutes remaining?

The ACTING PRESIDENT pro tempore. Yes.

The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I appreciate his leadership on the floor. This is an exceptional nominee for the court.

I rise to voice my strong support for the nomination of Jerome A. Holmes of Oklahoma to be a judge on the U.S. Court of Appeals for the Tenth Circuit. With this nomination, we see an all-too-familiar pattern. Mr. Holmes is a highly qualified nominee, a man of integrity and character who knows the proper role of a judge, someone who is praised by those who know him and attacked by some who do not.

Let me review each element of this familiar pattern in turn.

First, Mr. Holmes is a highly qualified nominee. After receiving his law degree from Georgetown University in 1988, where he was editor in chief of the Georgetown Immigration Law Journal, Mr. Holmes returned to Oklahoma and began an impressive legal career. He clerked first for U.S. District Judge Wayne Alley of the Western District of Oklahoma, and then for U.S. Circuit Judge William Holloway of the Tenth Circuit. Both judges have since taken senior status, and I can only imagine how proud they must be to see their former clerk now nominated to the Federal bench himself. And in the case of Judge Holloway, I truly hope that Mr. Holmes will soon have the privilege of calling his former boss a colleague.

After 3 years of private practice with the highly regarded law firm of Steptoe & Johnson, Mr. Holmes entered public service. While an Assistant United States Attorney serving the Western District of Oklahoma, Mr. Holmes prosecuted a wide range of cases and was that office's anti-terrorism coordinator. No doubt among his most vivid

memories from that time was his experience on the prosecution team regarding the Oklahoma City bombing. Somehow, Mr. Holmes also completed a master's degree in public administration from Harvard University's Kennedy School of Government. Currently, after more than a decade as a prosecutor, Mr. Holmes is back in private practice as a director of Crowe & Dunlevy, a prominent law firm in Oklahoma City, where he chairs the firm's diversity. committee. He has also served as Vice President of the Oklahoma Bar Association. This is an exceptional man.

Second, Mr. Holmes is a man of integrity and character. We hear now and then about the need for judges who are well-rounded individuals, who are good people as well a good lawyers. Well, during his years in private practice and public service, Mr. Holmes has also served his community. In addition to chairing the Oklahoma City Rescue Mission, Mr. Holmes has been a director of the Oklahoma Medical Research Foundation and a trustee of the Oklahoma City National Memorial Foundation.

Third, Mr. Holmes understands the proper role of judge in our system of Government. He has testified under oath that he knows judges must separate their personal views from what the law requires. He has repeatedly affirmed his commitment to follow applicable Supreme Court precedent in cases that will come before him. This means, as he put it in answers to questions following his hearing, an evenhanded application of legal principles in all areas.

Fourth, Mr. Holmes is praised and supported by those who know him. This includes Democrats in Oklahoma. Daniel Webber, appointed by President Bill Clinton to be U.S. Attorney in Oklahoma, has written the Judiciary Committee in support of Mr. Holmes' nomination. He has known this nominee for more than a decade and urged confirmation based on Mr. Holmes' intellect, experience, and character. Reaffirming that the nominee before us today knows the proper role of a judge, Mr. Webber wrote us that Mr. Holmes is ''respectful of the role of the courts. . . . When Jerome states under oath that he will put his personal views aside and follow the law, I believe he will do just that.''

Oklahoma Governor Brad Henry, a Democrat, also wrote the Judiciary Committee to support this nomination. Governor Henry said that Mr. Holmes is ''a highly qualified candidate, a superb lawyer, with a reputation for fairness, ethics and integrity. In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.'' A superb lawyer with a reputation for fairness, ethics, and integrity. It seems to me that is exactly the formula we should consistently be looking for in nominees to the Federal bench.

So far, so good. The fifth element of this familiar pattern, however, is that Mr. Holmes is being attacked and opposed by some who do not know him. Mind you, they have not suggested that Mr. Holmes is not qualified to sit on the Federal appellate bench. They have not disputed his character or integrity. Nor have they offered anything to cast doubt on what seems to be universal acclaim from those who know Mr. Holmes and have worked with him. In yet another familiar element of this pattern, Mr. Holmes' critics find fault not with his experience, his qualifications, his integrity, or his character, but his politics.

In particular, the critics take issue with Mr. Holmes' opposition to Government-imposed racial preference policies. Let me emphasize what I mentioned a few minutes ago, that Mr. Holmes helped create and chairs his law firm's diversity committee. In the private arena, he works to recruit and retain qualified lawyers of various racial and ethnic backgrounds. He also believes that race-based policies were once necessary to address the effects of past discrimination. Mr. Holmes would be the first African-American judge on the Tenth Circuit. At the same time, like two-thirds of Americans, Mr. Holmes opposes current programs that condition admission to public universities on race, not to address past discrimination but to create future diversity.

My liberal friends can, of course, disagree with Mr. Holmes on this issue. But by suggesting that his opinion on this issue somehow disqualifies him from serving on the Federal bench, they are treading on very dangerous ground. Mr. Holmes is hardly the first judicial nominee to have taken a clearly defined stand on a controversial issue. I could chronicle some of the more prominent examples, judges overwhelmingly confirmed by this body. Are my liberal friends saying that we should instead be looking to be judicial nominees individuals who have no opinions on issues of the day, who have done nothing, said nothing, and thought nothing? Or are they suggesting that if nominees have thought about and have opinions on controversial issues, only liberal opinions are acceptable?

The issue is not whether a nominee is liberal or conservative, Democrat or Republican, but whether he is committed to basing his judicial decisions on the law. The evidence from him and those who know him is that Mr. Holmes will do just that, and there is not a shred of evidence to the contrary.

Not only that, but Mr. Holmes' supporters—again, those who know him best—also stress his willingness to listen and to respect those with differing views. Oklahoma County Commissioner Jim Roth, another Democrat, wrote the Judiciary Committee calling Mr. Holmes ''a principled leader who demonstrates mutual respect for all people. In particular, he is respectful of views that differ from his own and he enjoys tremendous bipartisan support and respect.'' That is from a Democrat. How can you ask for a better statement from anybody?

Specifically on the issue that has so captivated Mr. Holmes' critics, Pastor George Young, Sr., who supports affirmative action, writes that ''Mr. Holmes has displayed a level of integrity in all his dealings that I have been aware and has shown in out personal conversation willingness to listen and respect differing views.''

Perhaps my liberal friends are taking out their litmus paper to judge Mr. Holmes' personal views because they believe that is precisely what should drive judicial decisions. Mr. President, I reject that notion out of hand and I invite those who take such an ideological, politicized view of what judges do to try and sell that to the American people.

Mr. President, personal views or political positions are the wrong standard for evaluating judicial nominees. It distorts the fundamental difference between advocates and judges, between opinion and law. And it misleads the American people about what judges do and the important place they occupy in our system of Government. I am convinced that Mr. Holmes understands far better than his critics that judges must be neutral arbiters, that they must follow the law, that they must set aside personal views or opinions. I am convinced that Mr. Holmes will do just that on the Tenth Circuit.

Mr. President, we have been here before. Nominees of obvious qualification and experience, unquestioned integrity and character, and solid bipartisan support, are nonetheless attacked and maligned because of their personal views or political opinions. It has happened before and, sadly, I expect it will happen in the future. The proper standard, however, looks at qualifications, integrity, and commitment to the proper role of judges in our system of Government. Judged by this proper standard, Mr. Holmes will be a fine member of the court he once served as a law clerk.

Let me close with the words of one of the judges Mr. Holmes served as a law clerk. Judge William Holloway was appointed to the Tenth Circuit in 1968 by President Lyndon Johnson. He wrote the Judiciary Committee that Mr. Holmes ''performed his work for our court as my clerk with complete impartiality and compassion for the people whose cases were before the court. I am convinced he will give extraordinarily fine service as a fair minded and industrious judge.''

Excellence, fairness, integrity, impartiality, compassion, and a willingness to listen. That is what the evidence shows, Mr. President. Jerome Holmes is a fine lawyer and a good man. He will make a great judge.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe under the agreement I have 15 minutes; am I correct?

The PRESIDING OFFICER. There is no time agreement. The Senator is recognized and may proceed.

Mr. COBURN addressed the Chair.

Mr. KENNEDY. Mr. President, I think I have the floor.

Mr. COBURN. Will the Senator yield for an inquiry of the Chair?

Mr. KENNEDY. Yes.

Mr. COBURN. Mr. President, it is my understanding that we are under a unanimous consent agreement. There is a time agreement, and it is limited on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma is correct. There is 2 hours equally divided. We are operating under a time agreement, but there is no specific consent to limit the Senator from Massachusetts to 15 minutes.

Mr. COBURN. Will the Chair advise the amount of time left on either side? I thank the Senator for yielding.

The PRESIDING OFFICER. The majority has 32 minutes remaining and the minority has 22 minutes remaining.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

Mr. President, the Senate's exercise of its advice and consent power when it considers nominees to the Federal bench is one of our most important constitutional responsibilities. We are conferring on men and women the power to interpret and apply our laws for the rest of their lives. It is the last opportunity any of us have to sit in judgment of them.

Our task is not to evaluate a nominee based on politics but, rather, to consider other important criteria. We start with the essential elements of professional excellence and personal integrity, but we must also evaluate the likelihood that nominees will be fair and openminded judges who bring compassion and understanding of the history and fundamental values of America to the bench.

In considering a nomination to our Federal courts of appeals, we must exercise special care. The Supreme Court accepts few cases out of the thousands of cases it is asked to hear every year. The Federal appellate courts are almost always litigants' last hope for justice from our legal system. For those who seek relief from race and sex discrimination at work or at school, for criminal defendants who have been wrongfully deprived of their liberty or sentenced to death, or for those who seek to protect our liberties, the circuit courts of appeals are almost always their last hope for justice.

The record of Jerome Holmes demonstrates that he is not a nominee we can afford to entrust with the judicial power of the United States. His professional qualifications are not in dispute, but he has taken extreme public stances on issues that regularly come before our courts. These stances suggest that he will not approach these issues with an open mind or fairly apply the law in these areas.

Perhaps most troubling are Mr. Holmes' strong and repeated statements denouncing affirmative action. Just last week, this body reauthorized the Voting Rights Act, one of America's greatest achievements in the effort to overcome centuries of racial oppression. During that debate, numerous Senators had the occasion to revisit the legacy of racially motivated violence, discrimination, and disenfranchisement that oppressed so many in this country. We had the occasion to reflect on the need for strong and complete remedies for those centuries of discrimination that would eliminate it root and branch.

Affirmative action is an effective and necessary remedy that must be available if we are to provide opportunity for all, by breaking down persisting barriers and making it possible for all Americans to demonstrate their abilities and fulfill their potential. Yet Mr. Holmes has repeatedly denounced affirmative action as both immoral and unlawful.

Shortly after the Supreme Court struck down the University of Michigan's affirmative action program for undergraduates but upheld the law school's program, Mr. Holmes wrote:

The court did not go far enough: Affirmative action is still alive.

He lamented that the Court ''missed an opportunity to drive the final nail in the coffin of affirmative action.'' He called affirmative action a ''quota system'' and accused it of perpetuating a society in which ''race unfortunately still matters.'' He referred to scholarships for minority students as ''constitutionally dubious and morally offensive.''

We know that race does still matter in our society, which is the very reason lawful affirmative action programs are needed. They guarantee opportunity for minority students who, because of discrimination and its legacy, might otherwise never be able to excel. We all hope for the day that individuals will not be denied opportunity because of race, but until we reach that day, affirmative action programs are part of the solution, not the problem.

Mr. Holmes' extreme statements make it impossible to believe that he will approach affirmative action cases with an open mind. He says he will fairly apply our Nation's affirmative action laws, which have helped—and continue to help—women and racial minorities overcome centuries of discrimination, but his bland assurances are far from sufficient to overcome his record.

His views on our criminal justice system are also disturbing. He has put on a set of ideological blinders to ignore the invidious racial discrimination that persists in criminal trials and sentencing. When a defense lawyer in Oklahoma had the courage to suggest that African Americans accused of committing crimes against Whites in Oklahoma City could not receive a fair trial, Mr. Holmes delivered a swift rebuke. Not only did he dismiss the effect of racial bias, he also chastised the defense lawyer for even raising the issue, contending that he had undermined the public's confidence in the judicial system. The problem of racial bias in juries is an important issue in the criminal justice system that merits discussion and recognition that we should be seeking effective remedies, not blaming the messenger.

By approving this nominee, the Senate would send a message that we don't care about the racial disparities in our criminal justice system. If we confirm an appellate judge who ignores the realities of such disparities, we cannot expect the public—especially minorities—to believe that they will get a fair day in court. The fact that Mr. Holmes stated these views while serving as deputy criminal chief of a U.S. attorney's office only reinforces my concern about his ability to separate his extreme personal ideologies from his actions as a judge if we confirm his nomination.

Mr. Holmes' aggressive support for the death penalty raises special concern. He said that the statement society sends through the death penalty ''is not materially diminished by the fact that . . . mistakes are made'' in imposing the death penalty. Unlike Mr. Holmes, most death penalty supporters appreciate the severity of a death sentence. It is irreversible punishment, which means that we must do everything in our power to reduce the possibility of mistakes. Many death penalty advocates have supported expanded use of DNA testing and other tools to avoid mistakes in capital punishment cases.

Taking an extreme position yet again, Mr. Holmes has no respect for these concerns. He is more interested in the symbolism of the death penalty than the fact that an individual life will end. Because the Supreme Court hears so few death penalty cases, appellate courts often have the final word on the life and death of criminal defendants. We should not support the confirmation of a Federal judge who has so little respect for this grave responsibility.

The Senate has supported the overwhelming majority of President Bush's judicial nominees. I have voted for the confirmation of dozens of judges with whom I have ideological differences. However, the nomination of Jerome Holmes is different. I do not believe that he will serve on the Federal bench with a fair and open mind. I, therefore, cannot support the confirmation of Jerome Holmes to the Tenth Circuit, and I urge the Senate to oppose his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, it is amazing the way things get twisted. I want to read exactly what Jerome Holmes said in his comments about racial bias. The Senator from Massachusetts just stated that he would ignore

reality. Here is what he said in his article.

One need not doubt the lingering effects of racism in our society to reject the above claims. Harvard law professor Randall Kennedy and other scholars remind us that racial prejudice still exists in the jury box.

He didn't deny it. He said it did. You just heard the opposite of that. What he said is: As an African American, I am among the first to condemn it.

We did not hear any of that. And what was just said about what Jerome Holmes wrote, he condemns it. He can't be trusted. That was what we just heard. What you just heard was a litmus test that if he doesn't agree down the line with those who have a completely different political philosophy, he is unqualified. Here is a Black man who has been discriminated against tons in his life. It makes no intuitive sense that he would oppose a jury system that ferreted out racial discrimination. So that is unfounded.

His comments on the death penalty, Judge Holmes said we should use DNA but that should come through the legislature as direction, as a directive of the legislative bodies in terms of creating parameters, also, which you would say is to his credit because what he said is: I recognize the limited role of the judiciary in how we make decisions. We should be dependent in certain areas on directions from the legislative body. In other words, what we rule on is the laws of this country which the legislative body and the executive branch determine. So all he is doing is deferring. It has nothing to do with whether DNA should be used to protect the life of somebody wrongly convicted and under threat of the death penalty.

The other quote we heard is it is impossible for him to have an open mind because he disagrees with the Senator from Massachusetts on an issue. Well, if we use that standard in this body, nothing would ever happen. If we disagree, then we can't have an open mind, we can't listen, we can't learn.

He won't come unbiased to the court. There is not one judge anywhere in this country who does not have biases. The question is can they separate their biases through the commitment of their oath of office to say: Here is our function. Here is how we function. Here is how we carry out our obligations.

Nobody meets the standard that the Senator from Massachusetts just set up. There would be nobody with whom I might have a philosophical difference that I could not raise that same example.

I am hopeful that the Members of this body will overwhelmingly endorse Jerome Holmes, the first African American to be appointed to the Tenth Circuit Court of Appeals. For the very reasons that Senator KENNEDY raised, Jerome Holmes disproves every one of those arguments.

It gives me great pleasure to yield to the senior Senator from Oklahoma at this time and to thank him in the process and to also recognize and thank the President for the nomination of Jerome Holmes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me thank the junior Senator from Oklahoma for the time he spent on the floor and the time he spent defending this man, not that he should ever need any type of defense against some of the accusations. I didn't realize that there is an article referred to where he stated: There are other ways to get minority students on college campuses besides handing out benefits based solely on skin color.

I am proud of it. I am also proud of the fact that I have known Jerome Holmes for some 5 years. Frankly, prior to this nomination, I made recommendations to the President that he consider this man because he is so incredibly qualified. We all agree he is a man of great character and undeniably fit for the bench. He has connections with both Oklahoma City and throughout Oklahoma, as well as the District of Columbia, a family history that goes back.

He was one of the prominent figures in the Oklahoma City bombing that took place 11 years ago. He was on the Oklahoma City bomb prosecution team, and I believe it was his distinguished service as assistant U.S. attorney that really began to set him apart in the legal field.

When asked about Mr. Holmes, most lawyers in Oklahoma begin their compliments with his work as U.S. assistant attorney in some public corruption cases in our State. He is someone who is willing to get in there and criticize and open up things other people aren't, a great characteristic and I think very important. But if I were to single out another one, I would say his chairmanship of City Rescue Mission in Oklahoma. This is their mission statement:

Serving the homeless both with help, hope, and healing in the spirit of excellence, under the call of Christ.

I have certainly made my position known for quite some time concerning him and how he limits his opinions to the facts, the litigants, and law before him in any case. At a time when our Nation is faced with the onslaught of judicial activism, he is a breath of fresh air and I believe he is a man of character and principle; that he will rule justly within the parameters of the law.

We have a resolution from the Oklahoma Bar Association. I have the former president of the American Bar Association, the president-elect of the local Federal bar association, I have the deans of all three of the Oklahoma law schools praising him in the highest of terms.

Judge Holloway, currently sitting on the Tenth Circuit, noted Mr. Holmes's compassion for people whose cases were before the court. John Richter, the U.S. attorney for the Western District of Oklahoma, who worked with Mr. Holmes, can speak from the prosecutor's perspective and has said that Mr. Holmes is a man of integrity and character and possesses a rock-solid work ethic.

Mike Turpen is someone with whom Senator COBURN is very familiar. I don't believe in the years I have known Mike—and we have one of these very honest relationships. He is a very partisan Democrat. I don't think he has ever said anything nice about a Republican in his life except Jerome Holmes. Dan Webber—we have all these Democrats who are lined up without anyone dissenting from the idea that this guy is the perfect nominee to be confirmed to the Tenth Circuit.

Judge Ralph Thompson—I was elected to the State legislature with Judge Thompson. I considered him not just one of my closest personal friends, but he is certainly a judge of distinction in Oklahoma and has been for over 30 years. He ought to know a thing or two about judges. He said:

Mr. Holmes is dedicated completely to the rule of law, the proper role of the judiciary and to applying and interpreting the law without regard to personal views on given issues.

I don't think there is any judge, any Federal judge in the history of Oklahoma, who is more highly regarded than Judge Thompson. He also went on to affirm Mr. Holmes's honesty and compassion.

I have a letter from Pastor George Young, a member of the NAACP and the Urban League, who showed great character in voicing his support for Mr. Holmes. He said: I trust Mr. Holmes, and so in light of our differences I support his nomination. Now, he is one who doesn't agree with everything, every statement that Jerome Holmes has made, and yet he supports his nomination. He is for him. He is supporting him, head of the NAACP and the Urban League.

I talked with various attorneys in the State, and they all have good things to say about him. What I want to do, Mr. President, is submit for the RECORD a list of letters, if this has not been done by my colleague from Oklahoma.

It has been done, so it is already in the RECORD.

I thank my colleague for the time he spent in the Chamber. It happens I am on the Armed Services Committee, and we have a critical meeting that is going on even right now, so I haven't been able to be here, but my absence from the floor is no indication that I don't hold this person in the highest regard.

I worked hard in getting his name to the President, made that recommendation early on, and I believe he will be confirmed and history will reflect later on that he would be one of the greatest circuit judges, and I certainly encourage my colleagues to support his nomination to the Tenth Circuit.

I thank the Chair.

Mr. GRAHAM. Mr. President, I am very pleased to support the nomination

of Jerome Holmes to be a judge on the Tenth Circuit Court of Appeals. Due to a scheduling conflict, I am unable to be here to vote for Mr. Holmes, though I would have cast my vote to confirm him. In any event, with his stellar qualifications, I doubt my vote will be needed. President Bush made a great choice in nominating Mr. Holmes, and I look forward to great things from him during his tenure on the Tenth Circuit.

Mr. FEINGOLD. Mr. President, I will vote ''no'' on the nomination of Jerome M. Holmes to be a judge on the U.S. Court of Appeals for the Tenth Circuit, and I would like to take a minute to explain why I reached this decision.

This is an important nomination and should receive close scrutiny. Judges on the court of appeals have enormous influence on the law. Whereas decisions of district courts—a position Mr. Holmes has never held—are subject to appellate review, the decisions of the courts of appeals are in almost all cases final, as the Supreme Court agrees to hear only a very small percentage of the cases on which its views are sought.

I believe in certain longstanding touchstones of the qualifications needed for judicial nominees: legal competence, fairness, and the ability to approach issues with an open mind. We sometimes short-hand these qualities into a single phrase—a judicial temperament. In evaluating a nominee's judicial temperament, our goal is to have an evenhanded judiciary that hears the case before it and applies the law fairly and uniformly, rather than letting strong personal convictions override the facts or the law. We do this for a simple but fundamental reason, namely, that we want a highly qualified and independent judiciary that can command the respect and admiration of the American people.

In the nomination of Mr. Holmes, we have a nominee to one of our highest courts who has never served as a judge before. President Bush originally nominated Mr. Holmes to be a Federal district judge in Oklahoma earlier this year. Prior to this nomination, Mr. Holmes had been an assistant U.S. attorney in Oklahoma and in private practice. The Judiciary Committee was ready to consider that initial nomination—to determine the merits of Mr. Holmes serving in his first judicial position as a Federal district judge, a position with substantial responsibility.

But for some reason Mr. Holmes' nomination was upgraded to the U.S. Court of Appeals for the Tenth Circuit. Placing a nominee with no judicial experience on an appellate court makes it hard to evaluate the nominee's judicial temperament—his capacity to be fair and impartial.

With no judicial record to illuminate his views, we are left only with Mr. Holmes' words as a window into his judicial temperament. Those words are troubling and could lead a reasonable person to question his objectivity and temperament. After the Supreme Court's nuanced affirmative action ruling, Grutter v. Bollinger, Mr. Holmes derided the Court for missing the ''opportunity to drive the final nail in the coffin of affirmative action,'' and complained that ''[t]he court did not go far enough: Affirmative action is still alive.'' He has referred to scholarship programs targeted at minority children as ''morally offensive.'' He has called African-Americans leaders, on various occasions, ''ideologically bankrupt'' and suggested that their opposition to school vouchers is insincere. In a letter to a publication, Mr. Holmes flippantly dismissed a doctor's complaint that his colleagues had ''negative reactions to his dreadlocks'' as ''naïve.'' He has even gone so far as to claim that efforts to address racial bias in jury selection actually harm the criminal justice system.

Mr. Holmes has even dismissed problems with the administration of the death penalty. In a 2004 speech, he said: ''The statement society is sending—that certain conduct and the perpetrators of it deserve to die is not materially diminished by the fact that in the implementation of the death penalty mistakes are made.'' In response to my written questions regarding whether executing an innocent person was an acceptable mistake, Mr. Holmes responded by saying that ''the criminal justice system should be administered in a manner that eliminates mistakes—to the extent it is humanly possible—and yields accurate outcomes.'' I do not think this is an acceptable answer to a fairly simple question. His statements suggest a rather cavalier approach to a very significant issue in contemporary criminal law.

Mr. Holmes' dismissive comments about affirmative action, school vouchers, and the death penalty were not offhand remarks, or impassioned advocacy on behalf of a client. Nonetheless, Mr. Holmes, of course, urges us to set his earlier statements aside, and look to his assurances of his future impartiality as a judge. But Mr. Holmes did little to actually address the concerns of many members of the Judiciary Committee. Rather than discuss his previous comments openly and candidly—and take the opportunity to show why those comments might not reflect his actual thinking—he provided stock and unconvincing answers that he considers racism to be a ''negative influence'' in society and that he would follow Supreme Court precedent.

Mr. Holmes' actions in connection with his membership in the Men's Dinner Club of Oklahoma also suggest, rather than candor, a strategy of simple image control. Mr. Holmes, having been a member of this club that excludes women from membership, resigned from its membership on February 2, 2006 just 2 weeks prior to his initial nomination to be a district court judge. Mr. Holmes has defended this institution as, to his knowledge, not ''practicing invidious discrimination.'' So what accounts for his resignation? His explanation—that ''some might perceive the Men's Dinner Club as an improper organization''—suggests not a principled decision but a pure political and image calculation. Clearly, Mr. Holmes wishes to make this nomination as palatable as possible—and we should therefore take his assurances and stock answers with a grain of salt.

Mr. President, I am saddened that President Bush has once again proposed a judicial nomination that I cannot support, especially because Mr. Holmes would be the first African American to serve on the Tenth Circuit. But he has never served as a judge either on the Federal or State level—and his statements on a broad range of topics suggest concerns about his ability to provide impartial justice. And, by failing to explain his statements and views with candor, he missed a chance to show the Judiciary Committee that he has the deliberative and impartial reasoning needed to serve on an appellate court. We want a judiciary that the American people respect and admire as impartial. With no judicial record to examine and a history of troubling statements, Mr. Holmes has not shown that he will apply the law fairly. I will therefore vote ''no.''

Mr. LEVIN. Mr. President, I will oppose the nomination of Jerome Holmes to the Tenth Circuit Court of Appeals. Although I do not question the integrity or qualifications of Mr. Holmes to be a Federal circuit court judge, I do have serious questions about his ability to be an impartial jurist.

While all judges have and are entitled to their personal views and philosophies, a judge's decisions should not be controlled by an inflexible ideology. When a nominee's personal views will determine or dominate their judgements, such a nominee should not be put in a lifetime position on the Federal bench.

I am concerned by statements that he has made indicating insufficient sensitivity about the irreversible errors in the implementation of the death penalty. For example, in a presentation given by Mr. Holmes, he said that:

> Like any human endeavor, there is a possibility of error . . . But the statement society is sending—that certain conduct and the perpetrators of it deserve to die—is not materially diminished by the fact that in the implementation of the death penalty mistakes are made.

Mr. Holmes' statement demonstrates a lack of understanding and concern about the death penalty and the way that erroneous convictions undermine a legal system.

Mr. Holmes has also sharply criticized affirmative action programs both before and after the Supreme Court rulings and those hardline views exhibited a lack of adequate respect for Supreme Court precedent. Although he told members of the Judiciary Committee that he would follow precedent,

he was vocal in his opposition to the Supreme Court's decision in Grutter v. Bollinger, criticizing the Court for missing an ''important opportunity to drive the final nail in the coffin of affirmative action''.

Because Mr. Holmes' statements do not reflect the objectivity necessary to serve in a lifetime appointment on the Federal bench, I cannot vote to confirm his nomination.

Mr. DURBIN. Mr. President, Jerome Holmes has made some troubling statements about affirmative action and the use of race in our society. He has said:

[Affirmative action] policies necessarily divide us along racial lines, and establish a spoils system based upon skin color. . . .

[t]he [Supreme] court upheld the affirmative action policy of the university's law school [in the 2003 Michigan case]. And in so doing, it missed an important opportunity to drive the final nail in the coffin of affirmative action. . . .

[r]ace-based scholarship programs . . . [are] constitutionally dubious and morally offensive racial classifications. . . .

Al Sharpton, Jesse Jackson and their ilk have little to offer me or other African-Americans in the 21st century. They continue to peddle a misguided and dangerous message of victimization. . . . As long as Jackson and company can successfully portray African-Americans as victims to the public at large, they'll be able to wring concessions out of educational institutions like Harvard University and corporate America. . . .

Mr. Holmes didn't make just an occasional comment against affirmative action. He has written over a dozen columns and op-ed pieces expressing his views on race and affirmative action.

I understand and accept that people in good faith can disagree about issues of race and the merits of affirmative action. It is a hard issue for many people and it stirs passions on both sides. But Mr. Holmes' statements are those of an ideological soldier. When it comes to affirmative action, Mr. Holmes seems to have open hostility, not an open mind.

In its letter of opposition to the Holmes nomination, the Leadership Conference on Civil Rights wrote: ''Mr. Holmes has been a longstanding and outspoken critic of affirmative action, and his views raise serious questions about whether he would rule impartially and fairly in cases involving affirmative action.''

I asked Mr. Holmes a simple question: Would you be willing to recuse yourself in all cases involving affirmative action?

Section 455 of title 28 of the United States Code states: ''Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.''

This seems like a simple standard, and I share the belief of the Leadership Conference on Civil Rights that Mr. Holmes presents a clear case of someone whose impartiality would be questioned when it comes to affirmative action.

But Mr. Holmes doesn't see it that way. He said he would not recuse himself in affirmative action cases. He said he would be able to put his personal views aside and rule fairly on this issue. I doubt it. He harbors such hostility to affirmative action and such disdain for those who promote it—that I believe he will not have an open mind on this issue.

We have seen judicial nominee after judicial nominee come before this committee and pledge to put their personal views aside. But they rarely do. Chief Justice John Roberts and Justice Samuel Alito said they would put their personal views aside before they were confirmed, but they have not done so.

Just in the last 2 months, Chief Justice Roberts and Justice Alito have voted to limit the scope of the Voting Rights Act. They have voted to strip whistleblower protections for prosecutors. They have voted to restrict the right to privacy so that can police officers can enter a home without knocking. They have voted to expand the death penalty and to reduce the rights of the criminally accused. They have voted to roll back 30 years of environmental protection under the Clean Water Act. And in the case Hamdan v. Rumsfeld, Justice Alito embraced the view taken by John Roberts in the appellate court that the President should have unchecked power when it comes to using military commissions for enemy combatants.

There are very real and serious consequences when it comes to confirming judicial nominees.

I also think Mr. Holmes lacks good judgment because he didn't answer several questions that I asked him during the nomination process.

For example, I asked him if be believed the Supreme Court cases of Roe v. Wade, Brown v. Board of Education, and Miranda v. Arizona are consistent with the notion of ''strict constructionism.'' Mr. Holmes refused to answer. He said: ''it would be inappropriate for me to offer my personal views as to whether these decisions are consistent with a particular school of judicial decision-making.''

Well, tell that to Deborah Cook. She was a nominee to the U.S. Court of Appeals for the Sixth Circuit a few years ago, and I asked her the same question. She answered it. I appreciated her candor, and I voted to confirm her.

I also asked Mr. Holmes to explain a statement he made about his judicial philosophy. In his Senate questionnaire, he wrote: ''The judiciary should not . . . issu[e] rulings that go beyond the resolution of the dispute before the court to impose wide-ranging obligations on societal groups.'' I asked Mr. Holmes to provide some specific examples of what he meant by this. He refused to do so.

I do not believe Jerome Holmes deserves a lifetime position on the second highest court in the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the vote on the confirmation of Jerome Holmes be at 11:45 a.m. today with the remaining time under the majority.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COBURN. I thank the Chair. I will not take all the time. I want to go back to what we said earlier this morning. If we are going to do a litmus test on judges, if we are going to say a judge cannot have an opinion outside of his role of a judge, we will destroy this country, whether it is a conservative litmus test or a liberal litmus test.

The fact is, as to Jerome Holmes, there have been very few appointments or nominees for this position at the appellate level that compare to the qualifications of Mr. Holmes. He also has the life experiences that will make him even more valuable on the court in terms of his compassion. He has experienced discrimination as an African male. He has risen to heights on his own, struggled—advanced degrees from Harvard, law degree from Georgetown, cum laude from his alma mater. There are very few people who will measure up to him.

Now, does he fit every litmus test? No, he doesn't fit every litmus test that I might have for a judge, but that is not the basis under which we should be considering judges.

He does, in fact, have the one key characteristic that is necessary, and it has been attested to by the people who know him. It has been attested to if you just heard him in the hearings. But of all those who have come to the floor to oppose him, members of the Judiciary Committee wouldn't even come and confront him with concern. They didn't come to the hearing. They didn't hear what he had to say. They had their minds made up.

The fact is, this is an excellent nomination. It is someone of whom we in our country should be proud, who recognizes the diversity of our country, and despite what the Senator from Massachusetts said, he can be entrusted with the future of this country, our Constitution, and the limited role of a judge in applying the law.

With that, Mr. President, I yield back the remainder of our time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of

Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—67

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bingaman	Ensign	Roberts
Bond	Enzi	Rockefeller
Brownback	Frist	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Byrd	Hatch	Snowe
Carper	Hutchison	Specter
Chafee	Inhofe	Stevens
Chambliss	Isakson	Sununu
Coburn	Jeffords	Talent
Cochran	Johnson	Thomas
Coleman	Kyl	Thune
Collins	Landrieu	Vitter
Conrad	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	Martinez	

NAYS—30

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Kennedy	Obama
Boxer	Kerry	Reed
Cantwell	Kohl	Reid
Clinton	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
Dodd	Levin	Schumer
Durbin	Menendez	Stabenow
Feingold	Mikulski	Wyden

NOT VOTING—3

Feinstein	Graham	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Nevada.

CHILD CUSTODY PROTECTION ACT

Mr. ENSIGN. Mr. President, I ask that the Senate now proceed to S. 403 under conditions of the consent agreement from last week.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 403) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the Child Custody Protection Act which will protect the rights of our Nation's parents and their children's well-being. Speaking as a father of three young children, including a daughter, I understand how difficult the challenge of raising children can be. In most schools across the country, our children cannot go on a field trip, take part in school activities, or participate in sex education without a signed permission slip. An underage child cannot even receive mild medication such as aspirin unless the school nurse has a signed release form. Some States even require parental permission to use indoor tanning beds. Nothing, however, prevents this same child from being taken across State lines in direct disobedience of State laws for the purpose of undergoing a surgical, life-altering abortion.

The bill before us, the Child Custody Protection Act, makes it a Federal offense to knowingly transport a minor across a State line for the purpose of an abortion in order to circumvent a State's parental consent or notification law. It specifies that neither the minor transported nor her parent may be prosecuted for a violation of this act.

It is important to note that this legislation does not supersede, override, or in any way alter existing State parental involvement laws. It does not impose any Federal parental notice or consent requirement on any State that does not already have a parental involvement law in place. This bill merely addresses the interstate transportation of minors, sometimes by a predatory older male or his parents, in order to circumvent valid existing State laws that require parental notification or consent. This bill goes a long way in strengthening the effectiveness of State laws designed to protect parents and their young daughters from the health and safety risks associated with secret abortions.

An overwhelming number of States have recognized that a young girl's parents are the best source of guidance and knowledge when making decisions regarding serious surgical procedures such as abortion. Forty-five States have adopted some form of parental notification or consent, proving the widespread support for protecting the rights of parents across America. The people who care the most for a child should be involved in these kinds of health care decisions. If there is aftercare needed, the parents should be fully informed in order to care for their young daughter.

An overwhelming majority of Americans support parental consent laws. In fact, most polls show that consent is favored by almost 80 percent of the American people. These numbers do not lie. By the way, these are people who call themselves pro-choice and pro-life. Well over a majority of even pro-choice people support parental notification or parental consent laws. The American people agree that parents deserve the right to be involved in their minor children's decisions. In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion which can be devastating to the physical and mental health of their child. Take the case of Marcia Carroll from Pennsylvania. On Christmas Eve 2004, her daughter informed her she was pregnant. After listening to her daughter's story, Ms. Carroll assured her that they would handle this as a family and would support any decisions she decided to make. They scheduled appointments with both doctors and counselors and discussed all options available. Ms. Carroll purposely allowed her daughter to speak alone with the professionals so that her daughter felt comfortable to speak her mind. After all the advice and counsel, her daughter decided to have the baby and to raise it, a decision which the family fully supported.

Following her decision, despite their knowledge of her family's love and support, her boyfriend's family began to harass her and threaten that she could not see her boyfriend unless she had an abortion. Ms. Carroll was so concerned about their behavior, she called the police and even went so far as to contact a nearby abortion clinic to ensure that parental consent would be required before an abortion would be allowed. Pennsylvania's law requires that anyone under the age of 18 have consent of a parent before an abortion can be performed. Unfortunately, other States nearby do not have the same protections.

Shortly after, Ms. Carroll sent her daughter off to school, thinking she would be safe. Imagine yourself in the same position. Instead, her boyfriend and his family met her at the bus stop, bought them a train ticket, and sent the children to New Jersey, where other family members picked them up and took them to an abortion clinic. Despite her tears and desires to keep the baby, her boyfriend's family coerced her by telling her they would leave her in New Jersey with no way to get home. They planned, paid for, and threatened her into agreeing to an abortion. After the abortion, they dropped her off blocks from her house with no regard to her mental or physical well-being. Ms. Carroll called the local police department only to be told that there was nothing that could be done. This poor young girl, whose family was committed to loving her and respecting her decision, had her life forever altered by adults who never considered her wishes or the consequences such a decision would have on her life.

Parental notification serves another vital purpose: ensuring increased protection against sexual exploitation of

minors by adult men. All too often, our young girls are the victims of predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions. According to the American Academy of Pediatrics, almost two-thirds of adolescent mothers have partners older than 20 years of age. Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents. We all know how easy it is to influence teenagers, boys or girls. In fact, in a survey of 1,500 unmarried minors having abortions without their parent's knowledge, 89 percent said that a boyfriend was involved in the decision, and the number goes even higher the younger the age of the minor. Allowing secret abortions does nothing to expose these men and their heinous conduct.

Such is the case with Crystal, the 12-year-old daughter of a Pennsylvania woman, who was intoxicated and raped by a local teenager 6 years her senior. Crystal's mother did not even know she was pregnant until Crystal went missing from school and it was discovered that her rapist's mother had taken her across State lines into New York where, scared and confused, she received an abortion. When Crystal developed complications from the incomplete abortion, the clinic physician refused to supply the medical records to her mother. Crystal's mother, a loving and responsible parent, was not even given the option to care for her daughter. Rather, the decision was made for her by an unknown adult.

There is overwhelming agreement that parents and parental notification laws and consent laws are important tools that enable parents to help protect their daughters from this kind of abuse. In 1998, Dr. Bruce Lucero, an abortionist who performed some 45,000 abortions, wrote of his support for the Child Custody Protection Act to the New York Times. In the article, Dr. Lucero pointed out that ''dangerous complications are more likely to result when parents are not involved in these out-of-state abortions.'' He goes on to say that parental involvement is the best guarantee that a minor will make the best and most safe decision. This is an abortionist doctor talking.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents—and rightfully so. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results from parents being denied the right to know about the health decisions of their minor daughters.

The Child Custody Protection Act in no way imposes a parental involvement law on a State that does not already have a functioning law in place. It does not invalidate any State law, nor does this act contradict Supreme Court precedent dealing with minors and abortion.

In fact, the Supreme Court made it clear in Planned Parenthood v. Casey that it is the State's right to declare that abortion should not be performed on a minor unless a parent is consulted.

Mr. President, is it time for the adjournment?

The PRESIDING OFFICER. Under the previous order, it is.

Mrs. BOXER. Since my colleague has spoken for 10 or 15 minutes——

The PRESIDING OFFICER. Eleven and a half minutes.

Mrs. BOXER. I would like to have 5 minutes to respond. I thought we were going to start the debate after the luncheons. Upon his conclusion, perhaps in the next minute or so, may I have a few minutes to open?

Mr. ENSIGN. Mr. President, I ask unanimous consent for 30 more seconds and 5 minutes for my colleague.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENSIGN. In fact, the Supreme Court made it clear in Planned Parenthood v. Casey that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion. Rather, this is a debate about preserving the fundamental rights of parents to have knowledge about health decisions of their minor daughters.

Let me conclude with this. This is one of the biggest moral issues of the day, the right to have an abortion or not. It splits America. The emotions are high. There are good people on both sides of the debate. We need to look for common ground, where we can come together and at least have some reasonable restrictions on abortion. I believe this bill is one of those reasonable restrictions on abortion that I think all of us should come together on.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada. I rise to speak as a mother and a grandmother—a mother of a daughter and a son, a grandmother of a grandson, and a Senator who has been here now for three terms, and I served over in the House for many years—to say that my friend from Nevada is right that this is not a parental consent bill at all.

Some States have parental consent laws, some don't. In my particular State, it has been voted down because my people feel that if you ask them do they want their kids to come to their parents, absolutely. But if you ask them should you force them to do so, even in circumstances where there could be trouble that comes from that, they say no.

I respect those States that have parental consent laws, and perhaps we will have a law that is drafted in California that the voters will approve. So far, we have not seen that.

It is true it is not a partisan issue. When we voted down those laws, we did it regardless of political party. But the reason is unintended consequences in the way certain bills are drafted. I want to speak to that because I believe this bill is well-intentioned.

This bill emanates from a desire that our children come to us when we have family matters, when our children are in trouble, that they not be fearful, that they not be afraid that they disappoint us, that they be open with us and loving toward us, and we toward them. This is what we want to have happen.

The question is: Can Big Brother Federal Government force this on our families? That is where we will differ.

I have to tell you, as I look at this bill coming before us now, I have to ask the question: why are my colleagues on the other side of the aisle who run this place, who run the House, who run the White House, putting so much effort into this bill, having killed stem cell research, which all of our families are desperate to have—talk about 80 percent of America, it is 90 percent who want to find cures to Alzheimer's and all the rest. Oh, no, instead of getting another chance to pass that bill and convince the President, who is now backing off a little bit in his rhetoric, to sign a stem cell research bill, or to prevent teen pregnancies, which is so important, we don't have that. We have this bill that impacts very few people. Instead of improving the health of women and girls, we are spending precious time on a bill that, in essence, protects incest predators. This bill, as it is written, protects fathers who commit incest. Can you imagine? It allows them to drive their daughter across State lines. Unbelievable. We are going to try to fix this problem with an amendment. I hope my colleagues will support that, and it will improve this bill.

Right now, imagine, a father retains parental rights if he has committed rape on his daughter. This is supposed to be a warm and fuzzy bill? I don't think so. It also throws grandmothers in jail.

Mr. ENSIGN. Will the Senator yield?

Mrs. BOXER. When I am finished.

This bill, as it is drafted, will throw a grandmother in jail. Say the father committed incest on the daughter and she is hysterical. The first place she goes is not some judge but to her grandma, who she adores and who gives her unconditional love, or to her priest or rabbi, and says please help me out of this. That incestuous father, as the bill is written, can sue that caring adult who takes her over the line.

My friend is going to offer an amendment that goes part of the way on the incest provision. It will say the father cannot sue. I am so happy because I will join him in that. I hope we have a 100-to-0 vote. But I am shocked that we

cannot reach agreement on that. Talk about finding common ground. Even with the Ensign amendment that says a father cannot sue, he can still take the daughter across State lines. And the Federal Government can still sue the grandmother or the clergy.

This debate is just beginning. The Senator from Nevada and I are friends, but we will have a tough debate. I hope we will vote for the Democratic amendment to improve this bill.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT—Continued

AMENDMENT NO. 4689

(Purpose: To authorize grants to carry out programs to provide education on preventing teen pregnancies, and for other purposes)

Mr. LAUTENBERG. Mr. President, I call up amendment No. 4689, which is at the desk, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. MENENDEZ, and Mrs. CLINTON, proposes an amendment numbered 4689.

(The amendment is printed in the RECORD of Monday, July, 24, 2006, under ''Text of Amendments.'')

Mr. LAUTENBERG. Mr. President, the amendment I am offering gets to the heart of the issue this bill purportedly means to address; that is, reducing the number of abortions. The best way to reduce the number of abortions is to prevent teen pregnancies in the first place. It is that simple.

The amendment I am offering, along with Senators MENENDEZ, CLINTON, SCHUMER, KENNEDY, KERRY, and FEINSTEIN, is aimed at dramatically reducing teen pregnancy rates in the United States. This amendment will assist efforts by nonprofit organizations, schools, and public health agencies to reduce teen pregnancy through awareness, education, and abstinence programs.

The root problem we are talking about today is not abortion, it is teen pregnancy. If we do nothing about teen pregnancy, yet pass this punitive bill, then it proves that this exercise is only a political charade and not a serious effort to combat the problem.

The U.S. teen pregnancy rate is the highest by far among developed countries, and here is some of the evidence we use to prove this.

In Germany, the teen pregnancy rate is 16 per 1,000. The U.S. rate is 84 per 1,000. I ask my colleagues to look at this chart which shows several countries teen pregnancy rates compared with the U.S. This is teen pregnancy rate for ages 15 to 19, among developed countries per 1,000 persons. In Sweden, it is 25 young women per 1,000; in France, it is 20 young women per 1,000; in Canada, 46; in Great Britain, 47; and here we are. Are we the winners in this contest? I hardly think so. We have 84 unintended teenage pregnancies per 1,000 persons.

I mentioned before that Germany has a teen pregnancy rate of 16 per 1,000, and again, I mention the rate in the United States is 84 per 1,000. So it tells us that there is something terribly wrong about the way we do things here.

I look further at Belgium, which has a teen pregnancy rate of 14 per 1,000; the Netherlands, 12 per 1,000; and ours is 84 per 1,000. We cannot continue to ignore facts such as these. We can pass all the abortion restrictions we can think of, but unless there are fewer teen pregnancies, the results will be tragic for thousands of young women.

In many cases, teen pregnancies result in abortion, but that is not the extent of the problem. We know that children of teenage mothers typically have lower birth weight deliveries, are more likely to perform poorly in school, and are at greater risk of abuse and neglect than other children. The sons of teen mothers are 13 percent more likely to end up in prison, while teen daughters are 22 percent more likely to become teen mothers themselves.

Each year in the United States, approximately 860,000 young women become pregnant before they reach the age of 20. Eighty percent of these pregnancies—80 percent of 860,000. That is over 600,000 young women are unintended, and 81 percent of these young women are unmarried.

So what are we doing differently in the United States that is separating us from the rest of the developed world? The answer is simple: the other countries promote full, comprehensive sex education programs, and in the United States—would you believe it—we don't allow funding for comprehensive sex education. I repeat that because some people may think they misheard me. The Federal Government will not fund comprehensive sex education programs despite the fact that 90 percent of parents polled say that in addition to abstinence, sex education should cover contraception and other forms of birth control. But the Federal Government currently will not fund any programs that even mention contraception and restricts all of its funding to abstinence-only programs.

I want to be clear, I am not against abstinence programs. In fact, our amendment will also fund abstinence programs. I think they can be effective at times. But the Federal Government's current policy of restricting funding to abstinence-only programs is producing the wrong result. Just look at how poorly our teenage pregnancy rates compare with other nations.

We need to dedicate our scarce Federal resources toward medically accurate, age-appropriate education that includes information about contraception as well as abstinence. In many cases, particular types of contraception can help avoid sexually transmitted diseases. Isn't that a good objective as well? We have to be realistic about the hope that each and every teenager is going to abstain from premarital sex. Saying ''Don't do it'' may work at times but not all the time.

Look at another problem—youth smoking, for instance. Kids are bombarded with warnings not to smoke. These messages have cut teen smoking rates dramatically, but 1,500 kids a day still start smoking. So it needs intensity of education, comprehensive education.

We remember First Lady Nancy Reagan's ''Just Say No to Drugs'' campaign. It worked for some kids but obviously not for others. For those teenagers who already are sexually active or who do become sexually active, we fail them if we don't teach them about contraception. If we are serious about reducing the number of unintended pregnancies, almost half of which tragically end in abortion—we have to implement programs that work so that our teenagers have the knowledge they need to bring about a positive future for themselves with the opportunity to pursue their dreams. We create a huge number of abortions as a result of the ignorance of what the facts are, about sex and young people.

This year, the Federal Government will direct $176 million of taxpayers' money to abstinence-only programs. Some of these programs can be effective but often don't get the job done because many teenagers need to understand something about contraception and other aspects of a comprehensive sex education program. Research has shown that the most effective programs are the ones that encourage teenagers to delay sexual activity but also provide information on how they can protect themselves. What is more, research shows that teenagers who receive sex education which includes discussion of contraception are more likely to delay sexual activity than those who receive abstinence-only messages.

There was an interesting article in this Saturday's Wall Street Journal about a sex education program in Bamberg County, SC. The article said:

More than a quarter of the families—

In this county—

live below the poverty line. Nearly half have only one parent living at home . . .

If ever there was a place to expect a wave of teen mothers, it would be . . . among the flat farmlands of South Carolina's Allendale and Bamberg Counties. Yet while teen pregnancies are numerous on the Allendale side—

That is the other side of the county line—

adolescent girls on the Bamberg side have one of the lowest pregnancy rates in the State. The county's rate has fallen faster than the rate in most of the U.S.

It is a startling revelation because, again, this is a county where so many people are below the poverty line, where typically teenage pregnancies occur, and in the neighboring county, which is better off, they have a far greater number than does Bamberg County.

Why does that happen? This is an area which has had historically high teen pregnancy rates, but they decided to take bold action to improve their teen pregnancy prevention efforts. Bamberg County initiated a comprehensive sex education program in 1982. Since that time, the county's teen pregnancy rate has fallen by nearly two-thirds. If our objective here is to reduce abortions, then this is one exceptionally effective way to do it.

Adjacent to Bamberg County, as I said, is Allendale County which has similar demographics, but Allendale County has not taken a comprehensive approach. Allendale restricts its programs to abstinence only. What is the result? Allendale County's teen pregnancy rate is more than twice as high as Bamberg's. In 2004, there were 24 pregnancies per 1,000 girls between the ages of 10 and 19 in Bamberg County. In Allendale County, there were 54 pregnancies per 1,000—more than twice the rate.

Abortion is a divisive issue, a tough issue, but we should all be able to agree that the best way or an effective way to reduce the number of abortions is to reduce the number of unwanted pregnancies, especially among unwed teenage girls. And the proven way to reduce the number of teen pregnancies is to provide youth with comprehensive sex education.

When it comes to our children, we should do everything within our power to protect them. We can and we must help America's young people to do better, to make better choices and have brighter futures.

So what we come down today is that this argument is not exclusively about abortion because if that were the case, then we would be giving comprehensive sex education wherever we have a young audience across the country and not saying as a Government: OK, we will give you the money, but you can't talk about an effective way to stop a pregnancy; we will not fund anything that tells you about contraception, about birth control, about thinking about how you plan your family.

We are looking at raw politics here, Mr. President. What we are looking at is a way to compel young people to go through with unwanted pregnancies, and I think the way to stop that is to prevent these pregnancies in the first place.

The way to prevent them is through knowledge.

I urge my colleagues to think this thing through thoroughly so we can effectively control the number of abortions that are done every year in this society and not only think of the punishment we render by jailing people who assist in helping young women get abortions, about penalizing families, about forcing young women who might have been victims of incest to carry on and find subversive, secret ways to end their pregnancies. That is not the way to do it. The way to do it is to present young people with knowledge about how they do not get themselves in a position where they want to consider an abortion.

I hope my colleagues will think this problem through thoroughly as we debate this issue and recognize that the alternative is strictly a punitive one and should not be dictated. I hope they will support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, the Democratic leader and the Republican leader had a unanimous consent agreement on this bill, and during that time—the way the Senate operates—amendments were exchanged and language was handed to each side. We were prepared to debate amendments based on text we were given, and in a highly unusual move, the Senator from New Jersey has brought forward language that is different than what was provided to us in the unanimous consent agreement. At this time, having to go through the amendment to see what all the consequences of those differences are, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, that time will be taken off my colleague's time.

Mr. ENSIGN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I have a parliamentary inquiry. I ask that the quorum be suspended so I can make a parliamentary inquiry.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mrs. BOXER. I ask unanimous consent and I would like to make a parliamentary inquiry.

Mr. ENSIGN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Nevada for getting through the process. It is not unusual for Senators to be permitted to modify their amendments. However, at this point I yield up to 15 minutes to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank my distinguished senior Senator from New Jersey for yielding time and for his leadership on this issue.

I rise in opposition to the Child Custody Protection Act in support of a real solution to the problem of teen pregnancy. I don't support the legislation because it is nothing more than a misguided election-year ploy based on a false premise.

Instead of punishment, we should be focused on prevention. Instead of putting people in jail, we should be preventing teens from getting pregnant in the first place. That is why I am joining my fellow Senator from New Jersey in offering a comprehensive approach to prevent teen pregnancy. Our amendment will help prepare young people with the knowledge and skills to make responsible decisions and offer them an opportunity to succeed in life.

In a Senate filled with many different views on the right path for our country, it is refreshing to recognize we can all agree that we need to reduce the number of teenage abortions. But there is still disagreement about how to achieve that goal.

Many in this Senate believe the answer is to criminalize caring adults and threaten innocent youth. I cannot disagree more. The solution to this problem does not lie in the courtroom but rather in our classrooms and after-school programs.

Don't take my word for It. Look at this past weekend's Wall Street Journal—not a bastion of liberalism. In an article ''Winning the Battle on Teen Pregnancy'' the Wall Street Journal examines a comprehensive sex education program in rural South Carolina and compares two similar neighboring counties. One has a very intensive, comprehensive sex education program, the other does not.

The findings show that between 1982 when the Teen Life Center Program began and 2004, the county's estimated pregnancy rate among girls age 15 to 19 fell by nearly two-thirds, making its teen pregnancy rate among the lowest in the State. By contrast, the neighboring counties, which did not have such a program, had one of the highest teen pregnancy rates in the State, about 2½ times their neighbor's rate.

The article cites Douglas Kirby, a sex education expert:

The Teen Life Center has played a major role over the years in reducing teen pregnancy in the community it serves.

Also:

I do think it's one of the most promising approaches.

He notes the program devotes an unusual amount of time in the regular school curriculum to comprehensive sex education. As this case study shows, we clearly need to be putting more resources into preventing teen pregnancy, not punishing pregnant teens.

Rather than invest in proven programs such as the Teen Life Center, the Bush administration continues to insist on a narrow-minded, misguided approach of abstinence-only education. As this chart demonstrates, abstinence only simply does not cut it. The Bush administration invested almost $600 million for abstinence-only education between 2001 and 2005. Not only did we not see a reduction in the number of teens having sex, we actually saw a slight increase. What a rate of return. With a rate of return like that, any reasonable investor would have already fired their investment adviser long ago. The American taxpayers deserve a better rate of return on their investment, particularly one that is so critical on this subject.

The amendment Senator LAUTENBERG and I are offering takes a comprehensive approach to preventing teen pregnancy by providing medically and scientifically accurate sex education programs and funding important afterschool programs—such as 21st Century Community Learning Centers, Trio, and GEAR UP, and the Carol White Physical Education Program—that build life skills, put teens on a path to college, and ultimately help open the door of opportunity for young people. And our amendment also includes a demonstration program to encourage new approaches to reducing teen pregnancy.

It is time to do something more than criminalize grandmothers, trusted confidants, and clergy. It is time we do something to actually reduce the number of teen abortions. But, once again, the administration and this Congress have demonstrated their misplaced priorities by bringing this bill to the floor instead of meaningful legislation to prevent teen pregnancy.

Instead of debating comprehensive sex education, which is supported overwhelmingly by 94 percent of parents in our country, the Bush administration has continued to pursue its unproven abstinence-only programs, which have the support of only about 15 percent of parents. And instead of working in a bipartisan manner to prevent teen pregnancy, the Senate leadership is continuing to pursue their misguided proposal to limit the options for young women.

When the New Jersey Supreme Court struck down a law that would have required parental notification, they considered the effect that notification laws have had on other States. Their conclusion was the same as mine, and I quote:

[A] law mandating parental notification prior to an abortion can neither mend nor create lines of communication between parent and child.

For example, in Texas, a pregnant 16-year-old explained why she could not tell her mother she was pregnant. She said:

My oldest sister got pregnant when she was 17. My mother pushed her against the wall, slapped her across the face and then grabbed her by the hair, pulled her through the living room, out the front door and threw her off the porch. We don't know where she is now.

Furthermore, the underlying bill does nothing to protect a young woman whose father rapes her. Despite such a despicable violation, he would still be allowed to make parental decisions on her behalf. Instead of punishing him, we would punish grandmothers or clergy who actually have to try to protect her from such an abusive relationship.

Now, these are horrible situations, but they are real life situations, and by forcing a minor to ask an abusive, violent parent for permission, we are only adding to the abuse.

Now, as a father of a beautiful and bright daughter and fabulous son, I would hope that my children would feel comfortable talking to me about their serious life decisions. And because I am blessed to have a great, open relationship with my children, I believe they would be comfortable bringing these issues to me. Unfortunately, our Government cannot legislate positive family relationships in every home, and not all families function like yours or mine. Sadly, not every parent can be their daughter's best advocate.

Further, the New York Times analyzed six States that recently passed parental consent laws and discovered that these laws have done little to reduce the number of teen pregnancies or the number of abortions.

As a matter of fact, look at this chart. You can see that the United States has the highest rate of teen pregnancy among all westernized developed countries. Despite what you hear from the Bush administration and some of my colleagues on the other side of the aisle, abstinence-only programs and restrictions on a woman's right to choose are not the way to solve this problem. Clearly, we need a different direction.

Our amendment offers a real, proven solution to this problem—not just a hallowed, base-building effort. We need to make sure we are standing up first and foremost for the health and safety of our children. The time has come to reduce the number of teen pregnancies, and thus teen abortions, in this country, and our commonsense amendment will do just that.

We need to invest in our school, community, and faith-based organizations so they can teach scientifically and medically accurate family life education. We need programs that encourage teens to abstain from sexual activity. We need to educate young men and women about the responsibilities and challenges associated with parenting. We need to encourage parents to communicate with their teens about sex. We need to teach young people how to make responsible decisions. And we need to fund afterschool programs that will enrich their education and replace unsupervised hours that can lead to destructive behavior with constructive activities and positive role models.

We know afterschool programs reduce risky adolescent behavior. Teenage girls who play sports, for instance, are more likely to wait to become sexually active, which means they are less likely to become pregnant.

We know teen pregnancy has serious consequences for young women, their children, and communities as a whole. Too-early childbearing increases the likelihood that a young woman will drop out of high school and that she and her child will live in poverty.

Unfortunately, this administration has done nothing to support these initiatives that reduce the number of teen pregnancies. Instead, the administration has brought a politically charged debate to the floor in the name of politics, while the real solutions for our teenagers are being ignored.

Instead of preparing future generations with the important information they need to make responsible decisions, this administration keeps young people in the dark about medically and scientifically accurate sex information.

Instead of funding important afterschool programs that will build life skills and put teens on the road to college, this administration is shutting the door of opportunity on young people.

Instead of breaking the cycle of daughters of teen moms becoming teen moms themselves, this administration has made it harder for young mothers to go back to school and raise their children.

Instead of ending the trend of sons of teen moms ending up in prison, this administration has increased the number of unsupervised hours and decreased the number of positive activities and role models in a teen's day.

Let's join together to recommit ourselves to continuing to decrease the incidence of teen pregnancy and recommit ourselves to offering family life education and positive afterschool programs that will foster responsible young adults and responsible decisions.

The time is now to invest in our teens. As all parents know, we place overwhelming pressure on ourselves to make sure we raise our children well. The decisions we make—and they make—will affect them for the rest of their lives. We cannot afford to let the doors close on them. Instead, we must continue to open that door of opportunity.

I urge my colleagues to join us in supporting this important amendment. We have an obligation to stand up and do the right thing. It is time to stop talking about putting people in jail,

and time to start creating real opportunities for future generations. This amendment does that.

With that, Mr. President, I yield back the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the principal obligations of government should be to enable families to grow and prosper and bring new life into the world. Our policies and our actions should be aimed at helping all families thrive in this great land of opportunity. Surely, we can agree that Congress should do all it can to help young women make choices that will help them be part of such thriving families.

In this land that cherishes individual rights and liberties, a woman has the constitutional right to make her own reproductive decisions, and I support that right. But abortion should be rare, as well as safe and legal. For that reason, being pro-choice also means helping women choose whether to become pregnant and providing them with support so they can make choices about their pregnancy that are not determined by their inability to afford or care for a child.

Congress and the administration can take a number of constructive steps to enhance choice and help to reduce the number of abortions. Unfortunately, time and time again, this Republican Congress and this Republican administration have turned their backs on women who need our help.

If Congress were serious about reducing abortions, we would be expanding family planning. But the administration and the Republican Congress have refused to increase funding for these important programs.

A serious effort to create a true culture of life would also include providing additional options to teenagers who become pregnant, such as by supporting adoption and foster care. But last year this Congress limited the number of children eligible for foster care and reduced assistance to States for their foster care systems.

Another way to reduce abortions is to promise a pregnant teenager that she and her child can rely upon some basic minimum of health care. For a third of all mothers and babies in America, that means Medicaid. Medicaid also provides the prenatal and pediatric care that children need to be healthy. But earlier this year, the administration proposed $13.5 billion in budget cuts to Medicaid.

A further source of help to young women who are pregnant is through the maternal and child health services block grant, which serves 27 million women and children. Here, too, an administration that calls itself pro-life should be doing all it can to provide services to infants. But the President's budget proposes only $693 million for a program that was funded at $730 million just 3 years ago.

If the administration wanted to reduce abortions, it would promise women that their infants will not go hungry. But President Bush has proposed cuts to the WIC Program that would reduce services across the program and cut out of the program entirely as many as 850,000 mothers and children.

Abortions would be rarer if young mothers could depend upon childcare. This Congress has underfunded childcare by $10.9 billion. The result is that 600,000 fewer children will have their childcare subsidized.

In short, there are many constructive steps that Congress could take today to reduce teenage pregnancy and promote a true culture of life. Instead, the Republican leadership has decided to play politics with the health of young women. The bill we are debating today does nothing to stand by young women in their time of need. It does nothing to prevent unwanted pregnancies. It does nothing to reduce abortions by letting women know that their infant will be fed, have good health care, and be cared for. It does not even prevent minors from crossing State lines to obtain an abortion. Instead, it threatens prison time to anyone who helps them to do so, even if the person providing assistance is a compassionate grandparent or aunt or uncle or even a member of the clergy.

Congress ought to have higher priorities than turning grandparents into criminals. I believe parental involvement is extremely important to teenagers' lives, and never more so than when a minor must make an extraordinarily difficult decision. But the Federal Criminal Code is not the right tool to improve communication and trust between parents and their daughters.

Constructive steps that would actually work to make abortion rare are contained in the Menendez-Lautenberg amendment on teenage pregnancy prevention. It calls for comprehensive sex education, not misleading abstinence-only programs. It increases the authorization for afterschool programs that encourage academic achievement, such as Trio, GEAR UP, and 21st Century Community Learning Centers that help keep teenage girls out of trouble. It increases funding for the Carol White Program, which encourages young women to become involved in sports, since we know that young women who participate in sports are far less likely to become pregnant.

Why aren't we spending our time helping young women succeed instead of denying them help in their time of need? The answer is that real solutions would unite us at a time when Republicans want to divide us.

I urge all of those who want to make abortion rare to rethink our shopworn slogans and pat answers. The way to foster a culture of life is not through a culture of war.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, we all agree that teenage pregnancy is a problem in the United States. And there are various views on the best way to deal with teenage pregnancy and how to prevent it and lower the rate of teenage pregnancies.

The Lautenberg-Menendez amendment is an attempt to do that. I think it is a misguided attempt. Let me point out some of the problems that I think are present in this amendment. Let's talk a little bit about what the amendment does.

First, sex education decisions have long been left to parents and local communities. When communities offer sex education programs in public schools, parents are typically heavily involved in deciding the scope of that education. Parental and local control of this issue is appropriate because the issues involved are uniquely related to parents' cultural, religious and moral values, and attitudes, as well as those of the community. The Menendez-Lautenberg amendment would send $100 million into localities in an effort to override the parents' and local community's decisions about how to raise their children. It is a prescriptive amendment about how these programs are to be set up.

These grants would require recipients to conduct sex education programs and would prohibit the recipients from providing abstinence-only education. All recipients of grant moneys would be required to teach children about all contraceptives, including condoms, the pill, and plan B emergency contraceptives. The amendment also reauthorizes and increases appropriations for a variety of other programs. I will talk about that in a moment.

Under this amendment, none of the authorized moneys would be available for programs focusing on abstinence only or for programs that refuse to discuss controversial contraceptives such as plan B, which many Americans view as an abortion pill.

There is a program out there called Best Friends. Under this program, teenagers are 6½ times less likely to have sex than their counterparts, about two times less likely to drink alcohol than their peers, eight times less likely to use drugs, more than two times less likely to smoke. Under this amendment, Best Friends would not qualify for grant monies available through this amendment.

While the authors of this amendment have offered it in good faith it is misguided.

Dr. COBURN and I got to know each other very well, when we served in the House together. He has been out there on the front lines, actually delivering babies. He talks to a lot of young girls and boys about their involvement or lack of involvement in sexual activities when they are young.

I yield Senator COBURN 10 minutes to speak on the bill and this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a philosophical debate. There are two questions we ought to ask ourselves: How many people think it is in the best interests of our young people to be sexually active outside of marriage? Is there anything positive that ever comes from that? Is there positive self-esteem? Is there disease? Are there consequences to the fact that when our young people make a decision to become sexually active, almost always there is a negative downside?

Everybody in this body desires the best for our children. We desire the best for one another's children. We desire the best for every child. I have delivered over 4,000 babies. Most of those were Medicaid or teenage moms. I have been doing that for 23 years. I know the attitudes. I know what is going on. I can see.

I have also seen every complication that can come about when we take the parents out of the loop, when we rationalize, well, if the parents aren't going to do it, the Government is going to do it for them. What we do is divide. We make division between children and parents. We do something out in the dark.

I will never forget, I was in Stigler, OK, a small community. A farmer comes in there crying, with a bag in his hand. This was when I was a Congressman. He said: Congressman, how did this happen? My 13-year-old last night came home from the health department. She went with a friend. She came home from the health department with contraceptives and condoms, oral contraceptives and condoms. He said: How is it that I can pay my taxes and I am undermined by the local health department in what my child gets? She wasn't even going for her as an appointment. But she is sold on the fact that she needs to do this. She had good enough training that she came to her parents with that and said: Here is what happened to me.

The point is, as a practicing physician, I use every tool I can with young women to make sure they are well informed. But there is a tipping point about what the best medical advice is. This is debatable. But I would tell you the best medical advice we could give our young men and women, the best absolute medical advice is to stay abstinent until you are in a married relationship. Everybody in this body probably agrees with that.

If that is true, if risk avoidance is the best message, why do we turn around and give 1200 percent more money to risk reduction than we do risk avoidance? For every dollar we spend on abstinence education, we spend $12 on teaching people how to lower the risk. What is the message we are sending with that? We are going to spend $600 million this year on what this amendment does already. That is what we are going to spend. If you add up everything associated with this amendment, we are going to spend another $600 million. First, where are we going to get the money? We don't have it so we are going to borrow it from the very children we say we want to protect to do this.

No. 2, we are winning the war in this country on teenage pregnancy. We are winning the war. We have the highest level of virgin 16-year-olds we have had in 30 years in this country, both men and women, both girls and boys. I don't know if 1200 percent more of that is because we have comprehensive sex education or whether 100 percent of it is because of abstinence. I don't know that. But what I do know is, I am not going to vote for anything that destroys relationships as I have seen in my practice for young women for years.

Does that mean somebody who can't get available maternal child health should be denied it? No. Does that mean somebody who seeks out the right guidance should be denied it? No. This isn't a debate about not doing what we are already doing. We are already doing it. The question is, should we do more? Should we penalize the best medical advice that is out there, which is to abstain? The consequences of that would be disastrous.

The moral rationalization is if you make a mistake, there are no consequences. I have seen the consequences. Condoms on teenagers work about 50 percent of the time, if you add up all the studies. The STD rate for teenagers, even when used perfectly, for human papilloma virus is still 38 percent, the No. 1 cause of cervical cancer. We can rationalize our moral principle away or we can say: Here is where we should go. We are not talking about changing anything.

The President was widely attacked that he hadn't increased moneys for all this. We don't have money to increase anything in this country. We are fighting a war. We have had Katrina. We are running a $350 billion deficit. We don't have money. So if we are going to do this, what program are we going to cut? Or are we going to offer another $600 million? By the way, the title X program hasn't been authorized in 16 years and we are still appropriating moneys.

There is a difference in philosophy. It doesn't mean I am right or wrong. It doesn't mean those who oppose me are wrong or right. But what I have seen from experience is when we honor virtue, when we mentor integrity, when we encourage the right choices, what we get is right choices, honor, and integrity. When we rationalize the consequences of violating principles that are for a healthy productive life, we get a consumption of errors.

I have so many stories I would love for this body and the American people to know about the people I have cared for, the consequences of when we rationalize a moral principle of being pure until you are in a married relationship. Is that prudish? Does it happen? It happens a lot more than we give credit for.

The question we ought to ask ourselves is, would it happen more if we set the example, if we didn't glorify the other position, if we didn't rationalize the position?

I am opposed to the amendment on three grounds. One, we are already spending a ton of money on comprehensive sex education. I am not opposed to that. I teach condoms. I teach barrier methods. I also teach the consequences and the failure rates. I teach the consequences of oral contraceptives. We only have about 10 kids a year die in this country because they are given birth control pills that the parent didn't even know about and they have a thromboembolic event because there is a family history that was never related. So it is OK to sacrifice those 10 young girls because we didn't want their parents, who could have made a decision, to know. We could have done that, but we are not going to do that. We are going to rationalize the behavior of something that is not as good for our children, that is not the best medical advice, and we are going to sacrifice those lives. I am going to oppose it because we are already doing it, No. 1.

No. 2, we already have a markedly distorted ratio against the best medical advice on which we all agree, the best thing our kids could do is not be sexually active outside of a monogamous, long-term relationship. We all agree to that. There is not anybody who disagrees with that.

And finally, why is it here? Why is it on this bill? It is because we don't want this bill. Some of us don't want this bill to pass.

I will relate to you a story about a gal. I will call her Julie because I can't mention her name. Julie is dead. Julie was 16 years of age. Her parents didn't know she had a termination to her pregnancy. When I saw her in the ER at 2 o'clock in the morning, she had a fever and a little bit of bleeding. She had a botched abortion with an infection developed, what is called disseminated intravascular coagulation. And basically 3 days later, despite all the heroic events, she died. Why did she die? She died because we separated the choices that she made from her parents without their involvement. Would she have died if somebody had cared to know what her immediate post-op followup condition was? No. Had she had intervention earlier, would she have died? No. Her parents will never get over the fact that they weren't there. They blame themselves.

I oppose this amendment and hope other Members will do so as well.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 8 minutes to my colleague from New York State.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I have great deal of respect for the experience of my colleague from Oklahoma. I believe he has served his patients in a conscientious, caring manner for all those 20-plus years he has been practicing medicine as an OB/GYN. He comes to the floor with his own experience. It is entitled to great weight because it is his experience. He has very passionately set forth his strong beliefs. I come from a different perspective. I have been a lawyer for a number of years. I was a law professor running a legal aid clinic at the University of Arkansas in Fayetteville not far from the Oklahoma border when one day in my office I got a call from one of the local judges telling me he had assigned me to a case. That was pretty common.

I said: Judge, what kind of case is it?

He said: Well, I want you to represent this man who has been accused of raping a 12-year-old girl he is related to.

I said: Judge, I don't really want to do that.

He said: Professor, you are going to do it because I am signing the order right now.

So I did. I got into the details of this sordid crime and how this man who was related to this family had abused this child. And the family, to be charitable, wasn't really all that attentive or caring. They were people of very modest means. They lived a pretty disorganized life, and they didn't watch out for their children. There wasn't what we would call the kind of relationship and dialog and discussion that every one of us wants to have with our own children and would hope to nurture in others.

So I did my duty and I represented this man. But I often wondered about that little 12-year-old girl. About a year later, my phone rings again. This time, it is the prosecuting attorney. He said: Well, Professor, we have another case for you.

I said: I have done my part.

He said: We need you. We want you to represent a father who is accused of impregnating both of his daughters. The older daughter has had her baby and she is about 14. The younger daughter is now pregnant. The older daughter has come to us and said that it was the father, and she is desperate for us to take her younger sister away from this environment.

I said: You know, Mr. Prosecutor, find somebody else to do this.

He said: Well, you did such a good job in that bad case last year, we just need you to do this.

I said: I really don't want to do it.

He said: Well, I am having the judge sign the order.

I got deeply into the family dynamics of this perverse, incestuous family. I met the 14-year-old who already had a baby, and I met the 12-year-old who was now pregnant with her father's baby. And my heart just broke. Who was that child supposed to talk to? Where was that child supposed to go? The sister was trying to help her younger sister. If she had a driver's license, she might have driven her to where she could have gotten medical care.

A couple years later, I was practicing law in Little Rock, and Arkansas had a parental consent law with a judicial bypass. People were called by judges whenever this occurred and were asked to come and represent the young girl who was appearing before the court. I got called one day, as I was on the list as a practicing lawyer. So I went and met my client, a 15-year-old girl. She had been raped by her mother's boyfriend and was pregnant. Her mother could have cared less. Maybe her mother should have cared. Lord knows, I wish she had cared. But she didn't want to disrupt the relationship with the boyfriend. So the girl needed to come to court and get a judge to give her permission because there was no parent. There may have been a biological parent, but there wasn't a parent in any sense of the word other than biology.

By that time, I had my own daughter and I thought, what a tragedy. You know, life isn't always the way we wish it would be. Sometimes tragedies happen and sometimes families are not just negligent but abusive. Sometimes young girls are taken advantage of by members of their family, people in whom they should be able to trust.

So I just have to say that when we talk about experience, we can all bring experience to the floor of the Senate. We can talk about the many instances where things worked out, parents did do the right thing; they gave their children the right values, gave them the appropriate education to know how to take care of themselves, to respect themselves. But I have lived long enough to know that is not everybody. I wish it were. But in the meantime, we are going to sacrifice a lot of girls' lives. I think that is unfortunate, to say the least.

We now know, because we have research to prove it, what works. We know that in South Carolina—for example, in a Wall Street Journal article recently was a story about small, impoverished towns that had a high rate of teenage pregnancy, and they decided they wanted to do something and they got help. They had one-on-one coaching sessions for parents who would come and participate. They preached abstinence, but they also taught about contraception and they made it clear what they wanted their children to do, how they expected them to behave to try to prevent irresponsible sexual activity and pregnancy. They tried to make both the young women and the young men accept responsibility for their actions.

I know, too, in my State, we have a lot of grandmothers and aunts who are raising children. The Child Custody Protection Act would put any family member—a sister, aunt, or grandmother—in jail for helping a teenager deal with one of the most difficult decisions that any person has to make. I don't believe that these young women should make those decisions alone. Certainly, we are complicating the lives of everyone instead of doing our duty as parents, as family members, and as leaders, which is to inculcate and pass on values but to recognize that reality is messy. I have championed kinship care, and I know how many grandparents are raising children, and I know from my own personal experience how many older relatives who are faced with very difficult situations would be criminalized if they tried to reach out and help a young girl who asked them for that kind of assistance.

The Child Custody Protection Act, while seeking to criminalize what a teenager does once she is pregnant, fails to address the issue of teen pregnancy in this country, the root of the problem.

To address only how teenagers should behave once they become pregnant without any resources on the front end to prevent a pregnancy is shortsighted, to say the least.

One of the most important initiatives I worked on as First Lady and am proud to continue to champion in the Senate is the prevention of teen pregnancy.

In 1996, we worked with the National Campaign To Prevent Teen Pregnancy to set a goal to reduce teen pregnancy by one-third within a decade, and I am proud to say that we met that goal.

But we did not do it overnight. We invested over a period of time. We invested in different programs and initiatives, recognizing that this issue could not be solved with a one size fits all approach. And according to the National Campaign To Prevent Teen Pregnancy, between 1991 and 2004, the teen birth rate fell 33 percent to a record low for those aged 15 to 19.

And while we are all pleased that the teen pregnancy rate has dropped since 1991—as I am that in my home State of New York, it's come down a full 10 percent—we also recognize that this is just a drop in bucket if we are truly going to get to the root of the problem and eliminate pregnancy among girls and boys who are far too often too young and unprepared, emotionally and financially, to be mothers and fathers.

Sadly, even with this decrease, the United States continues to have the highest rate of teen pregnancy and births in the Western industrialized world.

Today, 34 percent of young women become pregnant at least once before they reach the age of 20, and that results in about 820,000 teen pregnancies a year. Eight in ten of these pregnancies are unintended.

We also have an overwhelming body of evidence about the repercussions of teen parenting. Children born to teen moms begin life with the odds against them; they are more likely to be born

a low birth weight baby, which is connected to a host of long-term health problems.

They are 50 percent more likely to repeat a grade and significantly more likely to be victims of abuse and neglect.

In addition, girls who give birth as teenagers face a long, uphill battle to economic self-sufficiency and self-esteem, with only 32 percent of teenage mothers who begin their families before age 18 ever completing high school.

For all these reasons, I urge my colleagues to support the Lautenberg-Menendez amendment that seeks to increase funding to critical programs that are helping to decrease teen pregnancy in our country.

Last week, CNN highlighted in a story what research has consistently shown: Teenagers who receive comprehensive sex education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sexual activity and to use contraceptives when they do become sexually active.

And this past Saturday, a Wall Street Journal article featured how small, impoverished towns in South Carolina are showing the lowest teen pregnancy rates in the country. Both places owe their success to comprehensive sex education. From one-on-one coaching sessions for parents and teens to teaching about contraception, the towns are proactive in making kids more aware of the dangers that are out there if they don't practice safe sex.

This further reinforces the need to implement policies that support and educate young women about all of the facts, so that they do not become pregnant in the first place.

Teenagers need to be educated that abstinence is the best defense against an unwanted pregnancy, and they also need to be educated and encouraged to exercise cautious decisions about sex.

We should not have a cookie cutter approach to preventing teen pregnancy. In instances where young people are sexually active and are likely to remain so, we need to ensure that they are encouraged to use contraception consistently and carefully.

As policymakers, we need to recognize what works and what doesn't work, and to be fair, the jury is still out on the effectiveness of abstinence-only programs. I don't think this debate should be about ideology. It should be about facts and evidence. We have to deal with the choices young people make, not just the choice we wish they would make. We should use all the resources at our disposal to ensure that teens are getting the information they need to make the right decision and that we remain a part of the solution by supporting programs and policies that deal with all the layers of this issue, not just a one size fits all approach.

Sadly, instead of putting resources into this important fight to prevent teen pregnancy, we are adding more penalties for those who try to help teens during their time of crisis.

The Child Custody Protection Act would put any family member—a sister, aunt, grandmother—in jail for helping a teen cross State lines to obtain an abortion.

I don't believe that any young woman should have to make this decision alone. Research actually shows that in most cases, young women already involve one or both parents when faced with an unintended pregnancy, without being required to do so by law. But, tragically, not every family is perfect. There are some instances in which a young woman simply cannot involve her parents, including rape, violence or incest; and for some in this body to pretend that those instances should not be considered in this debate is unconscionable. The Child Custody Protection Act glosses over these complicated situations, making criminals out of grandparents, clergy and other adults who try to act in good faith.

Instead of criminalizing other caring adults in a teenager's life, we should do more to educate and involve parents about the critical role they can play in encouraging their children to abstain from sexual activity. Teenagers who have strong emotional attachments to their parents are much less likely to become sexually active at an early age.

I am disappointed that this bill does not provide any exemptions for adult relatives or clergy who seek to provide guidance and support to young women seeking abortions.

In the Senate, I have championed the Kinship Care Act which supports the many family members in New York and in America who are raising children who would otherwise be in the foster care system.

The reality is, not every child is fortunate enough to be raised by their biological parents. Nationwide, more than six million children—1 in 12 children—are living in households headed by grandparents. In New York City alone, there are over 245,000 adolescents already living in grandparent households.

It's important to note that for many families, but these families in particular, the legal guardian who has physical custody and who provides a young woman with support and guidance are not one in the same.

This bill fails to acknowledge the importance of close family members such as grandmothers and aunts, who often raise their relatives or play a significant role in their lives.

In doing so, this bill creates a strong incentive for young women to seek risky alternatives she wouldn't have considered if permitted to seek counsel from her family and community. Major medical and public-health organizations, including the American Medical Association, the American Academy of Pediatrics and the American Public Health Association oppose governmental parental-involvement laws because of the risk to women's health.

While we all hope that young women will involve their parents in these decisions, mandating parental consent has the serious potential to do more harm than good. In fact, during congressional testimony, Dr. Warren Seigel, an expert in adolescent medicine, stated that legislation mandating parental involvement ''represents bad medicine and places politics before the health of our youth.''

The Child Custody Protection Act is a reflection of the misdirected priorities out there when it comes to truly doing something about unintended pregnancy. Rather than criminalizing family members and clergy who are trying to provide guidance to these young women in crisis, we should be working to reduce the rate of teen pregnancy in this country. There are far better ways to prevent pregnancy than putting people in jail. We could start by supporting family planning services and making sure we're providing medically accurate information in sex education classes that includes contraception.

That is why my good friend HARRY REID and I have long championed the Prevention First Act here in the Senate which, among other important measures, ensures that Government-funded sex education programs provide medically accurate information about contraception.

And that is also why I rise today to encourage all of my colleagues to support the Lautenberg-Menendez amendment because we need policies that support and educate our young women about the importance of prevention now more than ever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, just a quick response to our colleague and friend from Oklahoma. The fact is, there are certainly different views than this well-trained physician offered on the floor of the Senate. Parents all across the country—some 90 percent of the parents of high school students—insist that they would prefer to have comprehensive sex education available for their children.

The fact that this country of ours doesn't permit anything except abstinence only until marriage to be taught is outrageous. Where is the fairness? Where is the equity?

In New Jersey, we have a different view about people's choice than they do in Oklahoma. That doesn't mean that Oklahoma is totally wrong or that New Jersey is totally right. But the fact is, it is not sinful conduct and we ought to encourage people to give the young women a full understanding about sex education so they know there are alternatives to exposing themselves to an unwanted pregnancy.

It is outrageous that we want to close down the minds and opportunities for people to make a choice about what they do with their health and with their families.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I would like to make a few very brief remarks in relation to this particular amendment. There is one term used in this amendment that is of particular concern. The proponents say that they want a ''teen-driven'' approach to sex education. This is one of the things they want to encourage. I don't know about what kind of teenagers the rest of my colleagues were when they were teenagers, but when I was a teenager and if such a program was driven by me, that type of sex education program would look a lot different than one that would be driven by me as an adult and as a parent. I think focusing such a program in a manner that is ''teen-driven'' is just asking for problems, as far as what kind of mindset we want our sex education programs to contain. It is a minor example of a problem that is in this particular amendment.

Mr. President, because we don't know how much debate we are going to have on the underlying bill, I will talk for a couple minutes about the bill itself. First, I want to respond to something Senator CLINTON said when she spoke of the two sisters who were both raped by their father. That is a horrible, unimaginable situation. I applaud Senator CLINTON for her efforts in that family situation. The Senator talked about the older sister who wanted to help the younger sister because the older sister, had herself, been impregnated. Senator CLINTON had said the older sister would have gotten in trouble if she would have gone across State lines to help her younger sister obtain an abortion.

What Senator CLINTON pointed out is the exact purpose of this bill. The older sister had to get the judiciary involved to remove her sister from the abusive situation. Guess what. If the older sister would have taken her sister across State lines for an abortion, the legal authorities never would have been involved to take the child out of the abusive situation, and the younger sister would have been returned to an unsafe home where she would have been subjected to continued sexual abuse.

That is the whole point of this legislation, Mr. President. The judicial bypass for parental consent or notification that is required in most States is the only instances in which this bill actually applies. So the bill, I believe, would be consistent with what I understand that Senator CLINTON wanted for this girl: to get her out of an abusive situation.

Mr. President, will the Chair remind me when I have 5 minutes remaining?

The PRESIDING OFFICER. Yes.

Mr. ENSIGN. Mr. President, incest is a terrible act, a terrible crime. We should not be protecting the people who perpetrate these crimes. But at the same time, if there is incest involved we, as a society, must take steps to protect the young victims. Imagine a young girl who has had this terrible act committed against her and now somebody else with good intentions wants to take her across State lines to get an abortion. There are several problems raised by this scenario. If the judiciary can be involved, at least some of these crimes can be addressed. But if the crime remains secret from the parents and there is no judiciary involved, this girl will be forced to just goes back home, with the abortion hidden, to face continued victimization. The second concern that I have relates to the potential medical consequences that a young girl might face following an abortion. She might encounter a postsurgical infection, or complications if the abortion is performed with inaccurate or an incomplete medical history of the young girl, like administering some kind of medication or anesthesia to which the girl has an allergy. The young girls parents may not know to watch for postsurgical complications. Each of these medical concerns become life threatening when friends or a member of the clergy are involved rather than the young girl's parents or the authorities.

That is why I think some of the amendments coming up are ill-conceived and why this bill is so important to enact. I hope that as this debate goes forward we can bring out more of these points. I know the leaders are trying to work out differences right now.

I yield whatever time is remaining on this amendment to the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I come to the floor today proud that Republicans are working to build a future of hope, by securing our homeland, securing our prosperity, and securing our values.

I believe today's debate over the Child Custody Protection Act cuts to the heart of who we are as a people. The ideas this bill is built on—preserving life, protecting our children, and upholding the rule of law—have defined the American character and shaped our society for over 200 years. Our commitment to protecting the most vulnerable among us is the surest test of our shared values and the key to our hope for a better future for our children and grandchildren.

There are very few who would disagree that the teenage years are a vulnerable and formative time of life. Peer pressure and the anxiety it can bring are sometimes overwhelming. From decisions about where to attend college, or to understand the negative impacts of things like drug and alcohol abuse, parental communication and support are vitally important as these young people make these decisions that will determine the course of the rest of their lives. Parents need to be involved. So it puzzles me that those who oppose this bill would essentially give a green light to those who would circumvent State laws and rob parents of the chance to give their young daughters the physical care and the psychological support they so desperately need.

Those who oppose this legislation claim that it would endanger teens facing truly abusive parents. So they want to strip the overwhelming majority of good parents of their rightful role and responsibility because of the misbehavior of a few.

Let's be clear: No one wants to place these vulnerable girls, many of whom have already been victimized by older men, into a situation that creates more fear than they are already experiencing. That is why States have built careful safeguards into their laws to provide recourse to those who have genuine reasons to fear an abusive parent.

I can imagine that the thought of facing any parent, no matter how loving, with the news of an unplanned pregnancy is a scary thing. But as a father of two daughters, I believe I speak for most parents in saying that the health and well-being of my girls is more precious to me than anything else in the world. Much worse than hearing of a pregnancy would be the news that a daughter was suffering from infertility or any of the other severe medical and emotional complications often associated with abortion—complications that, in many cases, might not be caught until it was too late if the parent was unaware of the procedure.

Other critics argue that this bill would add complicated consent regulations or that it would somehow be unconstitutional. Nothing could be further from the truth. This legislation does nothing to override existing State laws or enforce any kind of Federal mandate on States. It simply strengthens the idea that the will of the people of each State, as expressed by their elected State officials, should not be circumvented for major surgical procedures that have such profound moral and medical implications. Furthermore, this bill is designed to uphold only those State laws which have been drafted carefully enough to pass constitutional muster.

I am disappointed that this legislation has only attracted one Democratic cosponsor, but I am hopeful that my Democratic colleagues will not cave to pressure from the well-funded, profit-driven abortion industry, which includes Planned Parenthood and its lobbyist allies at Emily's List and NARAL. While they may provide significant sources of campaign funds, no amount of money can justify their ''abortion at any cost'' mentality, especially when that cost is the health and well-being of teenage girls and the rights of parents who most want to protect them.

An overwhelming majority of Americans understands that taking a minor across State lines to obtain an abortion without her parents' knowledge is

not consistent with our shared values. The Child Custody Protection Act is a well-crafted, balanced piece of legislation, and I urge my colleagues on both sides of the aisle to join the American people in supporting it. It is an important step toward protecting our families, securing our values, and building hope for a better future for all Americans.

Mr. President, I reserve the remainder of the time.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the vote in relation to the Lautenberg amendment No. 4689 be at 4:05 p.m., with the remaining time between now and then equally divided between the proponents and opponents of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada.

There is a lot of interest in this bill. People want to do something for our young people. People want to avoid these horrible situations. My friend cited the case of a young woman who was raped by her father, yet in this bill, the father retains all rights to take her over a State line. Can you imagine, to sign a parental consent form, a father who raped his daughter? So we want to correct these problems.

I yield 5 minutes to Senator PATTY MURRAY and then 2½ minutes to Senator LAUTENBERG at the close of the debate.

The PRESIDING OFFICER. The Senator only has 5 minutes.

Mrs. BOXER. Mr. President, I was told we have until 5 after, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. I thank the Chair. It is the first time all day I have been correct.

I yield to Senator MURRAY 5 minutes and then, at the end of the debate, Senator LAUTENBERG for 2½ minutes.

Mrs. MURRAY. Mr. President, I rise today to speak about the so-called Child Custody Protection Act. This is yet another one of those divisive bills with a deceptive title and a dangerous impact on women.

Today, many Americans are upset about the direction in which our country is moving. One would think that the Republican majority would finally start addressing the real issues that affect working families every day—issues such as access to healthcare, high energy prices, fixing the prescription drug program, and protecting our ports.

But instead, we are seeing yet another debate on election year gimmick. Last month, Republicans rolled out a constitutional amendment on gay marriage just so they could energize their base. Then they brought up a constitutional amendment on flag burning. Now we have a divisive bill that threatens the health of women and undermines our rights.

It is no wonder that Americans are so frustrated with the Republican majority.

Today families are facing real challenges, and once again, what we see here is the Republican leadership is playing election year games. To me, this is just the latest example of how Republicans have the wrong priorities.

With a war overseas, painful cuts to education at home, veterans being denied healthcare, soaring energy costs, and mounting debt, the Republican majority is saying this is the most important issue we could be debating today.

They should stop wasting time on divisive election year politics and start focusing on the real challenges facing the American people.

We should be talking about pressing needs, not a dangerous and misguided bill that threatens the health of our Nation's young women.

Today's debate comes in the context of a series of attacks on women's rights.

Since 1994, we have seen a consistent and aggressive effort in Congress to limit a woman's right to choose.

There have been more than 170 antichoice votes taken in Congress since 1994. This bill follows that troubling pattern.

The legislation is not about protecting young women, or improving communication within families, or stopping sexual predators.

Instead, it is just another attempt by Republicans to chip away at a woman's right to safe and legal reproductive health care.

Let me turn to the substance of the bill.

This legislation could criminalize a grandparent, aunt, or adult sibling, for responding to a request for help from a young woman in a crisis pregnancy situation.

If any of these caring adults accompany a young woman across State lines to obtain reproductive health services, and the woman's home State has a parental-involvement law, then those caring adults could be criminally prosecuted.

Today, an amendment will be offered to exempt grandparents and clergy from this onerous bill. It is the least we can do to minimize the harm of this legislation.

But this law doesn't stop at turning caring adults into criminals. It would also criminalize anyone who transports a pregnant minor across any State line.

Imagine a young woman living in a rural area with no reproductive health service providers and the nearest facility is in a large city just over the State line. If that young woman boards a bus or takes a taxi to the city to get an abortion, the person who drives her could be criminally liable under this law and sued by the parents.

I think we all agree that a young woman facing a crisis pregnancy should be encouraged to talk to her parents. According to a study by Stanley Henshaw and Kathryn Kost, in the vast majority of these situations, the young woman does involve her parents. But tragically, in situations where women don't tell their parents, one-third of the young women are victims of abuse.

In an ideal world, every young woman would take to her parents, but we don't live in an ideal world.

The reality is that a young woman cannot always turn to a parent. We are not talking about a young woman who is afraid her parents will be ashamed or shun her. We are talking about serious situations where the young woman may be a victim of incest or abuse.

A young woman who has an abusive home situation often accurately predicts the danger of telling a parent about a pregnancy. This bill would punish those young women if they seek the support and help of other family members or clergy.

We live in a time when we have a lot of families who don't fit the traditional two-parent model. More and more grandparents are raising their grandchildren. Divorced parents are getting remarried, and young women can develop close relationships with their stepparents.

In these families, the caring adult who is responsible for the day-to-day care of a young woman would be criminally liable and could even be sued by an absentee parent.

We also know that some young women have no other alternative but to go to another State to obtain reproductive health services. Access to these services all across our country is severely limited—87 percent of counties have no providers.

There are States, such as Mississippi, that have only one provider. Our laws should reflect the reality that for some women, these services cannot be found locally.

Unfortunately, the only thing this bill does do is ensure that young women who are intent on seeking reproductive health services ''go it alone.''

If a young woman thinks that bringing a caring adult or supportive friend will get that person in trouble, she will make the trip on her own.

You wouldn't want your children to drive home from the hospital after having surgery, but this legislation will result in young women driving themselves after having a medical procedure.

How can my colleagues say that this bill is about the safety of young women when it actually endangers them more?

Proponents claim that the ''judicial bypass procedure'' is an adequate protection for young women who feel they can't involve their parents. That is not the case.

A young woman would have to go to a courthouse, get a hearing, tell the judge and anyone else in the courtroom her situation, and wait for a judge to rule.

Now imagine that this happens in a small town where the judge is friends with her parents. Whether it is a big city or a small town, a young woman who has never been to court could find the whole process intimidating and overwhelming.

This bill doesn't even have an exception to protect the health of young women. That raises huge constitutional questions.

Since Roe v. Wade, every constitutional Federal law restricting a woman's right to choice has contained a health exception, and many laws have been struck down because they lack one.

Should we really be saying that a young woman's health does not count when she faces a crisis pregnancy?

Is this Senate ready to tell young women that their health and safety do not matter?

This bill doesn't care about a young woman's health—and it barely even cares about her life. That is because the bill's exception for a life-threatening situation is very narrow and very limited.

In addition, according to experts who have studied it, this bill could effectively nullify the laws of States that allow physicians to provide confidential medical services to minors, such as my home State of Washington.

The people of my State have twice affirmed a woman's right to choose. That is the settled position of our State. This bill could reach into my home State and effectively eliminate those protections.

No matter how one feels about this bill, I think everyone should be concerned that Federal intervention could undermine the ability of States to set their own laws on this difficult subject.

The House version goes even further, potentially making criminals out of Washington State physicians who follow the laws of Washington State.

Proponents of this bill claim that it is needed to prevent sexual predators from taking pregnant young women across State lines to obtain reproductive health services against their will. But that is not how the bill is written.

If it were truly meant to prevent sexual predators from harming young women, why would it criminally prosecute a young woman's family members, including grandparents, aunts, or adult siblings? Why is the scope of this bill so broad that it includes clergy members and even unknowing taxi drivers?

Every one of us wants to reduce the numbers of abortions that occur.

Instead of forcing the Government deeper into sensitive and personal family relationships, we should focus on preventing teen pregnancies.

Mr. President, to summarize, across the country today, Americans are very worried about what is going on, whether it is access to health care, high energy prices, prescription drug programs, or protecting our Nation's security. But instead what we are seeing this afternoon is an election year gimmick.

Last year, we saw a constitutional amendment on gay marriage to energize their base, and then they brought up a constitutional amendment on flag burning, and now we are having a debate, instead of on the issues which are on the front burner for every American family, about the health of women and how we are going to undermine their rights. I find that very sad.

Let me talk a few minutes about the substance of this bill. As my colleague from California said, this is a bill which is going to criminalize a grandparent or an aunt or an adult sibling for simply responding to a request for help from a young woman who is in a crisis pregnancy situation. We will see later an amendment to exempt grandparents and clergy from this onerous bill. I hope we do that. It is the least we can do.

But I think what we should all agree on is that a woman who is facing a crisis pregnancy should be encouraged to talk to her parents. In fact, we have seen studies by Stanley Henshaw and Kathryn Kost that in the vast majority of situations, a young woman does involve her parents. But tragically, in situations where women don't tell their parents, one-third of those young women are victims of abuse. Those are the women we are going to be affecting by legislation such as this.

In an ideal world, the young woman would talk to her parents, but too often, too many young women do not live in an ideal world today. They cannot turn to a parent. We need to make sure they have the availability of health care for their needs, and this bill takes that away.

Unfortunately what this bill really does is ensure that young women who are intent on seeking reproductive health services go it alone. If a young woman thinks that bringing a caring adult or supportive friend will get that person in trouble, she will make that trip on her own. You wouldn't want your children to drive home from the hospital after having surgery, but this legislation is going to result in young women forced to drive themselves home after a medical procedure.

I don't see how my colleagues can say this bill is about the safety of young women when it actually endangers them more. This bill doesn't even have an exception to protect the health of young women, and that, frankly, raises huge constitutional questions about which we have heard.

This bill doesn't care about a young woman's health, it barely cares about her life, and that is because the bill's exception for a life-threatening situation is very narrow and very limited and, according to experts who studied it, this bill will effectively nullify the laws of States such as mine that allow physicians to provide confidential medical services to minors.

For that reason, I will oppose this bill, but I do commend the Senator from New Jersey, Mr. LAUTENBERG, who is offering an amendment that we will be voting on that is a comprehensive approach to reproductive health care for our teenagers. It will help reduce teen pregnancy, and that is its goal. That amendment would be a good step forward, but even that addition is not going to save this flawed bill.

We should be working on ways to reduce the number of crisis pregnancies among teens and women alike. That is why, on issues such as emergency contraceptives, I fought so hard to make sure the FDA makes its decision based on science on whether that drug is safe or effective.

Unfortunately, the bill we have in front of us today is just another ploy for the majority to get their base excited in an election year and, frankly, I am deeply concerned that women's lives are being used as pawns in a political debate. I believe women's rights should never be traded away in a ploy for votes.

I hope we send a message that we know our country is facing serious challenges and we are going to spend our very limited time addressing those challenges and fighting for all of our families.

I urge my colleagues to vote against this dangerous, divisive, and misguided bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. ENSIGN. Mr. President, the Senator from California said twice today that this bill protects a father who commits incest with his daughter. In other words, he can commit a crime and still take her across State lines to get an abortion.

That argument is illogical. Obviously, a father is a parent. In a State with a parental consent law, he is a parent with rights under State law. If he wants his daughter to have an abortion, to cover up his own crime, he can freely give his consent to allow his daughter to have the abortion in their State of residence. That father doesn't have to take his daughter across State lines. As a result, this bill does not affect such an outcome one way or the other. His abuse of his daughter in that situation is not only morally wrong, it is illegal. This bill doesn't affect that situation one way or another. So to say we are protecting a father's right to go across State lines—it is an argument, frankly, that just doesn't hold water. It just doesn't. This bill doesn't have anything to do with what the Senator was saying.

Let's just talk about what the bill does. This bill says that if a State has

enacted a parental consent or a parental notification law and if a teenage girl in that State gets pregnant and somebody besides her parents wants to take that child across State lines to avoid those parental consent or parental notification laws in direct violation of what the people of that State want, in direct violation of what the parents would want, that act, transporting a child across state lines, is a Federal offense. And that crime is punishable with time in prison.

Look at the consequences of not having this bill. I would point out, in order to put this in its proper context for my colleagues, that over two-thirds of the girls who have been taken across State lines for an abortion have boyfriends who are over 20 years of age. So typically, you would have a teenage girl with a boyfriend who is significantly older than her. And in the context of that relationship, the young girl becomes pregnant. Sometimes that pregnancy is the result of a forcible rape, where the girls does not consent; in most cases, it is at least statutory rape. This legislation will help law enforcement stop adult men from preying upon underage girls and violating the law with respect to the crime of rape—statutory or otherwise. Which is the right thing to do. This bill makes it a further crime if that male takes this young girl across State lines to get an abortion to cover up his tracks, basically to try to eliminate the evidence of his crime. Without this bill, the man who has already taken advantage of a young girl can further endanger her, by forcing her to have an abortion, with potential emotional scarring beyond what she has already gone through and potential physical scarring. In an abortion, some women actually become sterile because of the procedure, because of complications from the procedure.

The parents of most children in the United States are responsible. To take away their ability to be involved in something that is so important, so potentially life-altering with this teenager I believe is just wrong, and I think that is why 80 percent of the American people support this legislation.

In polls I have seen, 60-plus percent of people who call themselves prochoice support this legislation.

We are in a society that is so deeply divided over moral issues, and none more divided than this issue—the issue of whether you call yourself pro-life, or pro-choice, or anti-choice, or pro-abortion, or whatever names that are tossed around. I believe reasonable people can at least come together on some restrictions on abortion. This is one of those reasonable restrictions. That is why over 80 percent of the American people support this legislation.

It is only constitutional when—and this law only applies when—the States have judicial bypass. For those people who are concerned about whether in the case of incest the girl is going to be subjected to some kind of further abuse, it is reasonable that the judicial bypass is there and the reason the courts have recognized that for the parental consent cases. We are not forcing States to do anything as far as their laws are concerned. We are upholding the intent of the people of each State by saying don't circumvent the laws of our State by taking a minor outside of our State. The people of that State have spoken. I think we should at this point in time try to respect the laws the people of that State have enacted. Most importantly, we protect the parents' rights and the health and the lives of children across the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we yield the 2½ minutes, this issue of incest is extraordinary. The bill as written ''protects the predators on our children who have committed incest.'' All you have to do is read it. These parents, these fathers, retain their parental rights in the bill. And even under the Ensign amendment it says they cannot sue a friendly person for helping their daughter. The government under this bill can still go after a grandma, or a clergyman who says to a young child, Let me help you, your father raped you. Those vicious criminals retain all their rights. It is an absolute outrage.

The point is, why I am in favor of the Lautenberg amendment is the Lautenberg amendment says let us take a step back, let us prevent these pregnancies. And if people want to vote against teen pregnancy prevention, I guess they have a right to do that. How they would explain it is beyond me. We are talking 800,000 teenagers who get pregnant, and in about 18 percent it was not intended.

I thank Senator LAUTENBERG and yield to him the remaining time before the vote.

The PRESIDING OFFICER. The Senator from New Jersey is recognized. The Senator has 1 minute.

Mr. LAUTENBERG. Mr. President, how incomprehensible it is that we have a position on the one hand that refuses to acknowledge in this body there are other ways to control teenage pregnancies than abstinence. We are not against abstinence. There are funds provided in the President's budget for 2007 for abstinence—$204 million. This amendment asks for additional funding to supply comprehensive education. We heard from the Senator from South Carolina saying that he describes our values as shared values. But we are not sharing values with the people in South Carolina from Bamberg County who had the lowest rate of teenage pregnancies after they started a program for comprehensive education in South Carolina. The Senator from South Carolina said we had to have shared values on these things. But these are shared values.

I hope our colleagues will look at this fairly, and think about the women who are hurting because they are prevented from getting an education and vote ''no'' on this bill and ''yes'' on my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, one last point related to instances where a father has raped his daughter and whether his rights are protected under this bill. We have an amendment that will address the concerns raised with respect to that issue. The Senator from California mentioned that the grandfather could be sued under this bill, could be prosecuted under this bill if he took his granddaughter across State lines to get the abortion. In that circumstance, the grandparent should be calling the local authorities. If it is a clergy, a friend, whoever it is that has knowledge of a crime against a child, that person should be calling the local authorities so that young child can be removed from that awful situation that she is forced to live in. The authorities should be involved, and in those cases where pregnancy results, the young girl, with the help of her grandparent, clergy member or other adult can seek a judicial bypass. I am confident that a judge hearing that case would allow an abortion under judicial bypass. But if the grandparents or the clergy truly care about, or the friend truly cares about that young girl who has been a victim of incest, then that adult should contact the local authorities. That is how an adult would be acting in the best interests of the child. Otherwise, all the adult is doing is taking her across State lines for an abortion, bringing her back to her home state, and returning her into the same very harmful situation that she was in before.

I yield the remainder of time. I call for the vote.

The PRESIDING OFFICER (Mr. CHAFEE). The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—48

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Chafee	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Smith
Conrad	Levin	Snowe
Dayton	Lieberman	Specter
Dodd	Lincoln	Stabenow
Dorgan	Menendez	Wyden

NAYS—51

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Frist	Roberts
Bunning	Graham	Santorum
Burns	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NOT VOTING—1

Feinstein

The amendment (No. 4689) was rejected.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. THUNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that for the next 20 minutes, the first 10 minutes be taken by the Senator from Illinois, Mr. DURBIN, and then the 10 minutes following that would be allotted to Senator SANTORUM from Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a difficult issue for most Americans, the issue of abortion. There are strongly held feelings on both sides and the American people are conflicted. When you probe and ask them what they think about abortion, first, they would rather not talk about it. I think that is a natural human reaction because we know it is a delicate and difficult issue. Secondly, they basically say: Well, I don't want to criminalize someone who goes out for an abortion, but is there any way to reduce the number of abortions in this country? I think that is a natural reaction by most, that we should keep abortion legal, not a crime, but reduce the incidents of abortion in our country.

So we have a bill before us today which deals with one aspect; and the aspect is, what do we do about the fact that some States have laws that require parental consent before a person who has not reached adulthood would have an abortion performed and some States do not have those laws? What if you move from one State to the other? What law will apply?

Senator ENSIGN of Nevada brings us his bill and suggests that if you knowingly remove a person across one border where parental consent is required to another State where it is not required, the person who took that minor to that abortion clinic in the State without parental consent is going to be liable not just for a civil lawsuit that can be filed against them by the parents but also for a crime.

Their idea is to reduce the likelihood that young people will be taken across a State line to a State without parental consent by imposing new civil penalties and criminal penalties on those who would transport them.

Senator BOXER of California has come before us and pointed out some real problems with this bill. What about the situation where the young girl we are talking about has been a victim of incest? Would the father then have the right to bring a lawsuit against someone who took the daughter he abused across the State line? Nobody wants to talk about this issue. This is not the kind of thing you wake up in the morning and say: I hope the debate today will be about abortion and incest. But that is what we face. We are talking about writing the laws of the land in a way that is sensible. You say: That has to be a rare situation. Yes, it is. I am sure it is. But for that life and that person and that crime, it could be the most important and tragic event that ever happened in their lives. That is why we have to take this very seriously. We have to write these amendments very carefully.

The thing that troubles me about this debate is evidenced in the vote we just took. Senators LAUTENBERG and MENENDEZ came to the floor and said: If we are truly going to reduce the number of abortions, then we have to deal with the reality of family planning and sex education, other issues that politicians don't jump forward to speak about. They suggested we start creating programs that have been proven to be effective, that will help educate young people so they will avoid unwanted pregnancies and avoid the diseases and problems that may result therefrom.

What happened on this vote? What happened on a vote where we were talking about sex education as part of our approach? It was defeated. The approach which is dominant now is not to deal with the reality of young people and their knowledge of what they face if they make the wrong decision but, rather, punishment, to suggest to them that what they have done is not only morally wrong but could be criminal.

My wife and I have raised three children, two daughters. I know that to be a parent is to be countercultural. So many times we would say: We don't want you to go to that movie or look at that book; you can't watch this television show. Parents do that all the time in the hopes that you instill in your kids values they can live by and that they will make the right decisions. I never felt at any point that ignorance was a virtue. I felt with our kids, as many parents do, you have to be honest with them about the realities of life and what they will face.

The question of abstinence comes up on the floor. It is brought up by many. That is the first thing we told our kids: Stay away from sexual activity. This is something you shouldn't do. That is the best advice from a parent to a child. But beyond that, what more should you tell them? Senator LAUTENBERG suggests you should tell them more in certain circumstances, and it was rejected 48 to 51.

You might ask why we are debating this issue this day. I think it is important for us to reflect on why this happens to come to the Senate floor today. This issue is before the Senate today for two or three reasons. One reason is many Republican Senators who traditionally vote against abortion voted for stem cell research last week. This is a make-good vote. This is so some of them can remind their antiabortion constituencies they are still in their corner. I understand that.

Secondly, it is a way to kill time in the Senate rather than address the real issues the American people care about. This debate over this issue is taking time away from any debate on gasoline prices, on health insurance, on jobs.

Third, of course, it fires up a political base on the Republican side for the upcoming election.

A Gallup poll asked 1,000 Americans this open-ended question: What do you think is the most important problem facing this country today? They asked 1,000 Americans a few months ago. The top vote getters: The war in Iraq, gasoline prices, immigration, health care, and the economy. Where did the issue of abortion show up on this list? It tied for No. 33. Less than one half of 1 percent of people said abortion was the most important problem facing America today. But it is the most important issue in the mind of the Republican leadership that we should be debating on the floor of the Senate.

I hope we are able to work out an amendment to deal with the reality of the issue of incest, which is part of the debate, sadly. Perhaps the most egregious part of this bill is the fact that there is no exception for the case of incest. It empowers the parent who may be guilty of the crime to file a lawsuit and recover money because someone else took the victim across a State line. That is hardly where we want to go. Many incest victims are understandably frightened and don't want to tell their parents anything for obvious reasons.

Listen to the words of Sharon from New Hampshire, raped by her father at the age of 17:

> Imagine being 17, pregnant after being raped by your father, alone, isolated, afraid to tell anyone for fear your parents would find out and that, if they did, you would be further humiliated, harassed and abused. . . . I felt and feared these things.

Consider the case of Spring Adams, a 13-year-old girl from Idaho, raped by

her father and impregnated. A private organization learned about the girl, made arrangements to take her to the nearest abortion clinic 6 hours away to have an abortion. The night before Spring was to leave, her father discovered it. When Spring went to sleep that night, her father went into her room and shot her to death with a rifle.

These aren't isolated incidents. One study showed that 30 percent of the minors who had an abortion without telling their parents had previously experienced violence or threats of violence in their family. That is the real world. We should deal with the real world when we write these laws.

I think Senator ENSIGN understands changes have to be made to this bill. I hope we will make them. Let us all agree on this: We need to find ways to reduce the incidence of abortion. We need to find ways that are sensible and sensitive. Merely telling people you can't do it, you shouldn't do it, may not be enough. Education may be part of it as well. It is unfortunate the Senate has rejected the Lautenberg amendment which would have moved us closer to the point where that would have been available in some areas where good family planning information would have been available. It was rejected by the Senate.

Now we come before the Senate with this bill that is subject to amendment. We are hoping we can find a reasonable compromise on a very difficult and divisive issue.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I want to go back to the Lautenberg-Menendez amendment. It is extraordinary to me; when we try to talk about common ground on the issue of pregnancy prevention, doesn't my colleague believe one area we ought to all come together on, regardless of whether we call ourselves pro-choice or anti-choice, would be preventing pregnancies among teens?

Mr. DURBIN. That ought to be the starting point. Shouldn't we all agree on that? If we are going to reduce the incidence of abortion, one of the things we should do is make sure young people are aware of consequences. We should stress abstinence. The Lautenberg amendment put that as the highest priority. But then have family planning information available so young people know that there are ways to protect themselves. I think that was a reasonable starting point. We had a few from the other side of the aisle join us with that amendment but clearly not enough.

Mrs. BOXER. If my friend will further yield, is my friend aware there are 800,000 pregnancies among young women and that we could prevent these unwanted pregnancies and all of the attendant upset among families and that we had an opportunity to do that?

The PRESIDING OFFICER. The Senator's time has expired. Mrs. BOXER. I ask unanimous consent for 30 additional seconds and for Senator SANTORUM to have an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Here we had a chance to do something to prevent these unintended pregnancies. This bill focuses on a small number of cases. It seems to me by two votes we lost that vote. It is an issue, wouldn't my friend say?

Mr. DURBIN. I would say we have to find very common ground on a divisive issue. That was a good starting point. Unfortunately, it did not prevail today. We will go on with this debate, but I hope those of us who look at this issue and worry over how to reduce the number of abortions can work to find some common bipartisan ground to help strengthen families and educate their children about the consequences of their actions, to promote abstinence but not to promote ignorance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in strong support of the Child Custody Protection Act. I congratulate the majority leader for scheduling time for this important piece of legislation, as well as Senator ENSIGN for the terrific work he is doing in managing the legislation as the author of the bill.

This is very important legislation. It has been described many times so I won't go into detail. What we are trying to do is protect children from being taken across State lines to avoid parental involvement laws. As a father of six children, two daughters, I believe parents should be involved in the health care decisions of minor children. I am not alone in that regard. The vast majority of Americans believe in parental consent laws when it comes to having abortion procedures done on minors, that parents should be involved in that decision.

The Senator from Illinois described situations that are certainly the exception rather than the rule. When those exceptions arise, in all of the States there is a judicial bypass. The Senator from Illinois described some pretty horrific circumstances of incest or rape. Here you have a situation where if we don't have this law, the rapist or the person who committed the incest against this minor child could take that child across State lines, never report it to the police, have the abortion done, and the parents never know about it. Nobody knows about it, and the child is back in the home and potentially in the same threatening environment the child was in in the first place. At least under our parental consent laws and with this statute, if we are successful, the court can get involved. We can remove that child from the dangerous situation.

I don't know why allowing someone surreptitiously to avoid state parental consent laws is a benefit to the child. If anything, it is the opposite. That is not a rational reason for objecting to this statute.

Again, I suggest the American public overwhelmingly feels the same way. Parents deserve and should have the ability to be consulted and notified or give consent, depending on the State, to a medical procedure as severe and serious as an abortion.

If you look at the poll question, do you agree or disagree that a person should be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge—this isn't consent, it is just knowledge—15 percent agree, 15 percent agree with that statement that she should be able to be transported across State lines; 82 percent disagree. They said people should not be able to take a child across State lines without the knowledge of their parents. Seventy-five percent strongly disagree with the current state of the law which is you can transport children across State lines in order to circumvent state parental involvement laws.

In Pennsylvania, all of the surrounding states but the State of Ohio have weaker laws on parental involvement than the State of Pennsylvania. So a child in the northwestern part of our State can go up to New York or, in the eastern part of the State, New Jersey or Delaware or, in the southern part of our State, Maryland, West Virginia, all of which have laws that are not as favorable to parents and children as Pennsylvania with respect to consent.

This is, unfortunately, not a hypothetical for those of us in Pennsylvania. There are cases, unfortunate cases of children being taken by a boyfriend or his family members across State lines and the horrible consequences that result.

We also have abortion clinics from other States that advertise in Pennsylvania. There are a couple of ads I will put up on the board. This is northeastern Pennsylvania. Scranton is there, up near the New York border. Here in the Scranton Yellow Pages is the All Women's Health and Medical Services in White Plains, NY, a toll free number; ''We are here if you need us.'' This is, again, advertising in White Plains, NY, which is not that close to Scranton. It is at least 50 miles away. And it talks about no consent, no waiting period. There is a parental consent provision in the Pennsylvania statute that was upheld as constitutional back in 1992. There is a 24-hour waiting period. Again, the clinic is advertising no consent, no waiting period, directly aimed at minors in Pennsylvania urging them to come and have abortions at their clinic across the State line.

Here is another one. This is at the other end of the State, the southern part of our State. This is the Yellow Pages in Lancaster. Atlantic Women's Medical Services, Inc., no parental consent, 16 years and older. The Pennsylvania law is 18 years of age. So if you are 16, 17, they require no consent; again, directly targeted at a State, encouraging women and others to bring

young women across the State line for abortions. They advertise abortions to 24 weeks, the abortion pill, low fees, all trying to make sure these young girls know that abortions are available without consent.

This is not a hypothetical. This is direct marketing to minors, direct marketing in the Yellow Pages to minors who are desperate and, in many cases, afraid and feel alone. They are marketing to these vulnerable children to get them to not talk to their parents but to come and get an abortion out of State, against their State laws. This is, again, not just a hypothetical but a real-life situation. And which I will share a case.

We had a case in Lancaster, PA, which began on Christmas Eve, 2004. A 14-year-old told her mother she was pregnant. The parents were prepared to be supportive, to help that child in whatever decision she made and in scheduling appointments with doctors, counselors, and other programs that could help this child get through this very difficult situation. The daughter chose to have the baby and raise it with the love and support of her family.

But the boyfriend's family didn't like the young girl's decision and began to harass and coerce the girl and her family in order to intimidate her into getting an abortion. The mother called the local police for advice and even called an abortion clinic to see how old you needed to be to have an abortion in Pennsylvania because she was afraid that her daughter might be pressured toward an abortion. She was told the daughter needed to be 16 though that was actually incorrect because she needed to be 18 to have an abortion without consent. Therefore, her mother thought she was protected.

That wasn't the case. In mid-February, she sent her daughter off to school, but the daughter never made it there. Her boyfriend's family met her and her boyfriend down the road, put them in a cab and then on a train, and then a subway to New Jersey, where his family met them and took them to an abortion clinic where one of them had made an appointment. The young girl had second thoughts, but she was told they would leave her in New Jersey if she didn't undergo an abortion.

After the abortion, the family of the boyfriend, who may have been attempting to conceal the evidence of his statutory rape, drove her back to Pennsylvania. Again, this left the young woman completely unprotected with the state not being able to go after this young man and his family for taking her across state lines for an abortion. That is what it seems was behind the parents trying to get rid of this child. This is a situation which should not happen. We have State laws that protect children and parents and their rights to be able to nurture and help their children along the way.

This was a difficult circumstance, and as I said before, there are, unfortunately, others. We even have in the State of Pennsylvania organizations outside of these legal clinics that are trying to give advice and help to minor children on evading the parental consent laws. There is an organization called the Women's Law Project. It says here in their publication, ''Is it legal for teen-aged women to cross State lines to get an abortion?'' This is a document which is handed out and given to young women to help them avoid the State laws that are in place for parental consent. It says:

> Yes. However, the adult may risk a charge of interfering with the custody of a minor. Adults who are accompanying young women under 14 to out-of-State abortion providers should contact a lawyer for the Women's Law Project.

So if you are over 14 years of age, they assure you that you can go to an abortion clinic out of State. If you are under 14, your accompanying adult may have to call our lawyers to take care of the situation.

This is a real-world situation, a problem we are confronted with in this country. All we are trying to do is let the State laws, the collective wisdom of the people of Pennsylvania, have effect, have efficacy; that the laws which are put in place are there to protect children and the rights of parents. The only one that can stop others from getting around those protections and avoiding State laws is the Federal Government, by stopping the interstate transportation of these children for the purpose of abortion.

So this is a vitally important piece of legislation for the Commonwealth of Pennsylvania. This is one in which I am hopeful that 75 or 80 percent of the Senate will agree with when it is all said and done because it is vitally important, for the health of our children and for the stability of families, to give families and children this legal protection. That is what we are doing. That is what these States have done—given legal protection from further abuse of minors who find themselves in a situation where they are pregnant and under, obviously, a horrible situation in their lives. They need their parents. Where the parents are the problem or a threat to them, there is a judicial bypass. We have in place safeguards where parents are the problem, which, again, is a minority of situations. We do have protections in place.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SANTORUM. Yes.

Mr. DURBIN. The bill creates a civil cause of action the parents can bring. Does the Senator from Pennsylvania believe that in one of those rare, tragic cases of incest and the father is the reason for the incest, he should be allowed to bring a civil cause of action against the person who has transported the victim?

Mr. SANTORUM. The Senator from Nevada has an amendment which is going to take care of that situation. I will defer to him, if he would like to answer that question on how the amendment would work to preclude that problem.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, to answer the Senator from Illinois, we are going to fix that. We realized we needed to fix that problem, and we have an amendment. The Senator addressed this, and that will be one of the amendments that is coming up.

I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank the Senator from Nevada, and I thank the leadership for bringing up this topic. It is commonsense and pro-family legislation. I hope we pass it in an overwhelming fashion through this body and that it arrives on the President's desk once we go through conference committee and get it back here and that it can become the law of the land.

The bill has been described in many different iterations. I believe people understand the concept of what is being put forward about involving the family. I believe this is a significant pro-parent, pro-child, pro-life piece of legislation. It is a bill that everybody knows is to help to preserve this role by making it illegal for somebody to take a child across State lines for an abortion, thereby circumventing parental rights laws in the State where the child resides. That is all well known. The issue I wish to deal with briefly, if I could, is the commonsense feature of this legislation.

Everybody has talked about the examples of how you cannot get an aspirin in school without the parents' permission. You virtually cannot do any medical procedure without the parents' permission, except an abortion. Everybody looks at that, and they are quizzical and wonder why there is this exception.

I wish to talk about the commonsense feature of this. Why is it that we don't give aspirin to children at school? Why is it that we require that parents are involved in the medical decisions of their children? The reason, I think—and most people look at it as common sense—is that there are consequences to this. If this happens, if the child has a response to the aspirin or if the child has some reaction to a minor surgery, the parent needs to be involved. Something might happen, so the parent needs to know. We need to take care of the child. The parents have the role of being entrusted with that child's life and working with that child and therefore needs to be actively engaged in knowing what is going on with the child.

We have held hearings in the Senate and in the House of Representatives, and many States have held hearings on

the impact of abortion on women. There are groups that are formed about the impact of abortion on women, both physically and psychologically. We have had expert witnesses present and testimony about how abortion impacts and harms women physically and psychologically. There have been books written on this topic. Some people say: We don't think it has as big an impact as you say it has. Others say: I think it has a bigger impact. That debate can be taken, I suppose, to any medical procedure on a child.

The point of the issue is that we have the parents there to help them help the child, and they decide. That is who is making the decision. That is who is making the decision on whether the child gets minor medical care at the school. You want the parents involved. They are the guardians, the ones who are responsible.

Here is a situation where, clearly, you have a physical impact on the child. I believe clearly that you have a psychological impact on that child. I think that has been documented. Others question whether that has been fully documented. Clearly, on a number of women who have abortions, there is a psychological impact. Isn't it simply common sense that parents would be involved in such a monumental decision that is going to impact this child for the rest of their life and that parent would be involved in helping the child to process what is the wise decision, the right thing to do, the appropriate thing, what the options are and the sorts of things they can do? Particularly at a time when the child is going to have to process this in a difficult emotional situation, the parent needs to be involved and should be involved to give that wise counsel, prudent counsel, to the child involved in this particular circumstance.

Parents can and do help present all of the health facts to their children and help them make a prudent decision. That is just basic common sense. It is the right thing that we ought to do. Parents can help to spot abusive situations which might not otherwise be evident to the child. Without parental involvement, abortion can be forced upon a young woman by, in some cases, an abusive male figure in order to cover up a crime.

The role of parents in protecting children is essential. This cannot be delegated to any other person. Yet in this law, we even provide for the judicial bypass procedure. Especially when a daughter is facing an unintended pregnancy, parents need to be involved. We talk a lot on the Senate floor and have worked over the years to try to build more and stronger family units. One of the key ways to do that is to have the parents more involved in the decisionmaking of the child, particularly when health consequences are there. This is one on which that should take place.

When a child is undergoing this procedure, it does clearly terminate a young life growing in the mother's womb. That has an impact on the child psychologically, if in no other fashion. Parents need to be involved in helping to process how that is going to be handled for the child.

I believe this legislation is a step in the right direction. It would go some distance toward helping protect parents' rights and children's health. It would help integrate and build that relationship between the parent and child.

I urge my colleagues to pass this legislation. I hope, as a message to the country, we can pass it in a large bipartisan fashion and send a signal to people that this makes good sense. It is appropriate for us to do.

It is not simply that you are pro-life or you are pro-choice; therefore, we are going to split on those lines. Rather, we should look at this as parents, as we virtually all are on this floor, and saying as a parent, whether I am pro-life or pro-choice, I would want that sort of information for my child, and I would want to be able to have that information to process as a parent, and that I would say to my legislators I am one way or the other on the abortion debate, but as a parent I believe it is my duty to know this. This is my duty to be involved in this type of decisionmaking for my child.

I think that is why, while we have a lot of debate about the issue of abortion in the country, this is so strongly supported by people because so many people look at this outside the abortion debate, and they look at it much more as a parental debate, as to how they observe and they deal and they want to deal with this particular issue. I urge my colleagues to look at it that way as well. Take it out of the grid of the abortion debate and put it into the decisionmaking grid of a parent. I think if we do that, we will pass this in a strong bipartisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself time off the bill. How many minutes is remaining on our side on the general debate on the bill?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mrs. BOXER. Mr. President, I have not yet had a chance to lay out my objections to this bill. I would like a chance to do that and, of course, those objections have just been elevated given the fact that by just two slim votes, we failed to adopt teen pregnancy prevention legislation, which is, of course, one of the most important issues we face in our society today. We have 800,000 young women whose pregnancies could have been prevented if they had such education.

Here we are dealing with a bill that seems to come back before the Senate every election for reasons that the other side can explain. Instead of tackling the issues of health care for our young people, insurance for our young people, pregnancy prevention for our young people, we are dealing with an issue that impacts just a few people. But so be it.

The good news is, we have had a debate on teen pregnancy prevention. The whole country got to see it, and they got to see where the votes lined up. It is pretty clear.

The other good news is that we had a debate on stem cell research, and we saw a very similar situation where we picked up a few votes on the other side but not enough votes. The President vetoed stem cell research. You want to talk about a health issue, you want to talk about helping the health of our young people who have juvenile diabetes or those who are paralyzed because of an accident; if you want to talk about helping people with Alzheimer's or Parkinson's. But oh no, the President vetoed that. Another four or five votes in this Chamber could have made the difference between having stem cell research and not. But now we are not going to have it.

Frankly, in my State, we took matters into our own hands, and Republicans and Democrats together voted for stem cell research, and we have a $3 billion program. This isn't a partisan issue in my State. But oh boy, it is a partisan issue here. It just shows how far to the right we have come in the national debate.

So instead of doing something to improve a lot of our people, we are looking at this small issue. We are looking at a bill that, as it is now drafted, protects incest predators. We are working on that, hoping to come to some joint approach that can stop that problem, or part of it anyway.

As drafted, this bill throws grandmothers in jail and violates our Constitution. I would say this bill has a problem.

Again, we tried to make it better, but even our amendments did not go far enough. We did not have an exception for rape. If a young girl gets raped and she runs to the most trusted adult she knows, perhaps her grandma, and her grandma takes her into her loving arms because she is too scared to go to her parents for whatever reason. We have situations and I will share those with you where girls were so fearful, so frightened, and with good reason, that they couldn't go to their parents. So they go to a loving grandmother. And guess what? Under this bill, the parents can sue the grandmother. Unbelievable. That is Big Brother all right. Talk about family values interfering straight in. It is unbelievable.

We tried to fix the thrust of this bill to add on a Teen Pregnancy Prevention Act. We couldn't do it.

So this bill, at the end of the day, focuses on a small number of young women crossing State lines with an adult to get an abortion and ignores 800,000 pregnancies which could have been prevented.

We had our chance. We had our chance, but, oh no, it is going to be

about political correctness. It is going to be about rightwing ideology. Oh no, we can't do that.

This bill does nothing to increase communications between parents and teens. It does nothing to stop sexual predators. Most young women who become pregnant already turn to their parents for help.

This is a wonderful country. We have loving families, for the most part, loving open families who say to their kids, as I certainly did to mine, and my husband did: Anything you have on your mind, you just come to us. You feel free to tell us. That is how it should be.

When I was a child, my mother said I could tell her anything, and I did. I told her anything. She loved me unconditionally and helped me through whatever problem I might have had.

With my own children, I tried to emulate my mother. I hope and I think I did that. They are now grown. They take care of me.

But what about young people who don't have that warm feeling in their families? What about the millions of victims of violence and abuse? This bill, as it is drafted, hurts just those victims. It doesn't mean to. That is not the purpose of it. But we have found out in our lives that some bills have unintended consequences, and this one sure does.

As this bill is drafted, a father who commits incest and takes his daughter over a State line—we are trying to fix it, and we hope we can fix it—that father has rights under this bill. It is an outrage.

Nearly half of pregnant teens who have been abused or assaulted are found to be abused and assaulted by a family member. That is the sad truth. Thirty percent of minors who don't tell their parents have experienced violence in the home. In other words, they are too fearful to go to the home where they have suffered violence. They fear violence or they worry that, in a rage, their parents will kick them out if they tell them they have become pregnant.

Don't we want them to be safe and secure? Don't we want them to have help from a caring adult? I would hope so. But under this bill, a clergy member who really cares about the family could be sued by parents who abuse their children. A loving grandma or a loving aunt could be sued. Oh, there are no exceptions allowed.

Senator FEINSTEIN, unfortunately, is suffering from the flu and cannot be here today. She had an amendment—she cannot offer it—that would have exempted caring clergy and caring relatives. She couldn't be here.

This bill is so imperfect that I cannot begin to count the ways.

In my State, as I mentioned previously, parental notification laws have been voted down. In general, we all want to have adult consent. I believe it is important to help guide a young person through such a decision. But when we look at some of the unintended consequences of these bills and the fine print of these bills, we find that they are going to have the opposite effect of what we want. Instead of helping the minor, it puts her at risk.

We know some specific cases: A 12-year-old whose pediatrician discovered she was pregnant. It turned out the rapist was her stepfather and the mother wasn't living with the girl. The doctors recommended that her Aunt Vicki bring her to a specialist in a neighboring State. She was only 12 years old, the aunt said. It is bad enough to go through incest, but then to have a child from that incest. We should all agree that only the father should go to jail, not the caring relative, Aunt Vicki.

I know it is very difficult to talk about this topic, but some very sick people do rape. Fathers do rape, uncles do rape and even impregnate their daughters.

Look at these newspaper stories from around the country.

''An American Tragedy.'' This is from The Oregonian:

> A 13-year-old girl in Idaho whose father had impregnated her. . . . the morning she was supposed to have an abortion, her father, who admitted his guilt, walked into her room with a rifle . . . shot her in the head and then he shot himself.

How does this bill prevent that? This bill will frighten a girl, make her more alone because she can't go to a caring adult because a caring adult could be sued by a parent. So she is scared. She gets in a car. She drives over the State line by herself. She is all alone. The father finds out, grabs her. She has no protection. He shoots her, shoots himself.

What are we doing here? Why don't you look at what you are doing. Why don't you look at the practical impact of what you are doing?

Here is another: ''Teen Accuses Father of Rape,'' The Journal News, Westchester County, NY.

> . . . man was arrested and charged with first degree rape of his teenage daughter. The man tried to force his daughter to take an unknown pill to cause a miscarriage because he believed she was pregnant.

This happens too often.

''Father Sentenced for Raping Daughters,'' Newark Advocate:

> Man convicted of raping his two daughters. . . . the girls were 13 and 17 at the time of the crimes.

''Man Charged with Incest is Arrested in North Carolina'':

> Police said a father raped and impregnated his 16-year-old daughter and raped his stepdaughter who is mentally and physically disabled.

The way this bill has come to us from the committee protects the father. Senator ENSIGN and I are working hard—and I hope we can reach agreement—to solve the problems of this bill. But the way the bill passed the other body, they didn't pay any attention to this. Wonderful, we pass a bill that protects fathers who rape their daughter. It is basically a bill that, all of that incest aside, really will wind up in a young woman getting into a car on her own, frightened to death to tell her parents, and driving alone.

''Ordeal Ended/Dad's Arrest Ends Years of Rape for Teen,'' Newsday.

> For years, a convicted child sex offender used his Bronx home as a pornographic movie studio for sex videos of himself and his young daughter. The girl had tried at least once to alert someone—her mother . . . her mother took no action.

''Her mother took no action.'' As Senator ENSIGN and I try to reach an agreement on an incest amendment, let me be clear: We are not going to reach that mother. I, if I go along with this, am giving up a lot of my amendment. This is still an imperfect bill, and I will show you in a checklist my amendment versus the Ensign amendment and what we try to do in our amendment.

The Ensign amendment, as was originally proposed—we support it—stops a father who has raped his daughter from suing the trusted adult who helped his daughter end the resulting pregnancy. We applaud that amendment, and that amendment will hopefully be adopted.

But we don't stop with that because the Ensign amendment doesn't go far enough. We want to stop a father who has raped his daughter from exercising any parental consent rights. We want to stop all criminal prosecution or jail time for a trusted adult who helps a victim of incest.

Imagine under this bill a child goes running to a nextdoor neighbor whom she loves, a kind of an aunt to her, and she says: Please help me, please help me. I am pregnant. My father raped me. I can't go in that house. I can't tell my mother. My mother won't believe me. The nextdoor neighbor helps her. Under this bill the mother and the father can sue. We have to fix that. We are not going to fix it today. We can't reach all of what I am trying to do because I can't get agreement on the other side. It is still going to be an awful problem.

We also stop a father who has raped his daughter, or any other family member who has committed incest against a minor, from transporting her across State lines to obtain an abortion.

We don't want these perpetrators of incest to take their victims across the State line. We are working hard under the parameters of this bill to address the issue of incest.

At the end of the day, if our negotiations go well, we will have taken care of two of the five Boxer provisions. Will I be happy that these three provisions are not taken care of? No. I am not happy. It is outrageous that we can't get it all done. So be it. Let the people judge. But we will do as much as we can to improve this bill.

This bill as written protects the rights of brutal fathers. There are not many out there, but there are some.

There is only one thing that we can do to make matters worse than parental consent: that is giving these sexual predators more power over their children to keep on perpetrating these acts

and then saying they know how to handle it. They can handle it. Just take a child in the car and go.

The bill as written actually forces some young incest victims to get permission from their rapist fathers to get an abortion. Can you imagine? We have to fix that. And it allows the predator fathers to take their daughters across State lines.

We are trying hard to reach an agreement to take care of this problem. I am grateful that we may get two-fifths of the way there on my amendment.

I will work hard if this bill becomes law to fix this bill. I will introduce legislation to fix this bill. I will also prepare legislation that goes further than this and says if someone is a victim of rape and they are fearful of telling their parents, that parent, adult, or grandma can't be sued.

We really have a long way to go. This bill has many problems. It sends a message to young girls: Go it alone. Avoid all of this. Get in your car and go it alone. Don't take anyone with you. If you get in trouble at your moment of need, this bill says go it alone. She can go across the State line on her own. This bill doesn't do anything about it—only if she has a parent with her to help her.

I believe this bill is unconstitutional. The Supreme Court has been clear that abortion restrictions must not impose an undue burden on women, and they must include a health exception. There is no health exception in this bill. If a doctor takes a girl across State lines because he worries about her health, and if she doesn't get an abortion right away and faces paralysis or faces infertility, there is no exception in this bill. The doctor can be sued.

What kind of message are we sending to young women? Go it alone. What kind of message are we sending to fathers who commit incest or mothers who turn a blind eye to it? Oh, don't worry. You are protected. Maybe Boxer will get two of her provisions, but we are not going to give you the five. I thought it was one nation under God, indivisible.

I didn't think when we cross over State lines we are going to have the pregnancy police look in our cars. This is unconstitutional. You don't have to carry the laws of your own State on your back. If you go through another State and there is a speed limit that is different than the one you live in, you obey the laws of the State you are in. That is the law you carry on your back, not the State you left. No one could go gambling in Nevada if we said: If you live in Tennessee and no gambling is allowed, you can't go gamble in Nevada because you will be arrested by the police at the border.

There are different criminal acts and different penalties in different States. Some have tough laws. We know that. States have rights.

We find it interesting how someone only supports the States when they agree with them. But if they don't agree with that State's law, then they try to force another State's law onto the State with which they disagree. I don't know of any other law in history, with the exception of the Fugitive Slave Act, that has required citizens to carry the laws of their own State on their backs. That was back in the days of slavery. If you ran away to another State, you were still stolen property until the court said no.

If you look at the constitutionality issue, if you look at the fact that victims of rape are left in deep trouble, as are victims of incest, if you look at the fact that good, kind, loving people like grandmas and grandfathers could go to jail for helping their granddaughter—no matter how you look at this bill, I believe you should come to the conclusion that this bill has major problems.

Parental consent—you know something, Senator ENSIGN is right. People support the idea that a parent should be contacted by their child and talked to when a child has an unintended pregnancy. We want that so much. I want that so much.

I also want kids to know they could talk to their grandma, they could talk to their grandpa, they could talk to their clergy, they could get help when they need it.

I don't believe the American people support throwing grandma in jail because she embraced her granddaughter and said: My God, I am worried that your parents, your dad might hurt you if you tell the truth. She throws her arms around the granddaughter and protects her and helps her through a crisis.

I believe stopping an abortion is worth preventing a teen from having a lifetime of paralysis, infertility, or worse, and yet there is no health exception in this bill. I think people want us to stop using this issue as a political football.

I know who brought this up. It is brought up by the other side of the aisle every time we have an election.

I hope we can join hands to stop teen pregnancies. We had a chance to do it. But no, we had a vote and we lost that vote. It is unreal. We got a couple of Republicans, but not enough.

I hope the American people are watching this debate. If our goal is to help our young people—and that is the stated goal—there are a lot of ways we could help rather than scaring them to death and making them go it alone in a desperate situation, making criminals of their grandmas and their grandpas and their clergy.

I am sad that the Teen Pregnancy Prevention Act didn't pass as part of this bill. It would have made this bill better. I am glad that we are going to have some coming together on the incest amendment, although as I said, it is only going to take care of two of the five problems we have relating to the bill. But at least we are making a bit of progress.

The bill, to me, is blatantly unconstitutional. It violates our core principles of federalism. It puts caring adults in jail and endangers the health and lives of our most vulnerable teens. On that basis it ought to be defeated.

I believe this bill will pass. I also believe our incest amendment will pass. I think that is important. We should have two votes on that. I think it is important to have those recorded votes so that the message goes to the House that their bill blatantly helps the predators. I call it the ''Incest Predators Protection Act.'' Thank you very much. I know my time is up. I yield the remainder of my time at this time.

Mr. ENSIGN. Mr. President, I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the Senator from Nevada, Mr. ENSIGN, for his leadership on this issue and for yielding time and for bringing this important matter before the Senate.

My colleague from California mentioned that this is an election year ploy. But I think the last time this was voted on in the Senate was in 1998. That was a cloture vote. I don't know that there has ever been an up-or-down vote in the Senate. It has been voted on in the House.

I think most people see this particular provision as something that is a commonsense approach to this issue. Obviously, there are a lot of labels that are thrown around in this very contentious debate in our country. But when it comes to this particular issue, the courts have laid out some parameters under which States can operate when it comes to statutes that they adopted that impose conditions and restrictions on abortion. The undue burden requirement that came out of the Planned Parenthood v. Casey decision many years ago created this scenario where if there is not an undue burden, that statutes enacted by States can impose restrictions. And many States have done that.

One that many States have adopted is the issue of parental consent or parental notification. In fact, there are about 37 States to date that have adopted in some fashion that particular legislation. Thirty-seven States have enacted statutes imposing legal obligations on pregnant minors to notify or gain the consent of their parents before getting an abortion. S. 403, which we are debating today, does not supercede or otherwise alter any of those laws, nor does it impose any parental notice or consent requirement on any State. These are States that adopted these laws. The bill would only give effect to a State's parental involvement law if that law is constitutional. Therefore, any State parental consent law given effect under this bill must contain a judicial bypass provision which allows the minor girl to petition a judge to waive the parental notification requirement.

Just to give you an example of States that have enacted these types of laws,

my State of South Dakota, for example, requires that a minor under the age of 18 have the consent of one parent or judicial bypass to obtain an abortion. States in my region and neighboring States such as North Dakota, require the same thing, only it requires two parents' consent or judicial bypass. Nebraska requires essentially the consent of one parent or judicial bypass. Iowa requires that a minor must have the consent of one parent or grandparent or judicial bypass. Wyoming requires that a minor under the age of a eighteen must have the consent of one parent or judicial bypass. In Minnesota you must have the consent of two parents or judicial bypass. Montana, again, one parent or judicial bypass.

My point very simply is that the States and State legislatures have found, within their purview, ways that are constitutional to address what is a very gripping issue for the country, one that has created a great deal, obviously, of debate for the past 30 some years, and I suspect will continue to be debated not only here in legislative bodies but in front of the courts.

The courts have laid out a framework, a set of parameters. States have acted accordingly. All this simply does is reinforce those State laws and allow parents to be involved in probably what, without argument, has to be one of the most consequential decisions a teenager will ever make. As a parent of two teenage daughters, we talk about everything. We talk about where our children want to go to college. I have a teenager who is starting college this year. We talk about who they hang out with on a regular basis. We talk about what they wear, obviously, their apparel. We talk about who they date. We talk about who they associate with, all the decisions that they make in their lives on a daily basis. We try to stay very involved and engaged in their lives, for obvious reasons, because that is important as a parent.

I have a 16-year-old who will be a junior in high school. Ironically, in 27 States in this country, my 16-year-old can't get a tattoo without the permission of a parent. In 27 States, my 16-year-old cannot get her body pierced without permission of a parent. Yet we would allow what, arguably, would be the most consequential decision that child could ever make to go without consultation with a parent. It seems to me that common sense dictates, and I think most people around this country would agree, whatever side of this issue they find themselves on, this is a very common sense way to proceed. Allowing someone to essentially bypass a parent and take a minor, a teenager, across the State line to have an abortion is something that crosses not only State lines but crosses the lines of what most Americans would concede makes common sense when it comes to the way we raise our children and the kind of culture we want to have in our country.

I have to say I sure as heck as a parent would not want some other person taking one of my daughters somewhere to have this procedure when the emotional, the health, the medical ramifications of that decision could be so consequential in terms of my daughters, or any daughter, any teenager or any minor's future. I cannot imagine that this does not meet the common sense threshold, the test that most Americans would apply—again, irrespective of what side they find themselves on this particular issue.

If you look at this bill, and ultimately what it is designed to do, there are several things that would happen. I believe, if this act passed, it would substantially cut down on the number of minors who obtain abortions. It has been shown that parental involvement laws can decrease abortions among minors by 8 to 9 percent. Furthermore, Senate bill 403 will likely magnify that effect since minors often cross State lines to evade their home State laws. The bill does not infringe on States' rights. It merely gives teeth to existing State laws. In fact, the Federal Government will prosecute individuals in violation of this act. Senate bill 403 does not mandate individual States to enforce laws which they have not passed.

Additionally, this legislation does not criminalize doctors or the young women who obtain abortions. It prosecutes only those who take minors across State lines in an effort to evade parental involvement laws. In States that do not have parental notification laws, nearly 40 percent of minors keep their pregnancies secret. Since abortion is a major surgical operation, I believe parents need to know if their daughters undergo an abortion so they will be able to help them with any potential complications, including both the physical, emotional, and mental complications that can arise from the procedure. In cases where this would be inappropriate because of an abusive relationship, the judicial bypass is still an option.

Senate bill 403 will help parents keep their daughters out of inappropriate and/or predatory relationships. The American Academy of Pediatrics Committee on Adolescents estimates that almost two-thirds of adolescent mothers have partners over the age of 20. Additionally, in 58 percent of cases where a daughter does not notify her parents of her pregnancy, her boyfriend is the one who accompanies her for the abortion.

Combining those two statistics suggests a substantial number of abortions are obtained in an attempt to avoid statutory rape laws. Underage children cannot obtain an aspirin at school without parental consent, but nothing prevents a minor from being transported from her current State where parental consent is required to another State where she can legally obtain an abortion without any parental consent. That is what this legislation intends to correct. Abortion clinics in States where there are no parental consent laws actually advertise in States requiring parental consent by using ''no parental consent required'' ads.

This legislation is not unreasonable. As I said earlier, 27 States require a minor, a person under the age of 18 today, to obtain parental consent to get a tattoo. Essentially, 27 States also require minors, persons under the age of 18, to get parental consent to get piercings, including ear piercings.

It seems to me, again, as a parent of two teenage daughters, as well as someone who is observing the debate we have in this country over this particular issue, this is a reasonable, commonsense approach, a measure that has been discussed and debated, the constitutionality of it addressed.

My colleague from California, Senator BOXER, said this is unconstitutional. As I said before, the courts have said as long as it does not impose an undue burden, these types of restrictions fit within the parameters of what is constitutional. Furthermore, under the Commerce Clause, the way this particular bill is worded fits within that constitutional framework. I don't think that is a valid argument.

One of the arguments that was made, as well, by my colleague from California had to do with the issue of incest. A judge found Arizona Planned Parenthood negligent for failing to report to Child Protective Services an abortion performed on a 13-year-old girl in foster care. This girl's case dates back to 1998 when she went in for an abortion at a Planned Parenthood abortion facility accompanied by her 23-year-old foster brother with whom she was having a sexual relationship. Planned Parenthood did not notify authorities until the girl returned 6 months later for a second abortion, according to court records.

There are lots of examples that can be used, obviously, to support what this legislation attempts to accomplish. As I said before, this issue has not been debated in the Senate for some time, although I will say it has been acted on by the Congress—not in the Senate but by the House of Representatives. The House earlier this year passed this bill by 270 to 157 or something like that, and had voted in 1998, 1999, and 2002. I was a Member of the House during those years and in every case this legislation passed the House and passed it by very sizable margins.

It would make sense that the House, having acted on it this year, having gotten approximately 270 votes in support, that we have a debate in the Senate and have an up-or-down vote on this legislation which, as I said earlier, I believe is a reasonable, commonsense approach to dealing with what is a very controversial, contentious issue in the country today.

Most Americans would agree that parental notification, parental consent, allowing parents to have involvement,

input, consultation, with a teenager who was pregnant and is considering having an abortion, rather than having that teenager taken across State lines in a way that contradicts the will of the parents, makes a lot of sense. Again, it is an affirmation of parental involvement, parental rights, an affirmation of States rights, for that matter, too, if you look at all the States that have enacted laws. Thirty-seven States have enacted, in some form, this kind of requirement. Whether it is notification of one parent and judicial bypass or two parents and judicial bypass, but, clearly, there is precedent with all the States that have taken steps. This does not circumvent in any way those State laws. It simply affirms those laws in many respects because the States that have acted in a way that would require this kind of a notification, this kind of consent, this kind of involvement on a parental level.

Right now, people who are going around that requirement and going across State lines to have abortion procedures are getting around State laws. This is simply a way of drawing parents into the debate and making sure that, regarding teen abortions in this country, the States have acted accordingly and have adopted statues that require some kind of consent, notification, consultation, that those laws are respected, and, again, that parents' rights are asserted in this process.

I simply add, in closing, my State of South Dakota has this kind of law on the books. This is something a vast majority of South Dakotans would be very supportive of. As someone who is raising teenage daughters, who on a daily basis is conferring and consulting and discussing the decisions they make, the day-to-day decisions they make, I cannot imagine, for the life of me, not having some input, some opportunity to weigh in on an issue of this consequence, that would have the kind of long-term effects—health and emotional effects—on a young girl.

This is about the health of our young girls. It is about the rights of parents. It is about States that have acted in accordance with what the courts have given them authority to do and making sure we are standing behind those States and making sure their laws are enforced.

I hope when we vote on this—and, again, I appreciate the Senator from Nevada for his leadership on this issue—we will get a big vote in the Senate. It is the right vote. It has been a lot of years—8 years. 1998 was the last time we had this debate in the Senate. At that time, we got to a cloture vote, but we did not have an up-or-down vote on the underlying bill.

The substance of this bill needs to be voted on. I hope it will be voted on today, that it will be a big vote coming out of the Senate, and we can put this on the President's desk and have it signed into law, which I believe is what a vast majority, I know a vast majority of South Dakotans would believe, and I believe also a vast majority of Americans.

I yield back the remainder of my time.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the Child Custody Protection Act, which imposes criminal penalties on those who help transport a minor across State lines to obtain an abortion if she does not first meet the parental involvement requirements of her home State.

My primary concern with this legislation is that it unnecessarily puts minors' health and well-being in danger. In addition, the language is so broadly written that it has the effect of harshly punishing those adult family members and loved ones who try to help a young woman in a time of need.

In addition to criminalizing the actions intended to assist a young woman with a difficult decision, this bill would create a new civil action where parents can file a lawsuit against the individual assisting the minor this means relatives, teachers, other trusted adults as well as potentially the doctor, nurse or clinic staff all could face civil court action.

As a mother and a grandmother, I would argue that, in a perfect world, young women and their parents should communicate openly about all major decisions, including whether to terminate a pregnancy. And, in fact, many young women do involve a parent in these decisions. However, the reality is that not all young women live in a household where they can turn to their parents. Some young women face physical, sexual or emotional abuse from their parents; some families do not have open, supporting relationships. For these young women, they may be more comfortable confiding in an older sister, aunt, or a grandparent. Yet this bill would turn these trusted relatives into criminals if they helped her seek an abortion. An unplanned pregnancy is upsetting at any age, and this legislation would deprive young women of support when they most need it.

First and foremost, this bill flies in the face of accepted legal precedent. While it reflects a great deal of concern for potential harms and the violation of parents' rights, it ignores the legal rights of young women to choose safe medical care that protects their health.

The legislation lacks an essential, constitutionally required exception in cases where the restriction it places on the ability of a young woman to get an abortion endangers her health. I am very concerned that once again language is being proposed that would omit this essential protection for women and girls.

The bill provides some limited exceptions to its criminal and civil liability by allowing a sister, aunt, grandmother, or friend to help a girl cross a State border to get an abortion if her life was in danger. But it does not protect actions taken if her health was in danger.

First of all, the Supreme Court has repeatedly affirmed that there must be protection for both the life and health of the mother.

The Supreme Court has ruled time and again from Doe v. Bolton, 1973, to Planned Parenthood v. Casey, 1992, to Stenberg v. Carhart, 2000, that any law restricting access to abortion must contain an exception to protect a woman's health.

Most recently, three Federal courts in California, New York, and Nebraska declared the partial birth abortion ban, which was passed by Congress and signed into law in 2003, unconstitutional and permanently enjoined its enforcement.

All three courts concluded that the law was unconstitutional because it lacked an exception to protect a woman's health.

This measure before the Senate today ignores these precedents and demonstrates a complete disregard for the health of young women.

Secondly, in addition to being unconstitutional, this is bad public policy. If a girl turns to her sister to ask for help because she is having complications with a hidden pregnancy how are either of them going to know whether the complication is life threatening or not? Do we really want to create a situation where a girl's sister, aunt, grandmother or friend has to step into the shoes of a doctor and determine whether complications with a pregnancy are life threatening or face criminal and civil charges for helping her? This could occur even if the girl wants to continue her pregnancy but because of health complications cannot.

Does Congress really want to say it is the best public policy to have young women and girls who are in traumatic situations not get medical assistance because it could result in an abortion for a non-life-threatening complication?

Let's be clear, that is the impact of this legislation. I believe it is unconstitutional and bad public policy. A pregnant minor who feels she cannot confide in a parent is already left with few options.

She can seek a judicial bypass. But few young women have the tools to navigate our complex legal system. The legal system is very difficult for the average adult to manage let alone a minor in an extremely difficult and vulnerable position. In addition, the legal system has demands that further restrict a girl's access; for instance, court hours are usually 9 to 5, requiring a young woman to miss school in order to appear in court. And many girls are reluctant to discuss such a personal decision that could involve traumatic experiences with a judge.

She may delay her decision. However, an abortion that occurs later in her pregnancy will be more dangerous and complicated than one that occurs in

the early stages of her pregnancy. She may opt to travel out of State, alone, undergoing a medical procedure with no family or friends there to support her.

She may seek a dangerous and illegal abortion. A pregnant minor who cannot safely tell a parent about her situation faces enough obstacles. We do not need to criminalize well-intentioned assistance provided to her.

I am also concerned that it is not only the young women making a deliberate choice not to tell a parent of an abortion who would suffer under this bill. Access to abortion is declining in this country, for women of all ages. Eighty-seven percent of counties no longer have a doctor who will perform an abortion. For many women, the most convenient provider is across State lines.

An older sister or aunt accompanying a minor to the nearest provider may unwittingly become a criminal. Even if neither woman intended to evade parental consent laws, this act of family support would be criminalized. A grandmother or sister could have no idea that she is violating a Federal law when she helps a family member access legal medical care.

But proponents of this legislation would like you to believe that this debate is not about young women who can no longer find a doctor who will provide full services in their home State. To them, this is not about the young women who, for whatever reason, need to look beyond a parent for adult support.

While supporters of this bill are correctly horrified by stories of girls kidnapped by older boyfriends and forced into having abortions they did not want, this legislation does not create a limited solution to fix that problem. In fact, in many cases the actions in these circumstances are already illegal. Laws prohibit kidnapping. Laws prohibit statutory rape. Medical ethics require that physicians obtain informed consent from the patient before performing any medical procedure. People who violate these laws can already be prosecuted. I welcome a debate on policies that will crack down further on sexual predators who abuse young women.

If there is a problem that current laws are not being enforced, then let's address that; if there is a problem that these laws are not strong enough, then let's address that, but let's not criminalize behavior of a loving family member, friend, or confidant who is trying to help a young girl in a traumatic time in her life.

This bill is not about protecting vulnerable young women from crime. It is about limiting their access to a constitutionally protected medical procedure. This legislation does reflect a great deal of concern for potential harms and the violation of rights—of parents.

Under this proposal, a parent has legal recourse if his or her supposed ''right'' to stop their daughter's abortion is violated. Parents can sue to collect damages.

This bill, in fact, could create a situation in which a mother sues a grandmother for helping her granddaughter exercise her right to choose. Yet it leaves a young woman with no recourse for the violation of their right to seek and receive safe medical care of her choice.

This legislation also runs counter to basic notions of federalism, linking a young woman to the law of her home State no matter where she may be living. No other State laws follow her to college or summer camp.

In this country, State laws do not extend beyond State borders. When residents from my home State of California travel to Nevada for vacations, they are allowed to play the slot machines, even though gambling is illegal at home. There is no reason why laws should reach across State lines to restrict access to a safe and legal medical procedure.

I wish this were a perfect world. I wish we could legislate that every child has a loving and stable parent to guide him or her through the trials of adolescence. I wish we could legislate that every family talk openly and honestly about the risks of sexual activity.

But we cannot. Parental consent laws do not create these idealized families. Instead, they further burden those that are already troubled. A young woman facing an unplanned pregnancy in an unstable situation must be able to turn to another trusted adult—without the fear of subjecting the adult to Federal criminal liability.

The very fact that we are having this debate is a clear demonstration of the leadership's misplaced priorities. They claim this is a women's health issue, a family values issue.

We have only a few legislative days remaining this year. There are so many other problems we should be addressing.

We should be debating ways to prevent these difficult situations from arising in the first place. We should be discussing policies that promote honest information about reproductive health and ready access to contraceptives. No teen should face an unplanned pregnancy. Those that do must not face it alone.

I urge my colleagues to join me in opposing this bill that endangers young women's health and turns their relatives into criminals.

Mr. KERRY. Mr. President, today the Senate considered legislation that proponents claim will reduce the number of abortions. But in reality everyone knows this legislation will do little to lower the number of abortions, and it will do even less to protect the role of parents in our society. In a move that is all too typical of the coarsening partisanship of this city and of this Congress, instead of bringing before the Senate legislation that could actually reduce the number of abortions, the Senate Republican leader decided to just check another on the Republican ''To Do'' list before election day this November.

It is sad that the Senate has missed this opportunity to enact legislation to reduce teen pregnancy. Every Senator agrees that we should do more to reduce incidences of teen pregnancy. And yet the bill debated in the Senate today is little more than a political stunt that will do little to reduce the number of abortions.

This is not the first time we have faced legislation like this which reflects a political calculus, not a policy consideration. In 1998, just prior to that year's election, the Republican leadership brought forward a similar bill. I opposed that legislation as well, as it failed to take meaningful steps towards reducing abortions and because it threatened to endanger victims of rape, incest, or abusive family situations.

If the Senate Republican leadership were really serious about reducing the number of abortions among young women, they'd get serious about efforts to prevent unwanted pregnancies in the first place. Research shows that reducing unintended pregnancies significantly reduces the rate of abortion. And the good news is that we know what works to prevent unwanted pregnancies in the first place. In fact, the amendment offered by Senators LAUTENBERG and MENENDEZ earlier today, which I cosponsored, would take meaningful steps to reduce teen pregnancy. Communities need to provide education for our children so they understand the serious consequences of their decisions; we need to support effective, existing after-school programs that provide academic enrichment for at-risk kids; and we need to invest in new efforts to help reduce teen pregnancy.

If the Senate leadership were really serious about reducing the number of abortions, they would get serious about providing support for foster care and adoption. Instead, last year this Congress limited the number of children eligible for foster care and reduced funding for state foster care systems. What kind of family values does that represent?

If the Senate leadership were really serious about reducing the number of abortions, we would address the problems that working families face in raising their children. We would increase the minimum wage and extend the earned income tax credit so that the decision whether to have an abortion is not based on whether there is enough money to support the child.

This is where we should be focusing our energy—on providing families with the tools they need to raise a family; on providing mothers with the care they need to carry out their pregnancies, and on educating our teens about the consequences of their actions.

But then again, the Child Custody Protection Act isn't intended to reduce

teen pregnancies. In fact, it accomplishes very little except to risk taking a very young victim of rape or incest—a victim of an abusive family situation—someone who is just plain scared—and putting someone they turn to at risk of criminal prosecution, jail time and fines if they decide to help a minor with one of the most painful decisions a person could be asked to make. It targets the most vulnerable minors—those needing the most help because of poor family relations or even serious abuse—and makes it more difficult for them to receive critical advice and support.

Is it right to punish a victim of incest by forcing her to get consent from the very person who impregnated her? What rational person wouldn't agree that she has been victimized enough already? Is it really smart, or fair, or right to punish and remove the caring adult who a young woman in this situation is relying on to get her through such an ordeal? Is it right to consider sending a grandparent, a clergy member, a doctor, or a counselor to prison if a terrified young woman has nowhere else to turn?

This discussion isn't about most families. If one of my daughters were in a terrible situation, I believe they could and would turn to me or to their late mother. I know they could. I think every one of us in the Senate know our children would turn to us in a time of desperation. That is how we raised our kids. Ideally all young women facing an unplanned pregnancy will turn to their parents for guidance when faced with this kind of decision. And in most cases they do. In fact, one study found that the overwhelming majority of parents in states without mandatory parental involvement laws knew of their child's pregnancy. But 30 percent of young women who did not tell their parents about their decision did so out of fear of violence in the family or fear of being forced to leave home. What does that tell you about these situations? It tells you this bill does not address the real-life tragic situations in which awful decisions are being made.

This bill is not the way we should be addressing the problem of unwanted pregnancies. We should not be criminalizing grandparents or clergy or doctors who try to help young women in horrible situations. We should not be criminalizing that small percentage of people willing to accompany a minor-in-need to obtain an otherwise legal abortion.

Here's the bottom line: If this bill had simply made exceptions for young women in abusive situations—like rape, or incest—and ensured that children who were endangered if they turned to their parents would have a responsible, caring adult to turn to, I would have voted for it. And I guarantee so would all of my colleagues. Mr. President, 100 to 0, that's the kind of statement we could have made—but that kind of unity was sacrificed on the altar of Republican wedge-issue politics.

Of course, parents should be fully involved in all decisions regarding their children, but refusing to take into account possible family dysfunction, including abuse or incest, would be both unconstitutional and unacceptable. It would be dangerous. It would be anything but pro-life. Not every child is lucky enough to have a supportive family, and I can't imagine that any person would fail to understand that it just doesn't make sense for a 16-year-old who has been raped or abused by a parent to get consent from that abuser. There must be a way to bring a supportive and nurturing adult into that difficult decision. This bill forecloses that possibility.

Mr. CORNYN. Mr. President, just last week the Senate unanimously approved landmark legislation that will help protect American children from violent sexual predators and other such criminals who would do them harm.

I proudly cosponsored and worked to strengthen that bill—The Adam Walsh Child Protection and Safety Act of 2006 because the States needed, and asked for, the Federal Government's help to detect and deter violent sexual predators. The nationwide sex offender database and registration requirements are critical components that help prevent violent sexual predators from slipping underground and out of sight. Indeed, the Senate's passage of the Adam Walsh Act was a banner day for the safety of our children.

And today, Mr. President, the Senate will consider another important measure to protect the health and safety of American children—in particular, female minors. I am referring, of course, to S. 403, the Child Custody Protection Act. I am proud to join Senator ENSIGN and a bipartisan group of over 40 Senators that have cosponsored this legislation.

This long-overdue proposal amends the Federal Criminal Code to prohibit the transportation of a minor across State lines—without parental consent or notification—in order to obtain an abortion. To date, at least 37 States have laws on the books that require a minor girl who wishes to have an abortion to notify or obtain the consent of her parents. But let's be clear: this bill neither establishes a Federal parental consent law, nor supersedes existing State laws. It merely reinforces the prerogatives of those States that have enacted parental notification and consent laws.

So the question before the Senate today is a straightforward one: Should Congress safeguard the legislative choice made by those States that have chosen to preserve the role of parents and guardians in the health and medical decisions of their children—particularly, their minor daughters? I believe that we must safeguard State prerogatives by protecting parental rights.

If a State has on its books a constitutionally sound parental notification or consent law, parents in that State should not have to fear that their minor daughters can legally be driven into a neighboring State to receive an abortion.

This is not a hypothetical concern. The New York Times reported that ''Planned Parenthood in Philadelphia [Pennsylvania has a parental consent law] has a list of clinics, from New York to Baltimore, to which they will refer teenagers, according to the organization's executive director . . . .''

Even more disturbing, there is evidence that abortion clinics in States bordering Pennsylvania—States that don't have parental involvement laws—will advertise the lack of such requirements and use it as a selling point in their advertisements directed at minors in Pennsylvania.

I also worry that interstate transportation of minors to have abortions may be used to conceal criminal activity—like statutory rape. I, for one, believe that we ought to make it a Federal crime for an adult male who impregnates a young girl to transport her out of her home State—without the knowledge and consent of her parents—in order to have an abortion. That is just common sense.

Mr. President, this legislation is not about abortion rights. It is about protecting the health and safety of children and preserving the role of parents in decisions concerning their child's medical care.

I urge my colleagues to support this bill.

Mr. KYL. Mr. President, as a cosponsor of the Child Custody Protection Act, I am pleased to see that this legislation is finally being considered and hopeful that it will be passed quickly.

S. 403 makes subject to fines or imprisonment up to 1 year anyone who ''knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides.''

The provision I cite is an admirably clear piece of legislative language. It not only makes a salutary change in existing law; it provides an convincing explanation as to why it is needed.

Notwithstanding the abortion debate's notoriously divisive character, parental involvement statutes constitute an area of near-consensus around which pro-life and pro-choice Americans can come together.

Forty-five States—including my own—have enacted statutes aimed at ensuring that parents of minor girls are not deprived of the opportunity involved in this most sensitive decision, one with profound implications for their daughters' physical and mental health.

Public opinion polls demonstrate overwhelming support for the proposition that in all but the most extraordinary circumstances—in which instances, the State statutes in question

provide for a judicial bypass—parents must be involved in decisions affecting the health of their minor children.

Unfortunately, the public record now provides ample evidence suggesting that these laws are frequently circumvented—often by individuals who by facilitating an abortion may be covering up evidence of a crime: statutory rape.

When abortionists buy advertisements in the yellow pages directories serving communities in neighboring States with parental involvement statutes, and when they adorn the ads with helpful reminders that their services can be obtained without parental consent, both the authority of State lawmakers and the sanctity of the parent-child bond are mocked.

As a father and grandfather, I believe it is vital that the Senate today draw a line against this egregious manifestation of the abortion culture. Colleagues who support a liberal abortion regime but claim that they want the practice to be rare should welcome this opportunity to support a unifying commonsense measure that helps give effect to public policies embraced by legislators of both parties in the States.

Mr. NELSON of Florida. Mr. President, I will vote in favor of the Child Custody Protection Act.

I support the Florida law which was enacted after voters approved an amendment to the Florida Constitution. The law requires that Florida parents must be notified prior to their minor child obtaining an abortion, and it provides that a judge can grant an exception.

This act will help ensure that minors in Florida consult with their parents before obtaining an abortion in another State, while also preserving the ability of minors to seek a judicial waiver when that notice is not in the best interest of the minor.

The ultimate goal must be to prevent teen pregnancy so that none of our children find themselves in these difficult situations, and thus I also supported the amendment to provide Federal grants for programs that educate minors on the use of contraceptives and abstinence.

Mr. BYRD. Mr. President, it has always been my firm belief that minors should be required to notify their parents prior to seeking an abortion. I cannot help but believe that in nearly every case, young women do themselves, their babies, and their families well to seek guidance from their parents or legal guardians before making such a serious decision. Most parents honestly do have their daughters' best interests at heart. Consequently, how can parents not be informed when their children are confronted with making one of the most critical decisions of their lives, one which carries with it such extraordinary, expensive, and irretrievable consequences?

I have a long history of support for parental notification in such difficult circumstances. In 1991, I supported legislation that would have required entities receiving grants under Title X of the Public Health Service Act to provide parental notification in the case of minor patients seeking abortions.

While I support parental notification, I would also observe that we, as a nation, must work harder and do more to ensure that young women understand the consequences of unwanted pregnancy before they find themselves in such a predicament. We need to return to a time when abstinence was respected, not denigrated. A time when young men and women were praised and rewarded spiritually, emotionally, and financially—for doing the right thing.

Today, little girls are encouraged to become sexual at younger and younger ages by a consumer society that cares more about what it can sell than what it can teach. The entertainment culture, with its ''sleaze'' does all Americans, and particularly young women, a despicable disservice. Repulsive lyrics and morally offensive videos degrade women to the point where little girls as young as 10 or 12 years of age come to believe that their only real value lies not in themselves but in bearing the child of a teen-aged boy. How truly sad.

We all recognize that the family is, and has been, in crisis. We would all like to see a reduction in unwanted pregnancies and abortion. No one is pro-abortion. But the question remains, what are we doing to prevent these unwanted pregnancies—meaning what are all of us together, on both sides of the aisle, doing to prevent them? Aren't there more creative ways in which we could be bolstering the self-esteem of young women?

Let us not forget that the future of humanity passes through the family, and that each of us must, in our own way, fulfill our duty to preserve the family. As John Kennedy once put it so succinctly and so beautifully, ''On Earth, God's work must truly be our own.''

Mr. VITTER. Mr. President, I rise today in support of the Child Custody Protection Act, which prohibits transporting a minor across State lines to obtain an abortion if doing so abridges a parental notification or consent statute in the State in which the minor resides. The bill also provides an exception for cases where an abortion is necessary to save the minor's life. I am proud to say that I am a cosponsor of this bill and I supported it in past Congresses.

One of the most important roles of parents is to provide guidance and comfort to their children. Parents are more mature and possess the wisdom of experience that children simply cannot possess. In no other circumstance is the need for parental guidance more important than when a child requires medical care. Who is in a better position to provide a child's relevant medical and psychological history and other valuable medical information than a parent? Not only has the Supreme Court recognized the importance of parental rights with regard to the ''care, custody, and control of their children'' as ''perhaps the oldest of the fundamental liberty interests,'' they have also acknowledged the importance of parental guidance and consent when a child is faced with a difficult decision by stating ''the law's concept of family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions.''

At a time when a school nurse cannot even administer aspirin to a child with a headache without parental consent, how can we allow a child to have an abortion, a major medical procedure with potentially deadly consequences, without parental consent? I can think of no other time when parental guidance and consent is more important than when that parent's minor daughter is pregnant and contemplating abortion. A minor girl, who is undoubtedly under incredible stress, does not have the maturity to make the decision to have an abortion on her own. And, it makes matters worse when the girl receives pressure to have an abortion from the father, the father's family, or others.

As a father, it appalls me to learn that oftentimes older adult males pressure young mothers to have an abortion without telling anyone and transport these young girls into States without parental consent laws to hide instances of statutory rape. Studies show that the majority of today's teenage mothers are being impregnated by adult men. One study of 46,500 schoolage mothers in California found that two-thirds of the girls were impregnated by adult males, with the median age of the father being 22 years old. The fact that many of these adult males could be charged with statutory rape creates an incentive for them to transport young girls across state lines to have an abortion to avoid criminal prosecution.

Mr. President, the pro-abortion lobby has come out in full force against the Child Custody Protection Act saying that it infringes upon a girl's right to have an abortion. I have two major objections to that argument. First, I do not believe that a minor child has the right to an abortion without her parents' consent. At a time when children cannot even be given aspirin without parental consent, they should not be able to undergo a major medical procedure with potentially deadly consequences without parental consent. Second, the Child Custody Protection Act is not about the right to have an abortion; it is about protecting the rights of parents and the well-being of children. It is commonsense legislation that says if one State has established a legal principle for its residents, neighboring States should not discourage those residents from following that principle. This is hardly a radical or

extreme proposal; rather, it is necessary, constitutional, and it is carefully and narrowly drawn. I hope that my colleagues can support this very important, commonsense legislation, which protects our most vulnerable citizens—our children.

Mr. HATCH. Mr. President, this morning we are continuing our discussion of the Child Custody Protection Act, S. 403. This is an appropriate debate, and it comes at an appropriate time.

Last week, the Senate passed the Adam Walsh Child Protection and Safety Act. That important bipartisan bill, which the President is expected to sign this week, will empower the Federal Government to step up the fight against sexual predators of children.

The bill we passed last Thursday is a serious bipartisan achievement, and for good reason. Republicans and Democrats alike can agree on the need to protect minors from abuse. That same purpose, the desire to protect children, is what motivates the Child Custody Protection Act, and my hope is that we can come together on this bill as well, Republicans and Democrats, and pass this legislation.

The American people have spoken. Our States have spoken. Though the media might not always hear the message, Americans are quite unified, and have been for a long time, on the issue of abortion. Supermajorities of the American people think that some regulation of abortion is appropriate. Nowhere is this more obvious than on the issue of parental consent and notification laws.

Most Americans understand that a parent or a guardian should be involved in this decision. The Child Custody Protection Act will give Federal support to State laws requiring this involvement, laws that are too often circumvented when young girls are taken across State lines to obtain an abortion, often with the assistance of the predatory men responsible for their pregnancies.

These actions are terrible for families and young women. They are a danger to a young woman's health and to her spirit. And, indeed, the involvement of a parent or guardian is critical when a young woman is making a choice of this magnitude, and we should do our part to support these parental involvement laws.

This bill does so by making it a Federal crime to transport a minor across a State line to obtain an abortion that would not be permitted absent parental involvement in the State where the minor resides. This is a limited and a reasonable bill. It specifies that neither the minor nor a parent can be prosecuted or sued for violation of the act. It also provides defendants in a prosecution or civil action an affirmative defense if they believed the required parental notice or involvement took place. Finally, it creates a private right of action for the parent or guardian whose rights are violated by a person who violates the act.

This is a balanced bill. And my hope is that my colleagues will support it.

Forty-four States have enacted laws that require some level of parental involvement in a minor's decision to obtain an abortion. Parental involvement laws are not a divisive issue. They are reasonable regulations. At many middle schools and high schools, you cannot get an aspirin from the school nurse without permission from your parents. Would it really make sense to allow a young girl, perhaps only 14 years old, to obtain an abortion without her parents' involvement?

The liberal pro-abortion interest groups routinely tell us that women must have completely unfettered access to abortion throughout their pregnancies. And they typically give two reasons. First, this is a private, medical decision between a woman and her doctor. And second, this is a moral choice that the woman should be able to make without any interference at all. These principles are taken to extremes by these groups. They lead to opposition of almost any regulation of abortion, including informed-consent laws, and even partial-birth abortion. Parental involvement regulations are commonsense and widely supported by the American people. But the reasoning of these interest groups leads them to a position of abortion absolutism—there can be no interference at any time with the decision to undergo this medical procedure.

I disagree with these arguments. Even so, taking these groups on their own terms leads me to believe that they should actually support parental involvement laws. After all, if abortion is a medical procedure, do we really want minors electing invasive medical procedures without a parent or guardian knowing about it? And if the decision to have an abortion is a profound moral choice, do we really want a child to make that choice without consulting with the parents who are responsible for teaching and raising that child? Of course not. And so the American people have reasonably, and responsibly, endorsed with considerable bipartisan support, the parental involvement laws that exist in 44 States.

Recently, my home State of Utah passed its own law. It is a good law. And it is a careful law. My State requires that before a minor obtains an abortion there must be notification of, and consent by, a parent or guardian. Our parental consent requirement prohibits a doctor from performing an abortion without first obtaining the written consent of a parent or guardian. And consistent with the Supreme Court's requirement that some judicial bypass be included in a parental consent statute, Utah allows a minor to obtain an abortion without the consent of a parent or guardian if a court finds by the preponderance of the evidence that the minor has given informed consent and is mature enough to be capable of giving her informed consent or that the abortion would be in the minor's best interest. That is a reasonable balance. The interest groups that oppose any and every restriction on abortion always tell us that this is an important choice. Well, if it is an important choice, I believe we should require that a minor's choice be an informed one.

Utah law also requires that a doctor, prior to performing an abortion, notify a parent or guardian. Again, this is reasonable. Why would we allow a young woman to undergo a medical procedure without first notifying those charged with her well-being? We would not allow it for a routine checkup, much less any other invasive surgical procedure. And Utah's legislators were careful in the way they went about this. They knew that in certain circumstances, a young woman might not want to notify her parents. For that reason, there are generous exceptions to this notice requirement.

If a medical emergency exists, the notice requirement is waived. If the physician reports to the proper State agency that the pregnancy occurred through incest, or if the child is a victim of abuse, the parent responsible for the physical or sexual abuse need not be notified. And if the legal parent or guardian has not assumed responsibility for the young girl's upbringing, that parent or guardian need not be notified.

Utah's citizens are not unique. As the citizens in most other States have, Utahns have determined that some level of parental involvement in this process is an important one. The interest groups disagree. And as a result, there is some opposition to this commonsense bill.

Here is the bottom-line. Forty-four States have parental involvement laws. In my opinion, some of those State parental involvement laws are ineffectual, but in 26, parents are effectively guaranteed the right to parental notification or consent. Yet with minor children, too often they are being taken across State lines, to a State with a more liberal abortion policy, to obtain an abortion without their parents' involvement. Taking a minor across State lines without her parents' knowledge? Most people would call this kidnapping. And in many cases, the actions come close.

I want to thank my colleague from Alabama, Senator SESSIONS, for chairing a hearing in the Judiciary Committee on this subject in the 108th Congress. The hearing was very informative. This is what we learned from the testimony presented there:

The American Academy of Pediatrics Committee on Adolescence has found that ''[a]lmost two thirds of adolescent mothers have partners older than 20 years of age.''

The National Center for Health Statistics concluded that ''among girls 14 or younger when they first had sex, a majority of these first . . . experiences were nonvoluntary. Evidence also indicates that among unmarried teenage

mothers, two-thirds of the fathers are age 20 or older, suggesting that differences in power and status exist between many sexual partners.''

In a study of over 46,000 pregnancies by school-age girls in California, researchers found that ''71%, or over 33,000, were fathered by adult post-high-school men whose mean age was 22.6 years, an average of five years older than the mothers . . . Even among junior high school mothers aged 15 or younger, most births are fathered by adult men 6 to 7 years their senior. Men aged 25 or older father more births among California school-age girls than do boys under age 18.''

I could go on, and I want to thank Professor Teresa Collett of the University of St. Thomas School of Law for putting these statistics together in her testimony. They are important. They remain uncontroverted by those opposed to this bill. And they tell an important story.

Many thousands of teenage pregnancies are caused by predatory males, many years the girl's senior, who should be prosecuted for statutory rape. Let's be clear. Many thousands of teenage pregnancies are caused by felonious activity—scared and pregnant young girls; wounded and abused by these sexual predators.

And parental involvement laws go a long way toward making sure that people become aware of this abuse. Yet currently, it is too easy for these predators to circumvent these laws.

We have heard of older men, or their mothers, or their friends, who take these vulnerable young girls across State lines to get an abortion, and get rid of the evidence of the crime. And then when these girls are dumped back at home, those who care for them and love them are oblivious to what they have been through. This is not only physically dangerous. It is a threat to the spirit of a wounded and confused young woman.

This is not some hypothetical situation. In the Senate Judiciary Committee, we heard from Joyce Farley of Dushore, PA. In 1995 her daughter, Crystal, was raped and impregnated by a 19-year-old man whose mother then took Crystal for an abortion into the State of New York.

This was not a decision for this man, or his mother to make. These people were not interested in making the right decision for Crystal. They were making a decision that was in the best interests of the man who raped this child.

The Child Custody Protection Act would protect these young women. It would protect the rights of parents.

The decision to obtain an abortion is an important one. It is a medical decision, but it is also so much more. It is a decision that will impact a woman for the rest of her life. And it is a decision that a minor should, in most cases, make with the involvement of a parent or a legal guardian.

This important bill that my colleague from Nevada, Senator ENSIGN, has introduced will go a long way toward discouraging the abuse that often leads to teenage pregnancy, toward protecting minors from predatory males, and toward protecting the constitutionally recognized right of States to involve parents in these important decisions.

I look forward to this debate. There should be some bipartisan consensus on this issue, and my hope is that we will reach one. This is a bill that is worthy of our support. It protects the rights of parents that have been recognized by the States that we represent.

We should do our best to support those rights. I encourage my colleagues to support this bill.

Mr. LEAHY. Mr. President, I am disappointed that the Senate is bypassing normal procedure to debate a controversial bill on which the Senate refused to proceed 8 years ago. That was the last action taken on this kind of bill. Since then 8 years have passed. Our Constitution has not changed. I am thankful for that. The complex issues and federalism concerns that so many Senators voiced 8 years ago still remain. So if anything has changed, it is difficult to know. Instead of regular order and allowing the committee of jurisdiction to gather the facts, to consider the legislation, to amend it or reject it, we find ourselves proceeding almost helter-skelter on what is a very serious matter with important personal, privacy and legal implications.

It is a striking contrast that we turn to this bill after last week's bipartisan unifying effort in which we took four months to hold nine hearings and work with our counterparts in the House to reauthorize key provisions of the historic Voting Rights Act of 1965. If that process exemplified the Senate at its best, this proceeding stands in sharp contrast. The press is reporting that the Senate is being required to turn to this bill at this time as part of the Republican-designed run up to the elections. Having spent time on a constitutional amendment that would have cut back on the Bill or Rights, having wasted precious time seeking to write discrimination into the Constitution, this is next on their campaign checklist of items needed to rev up their voting base. In fact, having just seen the President reject our efforts to authorize Federal funds for vital stem cell research with his first official veto, they now rush to reopen the abortion debate. I am a little surprised they are not seeking another vote on some further intervention into the circumstances of Terri Schiavo and her family.

In fact, the bill before us, like the legislation rushed to the floor to intervene in Florida's legal system in the case of Terri Schiavo, is another case of congressional overreaching and of trying to federalize decisions that previously have been left to the States. I unequivocally support the goal of fostering closer familial relationships and the value of encouraging parental involvement in a child's decision about how to respond to an unplanned pregnancy. We all do. That is not the issue. I thank Senators BOXER, MENENDEZ, LAUTENBERG, and FEINSTEIN for bringing amendments seeking to make this legislative consideration worthwhile and beneficial to those in need of government help, rather than an imposition of the heavy hand of government intervention. I support their amendments.

The underlying bill, however, raises challenging issues of federalism that caused many of us to reject it before and will lead me to oppose it, again. I find it ironic that many of the same people who insist that fully considered State laws on civil union and civil partnership and marriage not be respected, are those who in the context of this legislation insist that State laws be held to bind people even when they travel outside their States, and that Federal criminal law become the enforcement mechanism to ensure that they are binding.

The underlying bill does little to strengthen communication and trust in families. While I know as a father that most parents hope their children would turn to them in times of crisis, no law will make that happen. No law will force a young pregnant woman to talk to her parents when she is too frightened to do so. This bill does not increase the perception of choices for such young women. Rather, it is likely to drive young women who are afraid to seek help from their families away from their families and greatly increase the dangers they face from an unwanted pregnancy.

The nature of our Federal system revolves around States maintaining their historically dominant role in developing and implementing policies that affect family matters, such as marriage, divorce, end-of-life choices, child custody and policies on parental involvement in minors' abortion decisions. I respect that. I respect each State to define those family relationships and have resisted Federal intrusion into those matters. Congress should not dictate the nature of family relationships. I had hoped we learned our lesson on this when the American people reacted with outrage to the President and Congress intervening in the Terri Schiavo matter.

Twenty-six States have adopted parental consent or notification laws that are currently enforced and meet the bill's definition of a ''law requiring parental involvement in a minor's abortion decision.'' That means that the remaining States—the 24 States that include Vermont—either have opted for no such law, or have decided on a State law that allows for the involvement of adults other than a parent or guardian in the minor's reproductive decision. While I respect the 26 notification law States, I also respect the 24 other States and the privacy rights guaranteed by the Constitution. The direct consequence of this bill

would be to federalize the reach of the most constricted notification laws and to override the policies in the remaining States.

It is telling that the bill does not expressly establish a Federal parental consent requirement. It does not directly override the various State laws in this area of traditional State interest. Instead, it seeks to do indirectly what it will not and likely could not do directly. Doing so makes it no less an abuse of Federal power. The underlying bill would use the power and resources of the Federal Government to force favored States' laws into effect in the other States that have made other legislative choices. It would impose a law that a State has chosen not to adopt on that State, regardless of the choice its people have made through the legislative process. Most troubling of all, it would create a Federal crime as a mechanism for such Federal interference. It is an affront to federalism and an exercise in heavy-handed overcriminalization.

Make no mistake: Despite the proponents' contention that this bill does not attempt to regulate any purely intrastate activities, the effect of this bill would be to impose the policies of certain States on the remaining ones. Just because some in Congress may prefer the policies of certain States over those in the others does not mean we should give those policies Federal enforcement authority across the Nation. Doing so is not only wrong, it sets a dangerous precedent.

An example apart from family law: Should residents of States that prohibit gambling not be able to travel to Las Vegas or Atlantic City or the many other places that now allow it? It is the nature of our Federal system that when residents of a State travel to neighboring States or across the Nation, they must conform their behavior to the laws of the States they visit? When residents of each State are forced to carry with them only the laws of their own State, we will have turned our Federal system on its ear.

Congress has wisely repealed laws in the past that require residents of each State to carry with them only the laws of their own State. We saw this when the Thirteenth Amendment to the Constitution was passed. That outlawed slavery and repealed article IV, section 2, paragraph 3 of the Constitution, which authorized return of runaway slaves to their owners. That constitutional authority and such laws as the Fugitive Slave Act of 1793 enabled slave owners from slave States to reclaim slaves who managed to escape to free States or territories. None of us—and certainly not the sponsors of this legislation—would ever condone slavery. Those discredited laws and the infamous Dred Scott case are about the only precedent we have for a bill like this that would use the force of Federal law to enforce a particular State's laws against people wherever those people may travel.

I was proud in November, 2004, when the Senate unanimously passed a resolution sponsored by Senators MCCAIN, HATCH, KENNEDY, and REID to express the sense of the Senate that John Arthur ''Jack'' Johnson should be pardoned for his ''crime'' of transporting a white woman across State lines for ''an immoral purpose.'' The injustice done to Jack Johnson was something we all joined to try to correct many years later. Let us not allow the misuse of Federal power, again.

This bill would sweep into its criminal and civil liability reach extended family members, including grandparents or aunts or uncles, who respond to a cry for help from a young relative by helping her travel across State lines to terminate a pregnancy. In addition to close family members, any other person to whom a young pregnant woman may turn for help, including health care providers and religious counselors, could be dragged into court and face prison time on criminal charges. Rev. Doctor Katherine Hancock Ragsdale once helped a stranger, a 15-year-old girl. The girl feared for her safety if her father learned of her pregnancy, and she had no relative to turn to for help. She was alone and desperate. Should offering comfort subject Reverend Ragsdale to Federal prosecution?

The purported goal of this bill, to foster closer familial relationships, will not be served by threatening to throw into jail any grandmother or aunt or sibling who helps a young relative. The result of this bill will be to discourage young women from turning to a trusted adult for advice and assistance. Instead, these young women may be forced then into the hands of strangers or into isolation.

Keep in mind what this bill does not do. It does not prohibit pregnant minors from traveling across State lines to have an abortion, even if their purpose is to avoid their parents. The perverse effect of the bill, if it is to be followed, would be to encourage more young women to travel alone to obtain abortions. I will not support an effort that may lead back to the days of ''back alley'' abortions. How can anyone view these outcomes as desirable or fostering closer familial ties? Young pregnant women who seek the counsel and involvement of close family members when they cannot confide in their parents—for example, where a parent has committed incest or there is a history of child abuse—would subject those same close relatives to the risk of criminal prosecution and civil suit, if the young woman subsequently travels across State lines to terminate her pregnancy. Is that really what we want? We should not compound these most difficult circumstances by taking actions that if successful will succeed in isolating young pregnant women, forcing them to run away from home or pushing them to seek protection from strangers at a time of crisis.

No law will force a young pregnant woman to involve her parents in her abortion decision if she is determined to keep that fact secret from her parents. No law can force a familial connection that does not exist. According to the American Academy of Pediatrics, the percentages of minors who inform parents about their intent to have abortions are essentially the same in States with and without notification laws. The President remarked just last week that ''governments can't change hearts.'' States have found that there are families in which parental notification laws are not effective.

While doing nothing to foster familial relationships, this bill would do serious damage to important federalism and constitutional principles. The underlying bill imposes significant new burdens on a woman's right to choose and impinges on the right to travel and the privileges and immunities due under the Constitution to every citizen. Peter J. Rubin of Georgetown University Law Center and Laurence H. Tribe of Harvard Law School have argued that this language, adopted by the House in 2002, violates both ''the rights of States to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States . . . to travel to and from any State of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court.'' These leading constitutional scholars contend that the bill as drafted is unconstitutional. I will ask that a copy of their analysis be printed in the RECORD, at the conclusion of my statement.

For all these reasons—legal, constitutional, practical and institutional—I will vote against the underlying bill. I urge all Senators to respect federalism, the Constitution and families by rejecting this attempt to politicize fundamental decisions and family relationships.

Mr. President, I ask unanimous consent that a copy of the aforementioned analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2001.

To: United State House of Representatives Committee on the Judiciary, Subcommittee on the Constitution

From: Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University Peter J. Rubin, Associate Professor of Law, Georgetown University

Re H.R. 476 and Constitutional Principles of Federalism

INTRODUCTION

We have been asked to submit our assessment of whether H.R. 476, now pending before the HOUSE, is consistent with constitutional principles of federalism. It is our considered view that the proposed statute violates those principles, principles that are fundamental to our constitutional order. That statute violates the rights of states to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States and of the District of Columbia to travel to and from any state of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark

decision in *Saenz* v. *Roe*, 526 U.S. 489 (1999). We have therefore concluded that the proposed law would, if enacted, violate the Constitution of the United States.

H.R. 476 would provide criminal and civil penalties, including imprisonment for up to one year, for any person who ''knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion. . . [if] an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law in the State where the individual resides.''

H.R. 476, §2 (a) (proposed 18 U.S.C. §2431(a)(1) and (2)). In other words, this law makes it a federal crime to assist a pregnant minor to obtain a lawful abortion. The criminal penalties kick in if the abortion the young woman seeks would be performed in a state other than her state of residence, and in accord with the less restrictive laws of that state, unless she complies with the more severe restrictions her home state imposes upon abortions performed upon minors within its territorial limits. The law contains no exceptions for situations where the young woman's home state purports to disclaim any such extraterritorial effect for its parental consultation rules, or where it is a pregnant young woman's close friend, or her aunt or grandmother, or a member of the clergy, who accompanies her ''across a State line'' on this frightening journey, even where she would have obtained the abortion anyway, whether lawfully in another state after a more perilous trip alone, or illegally (and less safely) in her home state because she is too frightened to seek a judicial bypass or too terrified of physical abuse to notify a parent or legal guardian who may, indeed, be the cause of her pregnancy. It does not exempt health care providers, including doctors, from possible criminal or civil penalties. Nor does it uniformly apply home-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home states strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

ANALYSIS

The essence of federalism is that the several states have not only different physical territories and different topographies but also different political and legal regimes. Crossing the border into another state, which every citizen has a right to do, may perhaps not permit the traveler to escape all tax or other fiscal or recordkeeping duties owed to the state as a condition of remaining a resident and thus a citizen of that state, but necessarily permits the traveler temporarily to shed her home state's regime of laws regulating primary conduct in favor of the legal regime of the state she has chosen to visit. Whether cast in terms of the destination state's authority to enact laws effective throughout its domain without having to make exceptions for travelers from other states, or cast in terms of the individual's right to travel—which would almost certainly be deterred and would in any event be rendered virtually meaningless if the traveler could not shake the conduct-constraining laws of her home state—the proposition that a state may not project its laws into other states by following its citizens there is bedrock in our federal system.

One need reflect only briefly on what rejecting that proposition would mean in order to understand how axiomatic it is to the structure of federalism. Suppose that your home state or Congress could lock you into the legal regime of your home state as you travel across the country. This would mean that the speed limits, marriage regulations, restrictions on adoption, rules about assisted suicide, firearms regulations, and all other controls over behavior enacted by the state you sought to leave behind, either temporarily or permanently, would in fact follow you into all 49 of the other states as you traveled the length and breadth of the nation in search of more hospitable ''rules of the road.'' If your search was for a more favorable legal environment in which to make your home, you might as well just look up the laws of distant states on the internet rather than roaming about in a futile effort at sampling them, since you will not actually experience those laws by traveling there. And if your search was for a less hostile legal environment in which to attend college or spend a summer vacation or obtain a medical procedure, you might as well skip even the internet, since the theoretically less hostile laws of other jurisdictions will mean nothing to you so long as your state of residence remains unchanged.

Unless the right to travel interstate means nothing more than the right to change the scenery, opting for the open fields of Kansas or the mountains of Colorado or the beaches of Florida but all the while living under the legal regime of whichever state you call home, telling you that the laws governing your behavior will remain constant as you cross from one state into another and then another is tantamount to telling you that you may in truth be compelled to remain at home—although you may, of course, engage in a simulacrum of interstate travel, with an experience much like that of the visitor to a virtual reality arcade who is strapped into special equipment that provides the look and feel of alternative physical environments—from sea to shining sea—but that does not alter the political and legal environment one iota. And, of course, if home-state legislation, or congressional legislation, may saddle the home state's citizens with that state's abortion regulation regime, then it may saddle them with their home state's adoption and marriage regimes as well, and with piece after piece of the home state's legal fabric until the home state's citizens are all safely and tightly wrapped in the straitjacket of the home state's entire legal regime. There are no constitutional scissors that can cut this process short, no principled metric that can supply a stopping point. The principle underlying H.R. 476 is nothing less, therefore, than the principle that individuals may indeed be tightly bound by the legal regimes of their home states even as they traverse the nation by traveling to other states with very different regimes of law. It follows, therefore, that—unless the right to engage in interstate travel that is so central to our federal system is indeed only a right to change the surrounding scenery—H.R. 476 rests on a principle that obliterates that right completely.

It is irrelevant to the federalism analysis that the proposed federal statute does not literally prohibit the minor herself from obtaining an out-of-state abortion without complying with the parental consent or notification laws of her home state, criminalizing instead only the conduct of assisting such a young woman by transporting her across state lines. The manifest and indeed avowed purpose of the statute is to prevent the pregnant minor from crossing state lines to obtain an abortion that is lawful in her state of destination whenever it would have violated her home state's law to obtain an abortion there because the pregnant woman has not fully complied with her home state's requirements for parental consent or notification. The means used to achieve this end do not alter the constitutional calculus. Prohibiting assistance in crossing state lines in the manner of this proposed statute suffers the same infirmity with respect to our federal structure as would a direct ban on traveling across state lines to obtain an abortion that complies with all the laws of the state where it is performed without first complying also with the laws that would apply to obtaining an abortion in one's home state.

The federalism principle we have described operates routinely in our national life. Indeed, it is so commonplace it is taken for granted. Thus, for example, neither Virginia nor Congress could prohibit residents of Virginia, where casino gambling is illegal, from traveling interstate to gamble in a casino in Nevada. (Indeed, the economy of Nevada essentially depends upon this aspect of federalism for its continued vitality.) People who like to hunt cannot be prohibited from traveling to states where hunting is legal in order to avail themselves of those pro-hunting laws just because such hunting may be illegal in their home state. And citizens of every state must be free, for example, to read and watch material, even constitutionally unprotected material, in New York City the distribution of which might be unlawful in their own states, but which New York has chosen not to forbid. To call interstate travel for such purposes an ''evasion'' or ''circumvention'' of one's home-state laws—as H.R. 476 purports to do, see H.R. 476, §2(a) (heading of the proposed 18 U.S.C. §2431) (''Transportation of minors in circumvention of certain laws relating to abortion'')—is to misunderstand the basic premise of federalism: one is entitled to avoid those laws by traveling interstate. Doing so amounts to neither evasion nor circumvention.

Put simply, you may not be compelled to abandon your citizenship in your home state as a condition of voting with your feet for the legal and political regime of whatever other state you wish to visit. The fact that you intend to return home cannot undercut your right, while in another state, to be governed by its rules of primary conduct rather than by the rules of primary conduct of the state from which you came and to which you will return. When in Rome, perhaps you will not do as the Romans do, but you are entitled—if this figurative Rome is within the United States—to be governed as the Romans are. If something is lawful for one of them to do, it must be lawful for you as well. The fact that each state is free, notwithstanding Article IV, to make certain benefits available on a preferential basis to its own citizens does not mean that a state's criminal laws may be replaced with stricter ones for the visiting citizen from another state, whether by that state's own choice or by virtue of the law of the visitor's state or by virtue of a congressional enactment. To be sure, a state need not treat the travels of its citizens to other states as suddenly lifting otherwise applicable restrictions when they return home. Thus, a state that bans the possession of gambling equipment, of specific kinds of weapons, of liquor, or of obscene material may certainly enforce such bans against anyone who would bring the contraband items into the jurisdiction, including its own residents returning from a gambling state, a hunting state, a drinking state, or a

state that chooses not to outlaw obscenity. But that is a far cry from projecting one state's restrictive gambling, firearms, alcohol, or obscenity laws into another state whenever citizens of the first state venture there.

Thus states cannot prohibit the lawful out-of-state conduct of their citizens, nor may they impose criminal-law-backed burdens—as H.R. 476 would do—upon those lawfully engaged in business or other activity within their sister states. Indeed, this principle is so fundamental that it runs through the Supreme Court's jurisprudence in cases that are nominally about provisions and rights as diverse as the Commerce Clause, the Due Process Clause, and the right to travel, which is itself derived from several distinct constitutional sources. See, e.g., *Healy* v. *Beer Institute*, 491 U.S. 324, 336 n. 13 (1989) (Commerce Clause decision quoting *Edgar* v. *Mite Corp.*, 457 U.S. 624, 643 (1982) (plurality opinion), which in turn quoted the Court's Due Process decision in *Shaffer* v. *Heitner*, 433 U.S. 186, 197 (1977)) (''The limits on a State's power to enact substantive legislation are similar to the limits on the jurisdiction of state courts. In either case, 'any attempt ''directly'' to assert extraterritorial jurisdiction over persons or property would offend sister States and exceed the inherent limit of the State's power.' '').

The Supreme Court recently reaffirmed this fundamental principle in its landmark right to travel decision, *Saenz* v. *Roe*, 526 U.S. 489 (1999). There the Court held that, even with congressional approval, the State of California was powerless to carve out an exception to its otherwise-applicable legal regime by providing recently-arrived residents with only the welfare benefits that they would have been entitled to receive under the laws of their former states of residence. This attempt to saddle these interstate travelers with the laws of their former home states—even if only the welfare laws, laws that would operate far less directly and less powerfully than would a special criminal-law restriction on primary conduct—was held to impose an unconstitutional penalty upon their right to interstate travel, which, the Court held, is guaranteed them by the Privileges or Immunities Clause of the Fourteenth Amendment. See Saenz, 526 U.S. at 503–504.

Although Saenz concerned new residents of a state, the decision also reaffirmed that the constitutional right to travel under the Privileges and Immunities Clause of Article IV, Section 2, provides a similar type of protection to a non-resident who enters a state not to settle, but with an intent eventually to return to her home state: ''[B]y virtue of a person's state citizenship, a citizen of one State who travels in other States, intending to return home at the end of his journey, is entitled to enjoy the 'Privileges and Immunities of Citizens in the several States' that he visits. This provision removes 'from the citizens of each State the disabilities of alienage in the other States.' *Paul* v. *Virginia*, 8 Wall. 168, 180 (1869). It provides important protections for nonresidents who enter a State whether to obtain employment, *Hicklin* v. *Orbeck*, 437 U.S. 518 (1978), to procure medical services, *Doe* v. *Bolton*, 410 U.S. 179, 200 (1973), or even to engage in commercial shrimp fishing, *Toomer* v. *Witsell*, 334 U.S. 385 (1948).''

Saenz, 526 U.S. at 501–502 (footnotes and parenthetical omitted).

Indeed, *Doe* v. *Bolton*, 410 U.S. 179 (1973), which was decided over a quarter century ago, and to which the Saenz court referred, specifically held that, under Article IV of the Constitution, a state may not restrict the ability of visiting non-residents to obtain abortions on the same terms and conditions under which they are made available by law to state residents. ''[T]he Privileges and Immunities Clause, Const. Art. IV, §2, protects persons . . . who enter [a state] seeking the medical services that are available there.'' Id. at 200.

Thus, in terms of protection from being hobbled by the laws of one's home state wherever one travels, nothing turns on whether the interstate traveler intends to remain permanently in her destination state, or to return to her state of origin. Combined with the Court's holding that, like the states, Congress may not contravene the principles of federalism that are sometimes described under the ''right to travel'' label, Saenz reinforces the conclusion, if it were not clear before, that even if enacted by Congress, a law like H.R. 476 that attempts by reference to a state's own laws to control that state's resident's out-of-state conduct on pains of criminal punishment, whether of that resident or of whoever might assist her to travel interstate, would violate the federal Constitution. See also *Shapiro* v. *Thompson*, 394 U.S. 618, 629–630 (1969) (invalidating an Act of Congress mandating a durational residency requirement for recently arrived District of Columbia residents seeking to obtain welfare assistance).

In 1999, this Committee heard testimony from Professor Lino Graglia of the University of Texas School of Law. An opponent of constitutional abortion rights, he candidly conceded that the proposed law would ''make it . . . more dangerous for young women to exercise their constitutional right to obtain a safe and legal abortion.'' Testimony of Lino A. Graglia on H.R. 1218 before the Constitution Subcommittee of the Committee on the Judiciary, U.S. House of Representatives, May 27, 1999 at 1. He also concluded, however, that ''the Act furthers the principle of federalism to the extent that it reinforces or makes effective the very small amount of policymaking authority on the abortion issue that the Supreme Court, an arm of the national government, has permitted to remain with the States.'' Id. at 2. He testified that he supported the bill because he would support ''anything Congress can do to move control of the issue back into the hands of the States.'' Id. at 1.

Of course, as the description of H.R. 476 we have given above demonstrates, that proposed statute would do nothing to move ''back'' into the hands of the states any of the control over abortion that was precluded by *Roe* v. *Wade*, 410 U.S. 113 (1973), and its progeny. The several states already have their own distinctive regimes for regulating the provision of abortion services to pregnant minors, regimes that are permitted under the Supreme Court's abortion rulings. That, indeed, is the very premise of this proposed law. But, rather than respecting federalism by permitting each state's law to operate within its own sphere, the proposed federal statute would contravene that essential principle of federalism by saddling the abortion-seeking young woman with the restrictive law of her home state wherever she may travel within the United States unless she travels unaided. Indeed, it would add insult to this federalism injury by imposing its regime regardless of the wishes of her home state, whose legislature might recoil from the prospect of transforming its parental notification laws, enacted ostensibly to encourage the provision of loving support and advice to distraught young women, into an obstacle to the most desperate of these young women, compelling them in the moment of their greatest despair to choose between, on the one hand, telling someone close to them of their situation and perhaps exposing this loved one to criminal punishment, and, on the other, going to the back alleys or on an unaccompanied trip to another, possibly distant state. This Federal statute would therefore violate rather than reinforce basic constitutional principles of federalism.

The fact that the proposed law applies only to those assisting the interstate travel of minors seeking abortions may make the federalism-based constitutional infirmity somewhat less obvious—while at the same time rendering the law more vulnerable to constitutional challenge because of the danger in which it will place the class of frightened, perhaps desperate young women least able to travel safely on their own. The importance of protecting the relationship between parents and their minor children cannot be gainsaid. But in the end, the fact that the proposed statute involves the interstate travel only of minors does not alter our conclusion.

No less than the right to end a pregnancy, the constitutional right to travel interstate and to take advantage of the laws of other states exists even for those citizens who are not yet eighteen. ''Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights.'' *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52, 74 (1976). Nonetheless, the Court has held that, in furtherance of the minor's best interests, government may in some circumstances have more leeway to regulate where minors are concerned. Thus, whereas a law that sought, for example, to burden adult women with their home state's constitutionally acceptable waiting periods for abortion (or with their home state's constitutionally permissible medical regulations that may make abortion more costly) even when they traveled out of state to avoid those waiting periods (or other regulations) would obviously be unconstitutional, it might be argued that a law like the proposed one, which seeks to force a young woman to comply with her home state's parental consent laws regardless of her circumstances, is, because of its focus on minors, somehow saved from constitutional invalidity.

It is not, for at least two reasons. First, the importance of the constitutional right in question for the pregnant minor too desperate even to seek judicial approval for abortion in her home state—either because of its futility there, or because of her terror at a judicial proceeding held to discuss her pregnancy and personal circumstances—means that government's power to burden that choice is severely restricted. As Justice Powell wrote over two decades ago:

''The pregnant minor's options are much different from those facing a minor in other situations, such as deciding whether to marry. . . . A pregnant adolescent . . . cannot preserve for long the possibility of aborting, which effectively expires in a matter of weeks from the onset of pregnancy.''

''Moreover, the potentially severe detriment facing a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally burdensome for a minor. In addition, the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible.''

Bellotti v. *Baird* (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

Second, the fact that the penalties on travel out of state by minors who do not first seek parental consent or judicial bypass are triggered only by intent to obtain a lawful abortion and only if the minor's home state has more stringent ''minor protection'' provisions in the form of parental involvement rules than the state of destination, renders any protection-of-minors exception to the basic rule of federalism unavailable.

To begin with, the proposed law, unlike one that evenhandedly defers to each state's determination of what will best protect the emotional health and physical safety of its pregnant minors who seek to terminate their pregnancies, simply defers to states with strict parental control laws and subordinates the interests of states that have decided that legally-mandated consent or notification is not a sound means of protecting pregnant minors. The law does not purport to impose a uniform nationwide requirement that all pregnant young women should be subject to the abortion laws of their home states and only those abortion laws wherever they may travel. Thus, under H.R. 476, a pregnant minor whose parents believe that it would be both destructive and profoundly disrespectful to their mature, sexually active daughter to require her by law to obtain their consent before having an abortion, and who live in a state whose laws reflect that view, would, despite the judgment expressed in the laws of her home state, still be required to obtain parental consent should she seek an abortion in a neighboring state with a stricter parental involvement law—something she might do, for example, because that is where the nearest abortion provider is located. This substantively slanted way in which H.R. 476 would operate fatally undermines any argument that might otherwise be available that principles of federalism must give way because this law seeks to ensure that the health and safety of pregnant minors are protected in the way their home states have decided would be best.

In addition, the proposed law, again unlike one protecting parental involvement generally, selectively targets one form of control: control with respect to the constitutionally protected procedure of terminating a pregnancy before viability. The proposed law does not do a thing for parental control if the minor is being assisted into another state (or, where the relevant regulation is local, into another city or county) for the purpose of obtaining a tattoo, or endoscopic surgery to correct a foot problem, or laser surgery for an eye defect. The law is activated only when the medical procedure being obtained in another state is the termination of a pregnancy. It is as though Congress proposed to assist parents in controlling their children when, and only when, those children wish to buy constitutionally protected but sexually explicit books about methods of birth control and abortion in states where the sale of such books to these minors is entirely lawful.

The basic constitutional principle that such laws overlook is that the greater power does not necessarily include the lesser. Thus, for example, even though so-called ''fighting words'' may be banned altogether despite the First Amendment, it is unconstitutional, the Supreme Court held in 1992, for government selectively to ban those fighting words that are racist or anti-semitic in character. See *R.A.V.* v. *City of St. Paul*, 505 U.S. 377, 391–392 (1992). To take another example, Congress could not make it a crime to assist a minor who has had an abortion in the past to cross a state line in order to obtain a lawful form of cosmetic surgery elsewhere if that minor has not complied with her state's valid parental involvement law for such surgery. Even though Congress might enact a broader law that would cover all the minors in the class described, it could not enact a law aimed only at those who have had abortions. Such a law would impermissibly single out abortion for special burdens. The proposed law does so as well. Thus, even if a law that were properly drawn to protect minors could constitutionally displace one of the basic rules of federalism, the proposed statute can not.

Lastly, in oral testimony given in 1999 before the Subcommittee on the Constitution, Professor John Harrison of the University of Virginia, while conceding that ordinarily a law such as this, which purported to impose upon an individual her home state's laws in order to prevent her from engaging in lawful conduct in one of the other states, would be constitutionally ''doubtful,'' argued that the constitutionality of this law is resolved by the fact that it relates to ''domestic relations,'' a sphere in which, according to Professor Harrison, ''the state with the primary jurisdiction over the rights and responsibilities of parties to the domestic relations is the state of residence. . . and not the state where the conduct'' at issue occurs. See transcript of the Hearing of the Constitution Subcommittee of the House Judiciary Committee on the Child Custody Protection Act, May 27, 1999.

This ''domestic relations exception'' to principles of federalism described by Professor Harrison, however, does not exist, at least not in any context relevant to the constitutionality of H.R. 476. To be sure, acting pursuant to Article IV, §1, Congress has prescribed special state obligations to accord full faith and credit to judgments in the domestic relations context—for example, to child custody determinations and child support orders. 28 U.S.C. §§1738A, 1738B. These provisions also establish choice of law principles governing modification of domestic relations orders. In addition, in a controversial provision whose constitutionality is open to question, Congress has said that states are not required to accord full faith and credit to same-sex marriages. Id. at §1738C.

But the special measures adopted by Congress in the domestic relations context can provide no justification for H.R. 476. There is a world of difference between provisions like §§1738A and 1738B, which prescribe the full faith and credit to which state judicial decrees and judgments are entitled, and proposed H.R. 476, which in effect gives state statutes extraterritorial operation—by purporting to impose criminal liability for interstate travel undertaken to engage in conduct lawful within the territorial jurisdiction of the state in which the conduct is to occur, based solely upon the laws in effect in the state of residence of the individual who seeks to travel to a state where she can engage in that conduct lawfully.

The Supreme Court has always differentiated ''the credit owed to laws (legislative measures and common law) and to judgments.'' *Baker* v. *General Motors Corp.*, 522 U.S. 222, 232 (1998). For example, while a state may not decline on public policy grounds to give full faith and credit to a judicial judgment from another state, see, e.g., *Fauntleroy* v. *Lum*, 210 U.S. 230, 237 (1908), a forum state has always been free to consider its own public policies in declining to follow the legislative enactments of other states. See *Nevada* v. *Hall*, 440 U.S. 410, 421–24 (1979). In short, under the Full Faith and Credit Clause, a state has never been compelled ''to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.'' *Pacific Employers Ins. Co.* v. *Industrial Accident Comm'n*, 306 U.S. 493, 501 (1939). In fact, the Full Faith and Credit Clause was meant to prevent ''parochial entrenchment on the interests of other States.'' *Thomas* v. *Washington Gas Light Co.*, 448 U.S. 261, 272 (1980) (plurality opinion). A state is under no obligation to enforce another state's statute with which it disagrees.

But H.R. 476 would run afoul of that principle. It imposes the restrictive laws of a woman's home state wherever she travels, in derogation of the usual rules regarding choice of law and full faith and credit.

Mr. FEINGOLD. Mr. President, I cannot support the Child Custody Protection Act. First, I object to the decision to bring this bill directly to the floor, circumventing the Senate's committee process. I remember when this bill came before the Senate Judiciary Committee in the 105th Congress. We held a hearing, debated and voted on amendments, and even issued a committee report with minority views. Mr. President, that was in 1998; surely, the factual basis of this legislation has changed since then. I do not see why the Leadership feels that this bill no longer deserves the serious consideration that it received eight years ago.

In addition, this bill is an overreach of Federal power that comes at the expense of the health and safety of young women. The notion that one State may not impose its laws outside its territorial boundaries is a core federalist principle, and I believe this bill might very well violate the Constitution if enacted. States should retain their right to enact and implement appropriate policies within their territorial boundaries. The Child Custody Protection Act would preempt these rights by allowing the laws of certain States to essentially trump the laws in other States.

In an ideal world, all young women who face this difficult decision would be able to turn to their parents. But we do not live in an ideal world, and the reality is that there are young women who feel they cannot turn to a parent out of fear of physical or mental abuse, getting kicked out of the house, or worse. This bill would deny these young women the ability to turn to another trusted adult for help. Many national medical and public-health organizations, including the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association have expressed grave concern about mandatory parental consent laws for these reasons.

Our focus in the Senate should be on ensuring that unintended pregnancies do not happen in the first place. For these reasons, I intend to continue my work in the Senate to ensure that all women have access to the best information and reproductive health services available. If we do that, abortions will become even more rare, as well as staying safe and legal.

Ms. MURKOWSKI. Mr. President, I rise today to speak on the Child Custody Protection Act. I support the intent of the act, which seeks to protect the health and safety of pregnant minors, as well as the rights of parents to be involved in the medical decisions of

their minor daughters. However, I believe this act might have gone further in protecting young women in situations of family abuse or incest.

As a parent of two, I understand the importance and centrality of family, and an essential element of that: the parent-child relationship. The Supreme Court noted in Planned Parenthood v. Casey that parental involvement laws related to abortions ''are based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart.'' It is important that, to the extent possible, a young woman be able to consult with her family before making the decision to have an abortion.

Unfortunately, some young women, particularly victims of incest or family violence, cannot safely involve parents in their decision to obtain an abortion. In such a circumstance, as my colleagues have rightfully pointed out, the minor girl could seek a judicial bypass, which would allow the girl to petition a judge to waive the parental involvement law. The bypass is intended for situations of incest or family abuse, and would allow for the involvement of appropriate state authorities, making it more likely that the minor girl will be removed from the abusive situation and that the abuser will be brought to justice. The bypass option is fundamental to the rights of the minor, and exists to protect her safety.

Constitutional law requires a parental consent law to contain a judicial bypass provision. However, the circuit courts are divided as to whether parental notification laws also must contain a judicial bypass. I am concerned for those girls who are in an abusive family situation and who reside in states that could enact a parental notification law without a bypass option. I believe something must be done to strengthen the bypass requirements in this bill to ensure the protection of minor girls with abusive families.

Given the unanimous consent agreement, I do not have the opportunity to amend the Child Custody and Protection Act on the floor in order to strengthen the bypass option in cases of parental notification. I will look to my colleagues in conference to consider adding a provision that would ensure, with respect to parental notification, that minor girls in incestuous or family abusive situations be able to seek a bypass, whether it be the judicial bypass or, as in Utah, the medical bypass, which permits a physician to waive the parental notification requirement in cases of incest or family abuse. The physician must also notify State authorities.

It is right to protect pregnant girls and their families from those who do not have the minor girl's best interest at heart. Mr. President, I only ask that everything be done to protect the health and safety of those minor girls seeking an abortion who feel they cannot safely turn towards their family.

Mr. OBAMA. Mr. President, I am the parent of two young daughters. And as a parent, it is my sincere hope that my daughters will always feel they can come to me or my wife with any problem. So, even though I strongly believe in a woman's right to choose, I also believe that young women, if they become pregnant, should talk to their parents before considering an abortion.

But I also know that the reality is different for many young women. Some don't live in a traditional two-parent household. Others don't have a parent in whom they are comfortable confiding. For these young women, the most trusted adult in their life may be a grandparent, an aunt, or a clergy member.

I certainly hope these trusted adults would want to help a young person through a difficult time like a pregnancy. Unfortunately, this bill all but eliminates this option for young women. Instead of encouraging pregnant teens to seek the advice of adults, this bill criminalizes adults who attempt to help a young woman in need and essentially abandons them to confront a difficult issue on their own.

In fact, this bill would criminalize adults even if they were not attempting to help a young woman in need. Under this bill, if a grandparent gave a young woman a ride across a state line—say from South Dakota into neighboring Iowa—and that young woman ended up seeking an abortion, that grandparent could spend up to a year in prison.

Now, there are a lot of other problems with the bill: there is no health exception, no judicial bypass, and the notion that one State's laws can take precedence over another State's laws is unconstitutional and unacceptable. But the fundamental flaw with the bill is its criminalization of compassion. At a time when teenagers most need help, this bill would instead force caring and trusted adults—whether it's an older sister, an aunt or grandparent, or health professionals, social workers, or a minister—to stand to the side and watch the young woman go it alone.

I wish this bill was an honest effort to confront the real issue here: unwanted teen pregnancies. No one in this body—whether pro-choice or pro-life—wants young women to seek abortions. But this bill does not address this serious issue. I hope we can work to pass legislation that will provide young people today with the information they need to prevent unwanted teen pregnancies. I regret that I am unable to support this bill today.

Ms. MIKULSKI. Mr. President, I rise today in opposition to the Child Custody Protection Act. I oppose this bill for three reasons. The first is that it does nothing to promote the health and safety of our children. The second is that I do not believe it can pass constitutional muster. The third reason I oppose this bill because it is just another example of the continual assault on women's reproductive freedom.

I strongly believe that minors should involve their parents in all important decisions. This includes the decision to have an abortion. Research shows that most women voluntarily involve their parents when making this decision. However, I recognize that there are some young women who cannot talk to their parents about this issue. Some young women may not live with either of their parents, and instead live with a grandparent, aunt, or another adult relative. Some young women may be growing up in households where they experience physical and sexual abuse and may be threatened with further abuse should their parents be aware of a pregnancy. Yet young women facing pregnancy crisis need help and support.

There are no exceptions in this bill which address the realities of women's lives. The reality is that some young women come from abusive homes. The unfortunate reality is that sometimes young women are raped by their fathers, and this results in a pregnancy. And, the reality is that a young woman may need a trusted adult whether it be a grandparent, older sibling, priest or rabbi, to accompany them if they choose to get an abortion.

This bill does not help these young women. In fact, this bill says to women who cannot involve their parents that they have to go it alone. That is why I voted for the Feinstein amendment which would have allowed other trusted adults like grandparents or clergy members to be allowed to step in when a young woman could not go to her parents for help. This amendment was a step in the right direction. It acknowledged that unfortunately some young women cannot talk to their parents about this very important decision.

That is why I also voted for the Lautenberg-Menendez amendment. This amendment addresses the causes of teen pregnancy. The amendment takes positive steps to prevent teenage girls from getting pregnant in the first place. It funds teen pregnancy prevention programs in schools and community settings. The amendment provides funding to keep teens out of trouble and on the road to success. It restores budget cuts to after school programs and physical education classes.

I also oppose this bill because it does not pass constitutional muster. Not only does it totally ignore cases where a young woman's health is threatened. That clearly undermines the major holding in Stenberg v. Carhart which requires any law regulating abortion must contain an exception for a woman's health. Let's be clear: because this bill does not contain an exception to protect the health of young women it will be ruled unconstitutional.

Finally, I oppose this bill because it is yet another assault on women's reproductive freedom. I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have

served in Congress. Whether it is establishing offices of women's health, fighting for coverage for contraceptives, or requiring Federal quality standards for mammography, I will continue the fight to improve women's health.

Today, I will oppose S. 403 because it forces young women who are dealing with a crisis pregnancy to go it alone and deprives them of the advice and assistance of a trusted adult. It assumes that every family is safe, stable, and supportive. The bill ignores that some minors cannot go to mom and dad for help. It does not make our children any safer. I urge my colleagues to vote against S. 403.

Mr. INHOFE. Mr. President, I rise today in support of S. 403, the Child Custody Protection Act. This bill prohibits transporting minors across State lines to obtain an abortion without parental notice or consent. I have and will continue to fight for the protection of children in the womb as well as the safety of minors.

I believe that life begins at the moment of conception and that children in the womb deserve the same rights and protection as all other human beings.

The Child Custody Protection Act will not only help protect these children in the womb, it will also protect their young mothers and families by involving parents who have their best interests at heart.

I believe we can all agree that our young girls must be protected, and the laws put in place for that purpose must be upheld. Currently, 45 States have laws that require notification, consent, or some type of consultation with a minor's parent or guardian before she can legally have an abortion. However, there are no laws to prevent a minor from crossing State borders and having an abortion performed in a State without such laws.

This practice disregards abortion policies of individual States, implicates interstate commerce, and endangers young girls by allowing them to have dangerous abortion procedures performed without the guidance of their parent or guardian. The Child Custody Protection Act prohibits transporting a minor across a State line for the purpose of obtaining an abortion if doing so circumvents a parental notification or consent statute in the minor's residing State.

The Child Custody Protection Act will not change the parental notification or consent laws of any individual State, but will help to enforce these laws by helping to prevent minors from being taken out of a State for an abortion without a parent's knowledge or consent. This bill will actually reinforce State policies that are already in place.

Sadly, many young girls have been taken out of State by an individual other than her parent or guardian to obtain an abortion and have been subjected to unsafe and unlawful abortion procedures that endanger them physically and mentally. Abortion can cause physical and emotional complications for a young girl, and these dangers are greatly increased by taking her away from of the influence of her parents or guardian, placing her in the hands of an individual who does not have her best interests in mind.

Crystal Farley Lane was one such victim. When she was 12 years old, she became pregnant after tragically being raped by a 19-year-old man. Rosa Hartford, the man's mother, then took Crystal from her home in Pennsylvania, without her mother's knowledge or consent, to New York, where there were no parental consent laws, to have an abortion. After the procedure, Ms. Hartford abandoned young Crystal, who had serious medical complications, 30 miles from her home. When Crystal's mother, Joyce Farley, found out what happened and tried to help by asking the abortionist for Crystal's medical records, she was denied. Fortunately, Ms. Farley was able to help her obtain the medical care she needed in time, despite this obstacle by the abortionist.

Crystal's near-death experience could have been prevented had the Child Custody Protection Act been in place. Instead, there are currently no laws to prevent people like Ms. Hartford from taking Crystal out of Pennsylvania to obtain an abortion without parental consent.

Ms. Farley poignantly testified before the Senate Judiciary Committee that, ''situations such as this are what the 'Child Custody Act' was designed to help prevent. I am a loving, responsible parent whose parenting was interfered with by an adult unknown to me.''

In another instance, Marcia Carroll's 14-year-old daughter was forced into having an abortion by her boyfriend's family. The family took her from Pennsylvania to New York without Ms. Carroll's knowledge or consent, left her alone to have an abortion that she did not want to have, and then left her a block from her home in Pennsylvania. This 14-year-old girl had to go through a frightening and painful abortion procedure on her own and was then left to deal with the physical and emotional pain from an abortion that she did not want to have.

I find it terribly unjust that there are no laws to prevent situations such as these from happening and that families have no recourse against those who are responsible.

Very often, adult men, who are on average 6 to 7 years older than their victims, are the culprits of this violating crime against these young girls. Two-thirds of these adult men are 20 years of age or older. Additionally, more than half of the time it is a girl's boyfriend who takes her to another State to have an abortion without her parents' consent. An abortion performed in a jurisdiction that prohibits release of the medical records destroys any evidence that might have been used against a perpetrator to prosecute him for statutory rape and leaves him free to continue preying on these young girls without consequence.

The incongruity of this status is striking. There are so many restrictions to protect our minors from making bad decisions by requiring parental consent for their actions. They must have parental consent to take medication at school, even an aspirin. They cannot go on a school field trip without a permission slip signed by a parent. Why, then, can a young girl who cannot take an aspirin without the consent of her parents, cross a State border and have an abortion without notifying them? And why can an adult be prosecuted for giving a child aspirin but not for taking her to another state to have an abortion?

By reinforcing State abortion laws requiring parental notification or consent, the Child Custody Protection Act will protect our young daughters from making or being coerced into poor, irreversible, life-changing decisions. I believe we can all agree that action must be taken to prevent the evasion of laws created to protect minors and their families and help preserve the precious lives of children in the womb. I ask that this Chamber quickly pass this lifesaving legislation.

Mr. LIEBERMAN. Mr. President, I rise today in opposition of the Child Custody Protection Act, S. 403. This bill is not about reducing the numbers of abortions in America. S. 403 is about politics played at the expense of young women in the United States. S. 403 would make it a Federal crime for adults other than guardians to transport a minor across State lines to obtain an abortion. This is not nearly as simple as it may sound. S. 403 is another direct attack on the reproductive rights of women. It turns its back on young women who do not inform their parents about their decision to obtain an abortion even if they face threats of personal harm. S. 403 would criminalize grandmothers, religious leaders, aunts and uncles, and doctors fighting for the health and well-being of young women. This bill would take us back to the time before Roe v. Wade where women did not have the right to control their own bodies and too often were forced to seek an abortion at any cost.

The supporters of S. 403 want us to believe that there is a significant problem with young women being transported involuntarily over State lines to receive unwanted abortions without their parents' consent. But this is not what this bill is about. The majority of young women involve their parents in a vital decision such as this. In fact, over 60 percent of young women involve their parents in their decision to have an abortion. For adolescents 14 years and younger, the number is 90 percent.

So what is happening in cases when young women choose not to involve their parents? Studies show that in one-third of the cases where young women do not involve a parent, they

fear family violence or being forced to leave the home. Research tells us that almost 50 percent of pregnant young women with a history of physical abuse report that they were hit during their pregnancy. Unfortunately, the person they were most often hit by was a family member.

The truth is adolescents that are most at risk for teen pregnancy are also the most likely to come from violent homes. Here, they often may not receive the parental guidance they need to make healthy decisions. Therefore, many experts tell us that teens at greatest risk for teen pregnancy also suffer the most from mandatory parental consent laws. These are young women that often do not have access to good parental support and guidance. They are likely to turn to other adult role models in their lives—grandmothers, aunts, cousins, or sisters for that guidance and support.

But S. 403 would send these people—grandmothers, aunts and religious figures—to prison for assisting young women in need. Mr. President, is this the way the Nation should be focusing on as a solution to teen pregnancy? Why don't we work together to reduce the numbers of unintended pregnancies and give people the social supports they need to make healthy choices? Why aren't the administration and the congressional majority talking about finding new pregnancy prevention programs that do not include jails?

Instead, this administration and the majority in Congress are initiating programs that are reversing the declines in abortion rates that we saw in the late 1990s. The Bush administration is more concerned with parental notification laws that we know hurt teens and would only affect a minority of cases than with actually preventing abortions. On their watch, abortion rates have stopped declining. In fact, according to government statistics, 90 percent of the States that attract the most out-of-State abortions actually have moderate to strict parental involvement laws. S. 403 will do nothing to keep young women from having to make a difficult choice—it will only make it harder for them.

The American Psychological Association has listed studies that show that parental notification laws increase adolescent stress and anxiety. They increase the likelihood of teenage pregnancy. Parental notification laws also make it more likely that teens will turn to extralegal and unsafe methods of abortion that could result in serious injury.

I wished we lived in a world where parents would always be involved in their children's health decisions. I would want any young woman in America contemplating abortion to trust her parents enough and feel safe enough to involve them in her decision. Unfortunately, that is not the reality that many of our young women face. They cannot go to their parents for fear of abuse and violence. This bill does nothing to protect these young women by including a strong judicial bypass, and does not take into consideration the difficult situations these young women face.

I cannot even list the numbers of groups that have come out in strong opposition of S. 403, but they include the American Civil Liberties Union, the American Academy of Pediatrics, the American Medical Women's Association, the National Organization for Women, the National Partnership for Women & Families, and the Republican Majority for Choice. I am joining those groups in opposition to S. 403.

S. 403 is another attempt at curtailing a woman's right to choose—in this case, young women, who are often the most vulnerable to violence and abuse from those that are supposed to be protecting them. I ask my colleagues to defeat S. 403.

Mr. CRAIG. Mr. President. I rise today in support of legislation protecting the most important relationship of all: that of parents and their children. The family is the fundamental, crucial and indispensable building block of our civilization, and parents are at its center. Yet, when it comes to one of the most important decisions in life, children are being kept from the guidance of their parents. I am talking, of course, about the decision whether or not to have an abortion.

The American people believe that parents should be involved in deciding whether their daughter should undergo an abortion. Statistics consistently show this, and the Supreme Court has upheld this. As the Court noted in the decision of H.L. v. Matheson: ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature.'' In the case of Parham V. J.R. the Court said ''[t]he law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions.''

Convinced of the soundness of this reasoning, at least 48 States have enacted laws requiring consent of or notification to at least one parent, or authorization by a judge, before a minor can obtain an abortion. Unfortunately, this wise policy is being undermined.

Thousands of children every year are taken across State lines by people other than their parents to secure secret abortions. As we speak, abortion providers across the Nation, operating in States with no parental consent or notification laws, are taking out advertisements in phonebooks outside of the State where they operate in order to attract underage patients in neighboring States with different laws. They are doing this in my home State of Idaho. They are doing this in Pennsylvania, blatantly trumpeting the fact that their clinics, outside of Pennsylvania, do not require parental notification as Pennsylvania does. In essence, these abortion providers are encouraging people to circumvent one State's parental notification law by crossing the border into another for a secret abortion.

The tragedy is that thousands of nonrelated adults take this suggestion every year in successful attempts to circumvent the law. In one highly publicized case, a 12-year-old girl living in a State with a constitutionally upheld parental notification law became pregnant by an 18-year-old man. The man's mother took her for an abortion in a neighboring State with no parental notification requirement. The mother's actions were discovered, and she was convicted of interfering with the custody of a child. A prominent proabortion legal defense organization appealed the conviction on the grounds that she merely ''assisted a woman to exercise her constitutional rights'' and as such was herself protected from prosecution by the Constitution. This reasoning cannot stand.

To say that, because the Court in Roe v. Wade declared most abortions constitutionally protected during the first trimester, that therefore minors have an absolute right to abortion without so much as notifying their parents, and that third parties—whatever their motives—have the right to transport them across State lines for a secret abortion, is to stand constitutional protections on their head. It is to strip children of the natural protection of their parents. There is hardly another circumstance warranting the need for parental guidance and judgment more than when a young daughter becomes pregnant and is considering an abortion. For the sake of our children and our families, this must stop. As a Nation, we loosen our precious family ties at our peril.

I must also note that Idaho is unable to enforce parental notification and consent laws that have passed the State legislature and have been signed into law by the Governor. Nearly 20 other States are in the same situation. These laws are all enjoined due to lawsuits brought by organizations intent on imposing their flawed understanding of the United States Constitutional protections on the American people, and judges willing to support it. It is my hope that this litigation will be resolved and that the right of elected officials to make and enforce laws under their jurisdiction will be upheld.

I strongly support and am cosponsoring the Child Custody Protection Act. Children must receive parental consent for even minor surgical procedures. Children must receive parental consent to take an asprin from their school nurse. I want to make it a Federal offense to transport a minor across State lines with intent to avoid the application of a State law requiring parental involvement in a minor's abortion, or judicial waiver of such a requirement. The profound, lasting physical and psychological effects of abortion demand that we help states guarantee parental involvement in the

abortion decision. That means, at a minimum, seeing to it that outside parties cannot walk around State parental notification and consent laws on a whim or as a means to hide illegal activity. We can no more afford to allow State laws to be ignored than we can afford to allow family ties to be further undermined. For the sake of our families, I urge my colleagues to defend both by supporting the Child Custody Protection Act.

Mr. MCCONNELL. Mr. President, I rise today in support of parents' most basic right and responsibility: to be actively involved in their children's lives, particularly in times of crisis. For that reason I wholeheartedly support S. 403, the Child Custody Protection Act.

I was an original co-sponsor of this bill when my good friend from Nevada, Senator ENSIGN, introduced it in 2005. S. 403 will make it a Federal offense to transfer a minor across State lines to obtain an abortion in order to evade a parental notification or parental consent law in the State in which the minor resides.

I am sure that my colleagues on both sides of the aisle will agree with me that every abortion is a tragic occurrence. The weight of such a decision falls heavily on any woman, particularly a minor. That is exactly the time that a child should be able to rely on a parent's counsel. And that is exactly the time a parent has a responsibility to be a parent, and get involved in their child's life.

Let me stress that S. 403 will not impose any new law or requirement on any State. Nor does it alter or supersede any existing State laws. All that this bill will do is reinforce state laws that are already in effect, and prevent them from being evaded by miscreants who would transport a minor across State lines for an abortion and cut the parents out of their child's life at such a crucial time.

This bill will promote the health of pregnant teens by ensuring that their parents—the people best equipped to make major medical decisions, answer questions about medical history, and help their child through the physical and emotional recuperative process—are present. And the bill also contains an exception if an abortion is necessary to save the life of the minor.

There is already a national consensus in America that a parent should be involved when a minor girl faces such an important decision. Forty-five States have enacted laws recognizing the need for responsible adults to give guidance to minors in decisions about abortion. And 37 States have parental notification or parental consent laws, including Kentucky, which has the latter. What we are doing here is an entirely appropriate Federal role: reinforcing the States' power to pass and enforce laws which are entirely constitutional. When I say that the State law in question must be constitutional, that is also provided for in the bill. S. 403 will only reinforce a State law if that law has passed constitutional muster.

Some critics will claim that this bill will grant too much influence to parents in their children's lives, and that young girls ought to be able to go and get an abortion without talking to their mom or dad. I am a little surprised at that line of thinking. I think that, generally, it is a good thing for kids to talk to their parents and ask them for help when they need it. But in any event, we have laws that give parents a say in what their kids do for matters far less serious than abortion.

Twenty-seven States currently require parental consent—not just notification, but consent—before a child under age 18 can get a tattoo. And 27 States require parental consent before a child under age 18 can get a body piercing. So if the opponents of this bill had their way, a 14-year-old girl could evade State law to get an abortion—but not a tattoo.

Perhaps thousands of underage girls get taken across State lines for abortions every year. Studies have shown that the majority of these girls have male partners older than 20. Many of these men are committing statutory rape. These girls are in trouble and need the advice of a mom or a dad to help them out of their desperate situations. This Senate ought to take the side of the parents over the side of the criminals.

Throughout my career, I have consistently stood for protecting the unborn and promoting a culture of life. I don't like that people are spiriting young girls away from their parents to get them to have abortions, and evading State law to boot. If this law means fewer abortions in America, I will celebrate that.

But I want to stress to my colleagues who may take an opposing view that the central issue of the Child Custody Protection Act is parental rights. Parents ought to have the right to be heard at such a pivotal moment in the children's lives, and States ought to have the expectation that their duly passed laws ensuring just that are enforced.

What opponents of this bill forget is that no parent wants anyone to take their children across State lines—or even across the street—without their permission. This is a fundamental right, and the Congress is right to uphold it in law.

Not one girl should have to make a decision—or worse, be forced into a decision that she will regret for the rest of her life because her mom and dad weren't there to lean on. It is this Senate's responsibility to see that doesn't happen. I urge my colleagues to support this bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, to update our colleagues on what has been going on, we had three amendments still pending on this bill. Senator BOXER and I, and our staffs, with the leadership on both sides, have been working together. We think we have come up with a compromise amendment. It will be the Boxer-Ensign amendment. We will be making a unanimous consent request in a few moments.

I thank Senator BOXER and her staff for the way they have worked together with us, coming to an agreement. This is a good example of how people who fundamentally disagree—passionately—on an issue can actually find some common ground and work together at least on an amendment. That is what we have done today. I am very pleased with what the staffs have done and the compromise we have reached. It is very satisfying.

Let me spend a few minutes talking on the bill as the final details are being worked out. This is an important piece of legislation, not because of the huge numbers it will affect—I have had that question from reporters: How many girls actually get taken across State lines to get an abortion? Sadly, no one knows the answer to that because it is not reported.

As a matter of fact, right now when it happens, the parents have no rights to the information, so they cannot find out even after the fact. They find out by rumor or maybe their child ends up telling them later where they had it done. We had cases where they tried to get the information, but, frankly, the clinic would not release the information. We have no idea how many victims are out there—the records are not kept anywhere—or how often this happens.

I have tried to put myself in a situation that I would want my Senator representing me. I try to say, okay, I am an average person, how would I want my Senator representing me? I happen to be the father of a little girl. We have three kids. Our middle child is a little girl. She happens to be with me this weekend in Washington. In the coming years, as she matures as a young woman, I think about if some 20-year-old preyed on her when she was in her teenage years and got her pregnant and then somehow, because we had a parental consent law, which I hope we do someday in Nevada, and the 20-year old said: I won't date you anymore unless you get a secret abortion. He thinks: I will convince her somehow, manipulate a very vulnerable young woman. I will convince her that I won't see her anymore if she doesn't get the abortion—or whatever means needed to persuade her to get an abortion. If there is a parental consent law in my State, I will decide to go someplace else where they don't require it. In other words, he gets around the will of the people of the State of Nevada or any state that requires parental involvement.

In a case such as that, I would be totally devastated as a parent because I would not be able to help my daughter through this time because I would not even know about it. I would not know if she had a complication from the surgical procedure of abortion. I would not know—if she had a complication in the

middle of the night and she started bleeding—that I should be watching for something that could be going wrong. If she had a fever, I would probably say: Honey, we will get you some Advil or Tylenol. And maybe I would hold her for a little while. And she would be afraid to tell me what was going on and, without me knowing, that could develop into very serious complications overnight. Complications that could even be life threatening.

Well, I try to put myself in those kinds of situations as a Senator and say: How would I want to be represented? And this is how I would want it. I would want somebody to stand up and say: The rights of parents should be respected. That is what we are doing in this bill. But more than that, for the well-being of these teenage girls, the vast majority of them would be better off if the parents were involved.

Now, we realize there are cases where that is not the case, where there is an abusive parent. There are exceptions. That is part of the amendment compromise we are working to reach. I think it is a good compromise. In a situation—that has been brought up here on the floor many times where there has been a girl impregnated who is in her teenage years, we do not want to make unreasonable exceptions that make these laws ineffective.

There was an amendment that would have said: We will make an exception to allow the clergy to take a girl across State lines. They wanted an amendment that said the grandparents should have an exception. Well, let me address those two exceptions because they sound, on their face, reasonable. We have case after case after case of documentation where the clergy was actually the person who was impregnating the teenager. We have all read about the scandals with some of our clergy. Clergy are human beings and, just like any other, they can be flawed human beings. We know that. Just because they have a white collar on does not mean they are perfect human beings.

Some of those imperfections can be seen in cases of sexual abuse by members of the clergy with teenagers. For instance, there have been members of the clergy who have taken minor children across State lines to avoid parental consent laws. And because they are clergy—they are supposed to be this authority figure—the girl does not want to question them and she goes across State lines and has a secret abortion.

The exception that was going to be offered in one of the amendments would have allowed that member of the clergy, which was not defined, to be exempt from prosecution under this bill. I cannot support such an exemption.

Not only that, any one can become a member of the clergy. In fact, last night I asked my staff, because I had heard you could become a member on the internet fairly easily, and within 3 minutes she became an ordained minister. So, anybody could go on the Internet and officially be recognized as an ordained minister, officially by our courts. Leaving it open that a 20-something-year-old who has impregnated a teenager could become a minister and could still fall under the clergy exception.

Let me address the grandparent case. In the case of the grandparents, you have a situation where maybe there was incest in the family, and the grandparent feels they care about the child, and they want to help them. Most grandparents are loving, and they will want to help the child in that case. The Senator from California and others have made the case that they should not be prosecuted under this law because they took the child across State lines to get an abortion because they only thought they were trying to help.

Well, I would make the argument that if those grandparents cared about that child who was in a situation where they were in an abusive home—they were raped by their father—the grandparents should contact the authorities, get the authorities involved to stop the cycle of abuse. You would use the judicial bypass for such case. Judicial bypass would mean that you would not have to go across State lines if that was what the outcome would be, to have an abortion. You would have the judiciary, the authorities involved.

If the authorities were involved, you take that girl out of that abusive situation and protect her. If you allow for the grandparent exception and allow secret abortions, that is not going to happen. In too many cases, it is easier to get the abortion, and hide the problem, saving the family from embarrassment. If you go to the authorities, it may become public. That is why I think we need to not have the grandparent exception and the clergy exception.

So, Mr. President, we are still waiting for the amendment to come down in its final form. As soon as it does, we will be entering into a unanimous consent agreement. But let me wrap up because it has been a very good debate, with strong emotions on each side.

I think this is a bill Americans can come together on and find common ground. I have mentioned before there are good people on both sides of the abortion debate with deeply held beliefs. I believe life begins at conception and that child is a child and has a soul from the time they are conceived. That is why I believe that same child deserves protection throughout their life. I also know that people look at it differently on the other side, and they too have deeply held beliefs.

So Americans have been saying: Can't we at least find some middle ground? Can't we find some ground to at least make some reasonable restrictions on abortion and support parents rights? I believe we have brought forth a bill today that finds that common ground. Eighty percent of the American people support this legislation, and they do that because it is reasonable. From a protection of parents' rights perspective; from a protection of the girl's perspective; from going after some of these, literally, sexual predators, these 20-something-year-olds, who are taking these teenagers across State lines; from a law enforcement perspective; from a lot of different ways this is a reasonable piece of legislation. That is why I introduced it, why I support it so strongly, and why I am happy we are finally having this debate on the Senate floor.

I want to thank my colleagues, especially Senator BOXER, on the other side of the aisle for allowing the debate to happen, for bringing this thing to a final vote, where we can get passage on this bill and then go to a conference with the House and, hopefully, work out the differences between the House and the Senate. My hope and prayer is we can get this bill actually signed into law by the President this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from California.

Mrs. BOXER. Mr. President, again, for the benefit of our colleagues, we are waiting patiently to have the amendment we agreed on to come before us. Then we are hoping at the right time, Senator ENSIGN will make a unanimous consent request for a vote on an amendment we have agreed on, and then vote on final passage. So hopefully we will have that done very soon. As soon as it is done, I will yield the floor and allow the Senator, the good Senator from Nevada, to make his unanimous consent request.

The Senator from Nevada wants to protect our daughters. He is a dad of a daughter. I am a mom of a daughter. I want to protect our daughters. So let's not get confused on this point. We all want to protect our daughters. We all adore them. We want them to be safe, and we want them to get the help they need. We want them healthy. We want them well. We do not want them afraid.

But I do fear that this bill, the way it is drafted—and, yes, we are going to make a little bit of a correction on the incest part, but not as much as we should, but some—we are going to make some progress, and I am grateful for that. Basically, the way this bill is drafted, it is going to frighten our daughters because here is the way it works, folks: If you are a young woman in a parental notification State, you will take matters into your own hands because you are too frightened to go to your parents.

Now, we all hope all parents will be open and loving and caring and helpful and will be able to be approached when a young woman becomes pregnant and it is an unintended pregnancy. We would hope and pray that family, that loving family, will sit around and talk about what ought to happen here, what is the best thing for everybody. I am pro-choice. I am for whatever the family decides. If they decide that the best thing is to raise that child in the family, that is their choice. If they decide

it is best if the young woman exercises her right to choose, which is her right in this country—and has been since 1973—she has that right.

That is what we hope happens, that there will be these conversations. Of course, my friends on the other side of the aisle do not want a choice. They want to force her to have the child. They are against Roe v. Wade, but that is another debate. That is a debate we take to the people, and that is a debate that the pro-choice people win. They do not want Senator BOXER or Senator ENSIGN involved in that family discussion, saying: But, no, you must have this child. You must not have any rights to choose. They do not want that. People do not feel comfortable with it. They want to deal with this their own way, with their own God, with their own family, with their loving family members. But that is not before us.

What is before us is a very narrow bill that deals with a very narrow circumstance where there is a young woman who does not go to her parents, mostly because she is scared to death to go to them. For whatever reasons, in her mind, she is fearful: Will they—if she is from a violent home—beat her up? Will they hurt her? Will they verbally abuse her? Will they be disappointed? And that weighs on her.

So what we are saying with this bill to that girl in a parental notification State is: You are alone. You can't go to anyone else. You can't go to your grandma who you adore, you can't go to your grandpa, you can't go to your big sister, you can't go to your Aunt Susan, you can't go to your clergy who has taken care of you and looked after you.

So you can't go to your doctor. You can't do this because they could be sued and put in jail. That is what this bill does. Is that America? Rather than go to the people who she knows who adore her, love her, care about her, would counsel her, would help her and, perhaps, by the way, talk her into speaking to her parents or going with her to speak to her parents, this bill says: Go it alone, get in your car, get in an airplane, don't take anyone with you, don't tell anyone else, because that person can be sued and, worse, put in jail.

These are our kids. My God, what a situation. And somehow this is supposed to be a wonderful thing we are doing, a family-values thing we are doing. I don't think you can force families into these situations. We don't know enough to be able to do that. There will be unintended consequences. We will have suicides. We will have very serious problems.

As we wait around here in these last moments of this debate—and I am hopeful we can bring it to a close—let me say again that I thank Senator ENSIGN for coming my way, not quite halfway, on the issue of incest. Because the bill as written allowed a father who raped his daughter to have all kinds of parental rights: the right to sign an agreement that she could have an abortion, the right to take her over State lines, the right to sue a loving and caring adult who helped her.

I wish to show this chart which I have shown previously. Under this amendment we are hoping is coming to us momentarily, we will stop a father who has raped his daughter from suing the trusted adult who helped his daughter end the resulting pregnancy. So in the case of incest, if the child goes to grandma, the incestuous father cannot sue grandma.

Then, at the end, Senator ENSIGN was not willing to take these three provisions which I will debate. He did take my last provision.

We now stop a father who has raped his daughter or any other family member who has committed incest against a minor from transporting her across State lines to obtain an abortion. That would be a crime.

The three things that are not done, which is why I think this amendment falls short: we haven't stopped a father who has raped his daughter from exercising parental consent rights; we haven't stopped all criminal prosecution or jail time for a trusted adult who helped a victim of incest; and we haven't stopped all civil suits against a trusted adult who helped a victim of incest. But we have taken care of two issues. For that I am grateful because this bill will become law. It will be sent to the President, who will sign it. Unlike his veto on the stem cell bill, which he should have signed, because that bill would help our families, help our children with juvenile diabetes, help grandmas and grandpas with Alzheimer's, Parkinson's, help our youngsters who were paralyzed—he vetoed that. He will sign this one.

This is a political bill. It did come to us in 1998 just before the election. Let's face facts. We know when it came.

My friend from Nevada is right when he says people support parental notification. They do want to believe we could all to go our parents with these problems. But let me tell you what they don't want. They don't want to give incest predators any rights whatsoever. They would want to make an exception in this bill for rape victims so that if you are a victim of rape and you were too scared to tell your parents, you could go to your grandmother, but not under this bill. A victim of rape, you are too scared to tell your parents because of the circumstances—maybe it was date rape, maybe you just can't explain it. Maybe you are frightened to death. You go to your grandma. She could be sued by the parents and she could be put in jail by the Federal Government. Send your grandma to jail. That is what we are doing here today. Why? Because she loved her granddaughter, because she was there for her granddaughter, and because by stepping in, she may have really saved a tragedy from occurring.

I don't believe the American people want us to be this radical. I think they would have wanted us to do more exceptions to this bill. Seventy percent of the American people oppose abortion laws that put people in jail. I don't believe Americans think that stopping an abortion is worth causing a teen a lifetime of paralysis, infertility, or worse. This bill, if it does get signed into law, and I say it will, and unless it is overturned by the courts, which I think it might be, but if it isn't, it basically will put these young women in a situation where they feel the world is closing in on them. That is not right.

I will close my debate and urge a ''yes'' vote on the Boxer-Ensign amendment that will go part way toward solving the predator incest issue. Then I would urge a ''no'' vote on the underlying bill because of all the problems it creates that we have not been able to address.

I thank the staffs on both sides. We have had a long and difficult day, emotional issues for us all. Yet we have handled it in such a way that I am hopeful that momentarily we will have a unanimous consent request to resolve the procedures governing the rest of the evening.

I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that Senator BOXER be recognized in order to offer an amendment; provided further that there be 5 minutes for Senator BOXER and——

Mrs. BOXER. I only need 30 seconds.

Mr. ENSIGN. That we have 1 minute for Senator BOXER, 1 minute for Senator ENSIGN, and following that time, the Senate proceed to a vote in relation to the Boxer amendment. I further ask that following that vote, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4694

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. ENSIGN, proposes an amendment numbered 4694.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To punish parents who have committed incest)

On page 4, line 5, strike the period and insert '', unless the parent has committed an

act of incest with the minor subject to subsection (a).''.

On page 5, after line 12 insert the following:

''§ 2432. Transportation of minors in circumvention of certain laws relating to abortion

''Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both.''

Mrs. BOXER. I thank Senator ENSIGN. I had an amendment to solve this incest predator problem. He came to me almost halfway. We didn't quite get there, but it is a start. Again, for the benefit of my colleagues, two out of five provisions I wanted are in this amendment. This amendment stops a father who has raped his daughter from suing the trusted adult who helped his daughter end the resulting pregnancy, and it stops a father who has raped his daughter or any other family member who has committed incest against a minor from transporting her across State lines. This is an improvement. The reason we want to have a vote on it is because we hope it is a strong statement going into the conference on this bill. Again, we still need to fix many more provisions of this bill.

I believe, at the end of the day, it doesn't make our teenagers any safer. It will make them fearful. It will make them feel alone. I think the bill is unconstitutional. I hope we have some ''no'' votes to send a message that this bill needs a lot more work.

I thank Senator ENSIGN and his staff and my staff. It has been a tough day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, to wrap up, I encourage a ''yes'' vote on the Boxer-Ensign amendment.

I thank my staff and Senator BOXER's staff and particularly name Pam Thiessen and Alexis Bayer on my staff for the great work they have done on this bill and Chris Jaarda for some of the number crunching he did on the bill as well.

I hope we get a strong bipartisan vote on final passage. To alert our Members, these will be two votes, and then we will be completely done with this bill.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. ENSIGN. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on final passage.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4694.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. COBURN).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 215 Ex.]

YEAS—98

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchison	Salazar
Burr	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Cantwell	Isakson	Schumer
Carper	Jeffords	Sessions
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Kyl	Stabenow
Collins	Landrieu	Stevens
Conrad	Lautenberg	Sununu
Cornyn	Leahy	Talent
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden
Dole	McCain	

NOT VOTING—2

Coburn Feinstein

The amendment (No. 4694) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—65

Alexander	Burr	Craig
Allard	Byrd	Crapo
Allen	Carper	DeMint
Bayh	Chambliss	DeWine
Bennett	Coburn	Dole
Bond	Cochran	Domenici
Brownback	Coleman	Dorgan
Bunning	Conrad	Ensign
Burns	Cornyn	Enzi
Frist	Landrieu	Santorum
Graham	Lott	Sessions
Grassley	Lugar	Shelby
Gregg	Martinez	Smith
Hagel	McCain	Stevens
Hatch	McConnell	Sununu
Hutchison	Murkowski	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Thune
Isakson	Pryor	Vitter
Johnson	Reid	Voinovich
Kohl	Roberts	Warner
Kyl	Salazar	

NAYS—34

Akaka	Feingold	Murray
Baucus	Harkin	Obama
Biden	Jeffords	Reed
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Sarbanes
Cantwell	Lautenberg	Schumer
Chafee	Leahy	Snowe
Clinton	Levin	Specter
Collins	Lieberman	Stabenow
Dayton	Lincoln	Wyden
Dodd	Menendez	
Durbin	Mikulski	

NOT VOTING—1

Feinstein

The bill (S. 403), as amended, was passed, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.

''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action, unless the parent has committed an act of incest with the minor subject to subsection (a).

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.

''§ 2432. Transportation of minors in circumvention of certain laws relating to abortion

''Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I congratulate Chairman ENSIGN for managing this bill, an important bill that we have passed and that the House has passed, and now it is time for us to go to conference. I thank leadership and the managers on both sides because we were able to address a very important issue and had appropriate amendments under an agreement that was reached, and conclusion was passage as we just heard by 65 to 34 on this bill.

With regard to that, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 748, the House companion measure; provided that all after the enacting clause be stricken and the text of S. 403, as amended, if amended, be inserted in lieu thereof; the bill then be read a third time and passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees with a ratio of 7 to 5.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, on behalf of myself and other Senators, I will object to the appointment of conferees at this point. This is an issue which has been debated for a short time here on the floor and never went through the Senate Judiciary Committee for consideration. It is our belief that at this point in the session asking for a conference committee is premature.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, the objection is heard. And I will say that I am disappointed. This bill passed the House of Representatives on April 17, 2005, and just passed this body 65 to 34 expressing the will of the Senate. Routinely, we would go to conference with the House and the Senate bill and move forward. I understand that objection is made. I am very disappointed that is the case. I hope we can get to conference just as soon as possible. I do hope that the objection we heard tonight does not represent obstruction in taking this bill to conference, because that would be the normal course. But we will address this in the future.

Again, I am disappointed that we are being stopped from going to conference tonight.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIME MINISTER MALIKI'S VISIT

Mr. KENNEDY. Mr. President, Iraq Prime Minister Maliki's visit to the United States comes at an important time. All Americans want Iraq's new government to succeed. The principal measure of success will be whether the tide of violence recedes and full-scale civil war is avoided. But for that to happen, the new government must deal quickly, decisively, and effectively with the principal threat to stability—the deadly influence of the militias—especially in Baghdad.

It is time for the new government to move beyond vagaries and develop a viable strategy to deal with the militias and prevent Iraq from descending into full-scale civil war. He needs to begin implementing a credible plan to disarm, demobilize, and reintegrate the militias into the security forces. He must obtain a real commitment from the political parties to assist in disbanding and disarming the militias.

As the new violence in Lebanon demonstrates, political parties cannot govern with one hand and terrorize civilians with militias with the other hand. It did not work with Hezbollah in Lebanon, it cannot work with Hamas, and it will not work in Iraq.

Militias are the engines of civil war, and there is no role for them in a legitimately functioning government of Iraq. Iraq's future and the lives of our troops are close to the precipice of a new disaster. The timebomb of full-scale civil war is ticking, and our most urgent priority is to defuse it.

America, too, must be honest about the situation in Iraq. President Bush, the Vice President, and Secretary Rumsfeld continue to deny that Iraq is in a civil war. But the increasing sectarian violence, the ruthless death squads, and the increasingly powerful role of the privately armed militias tell a very different story.

We cannot ignore this major danger. President Bush needs to consider the cold, hard facts and prepare a strategy to protect our troops who are at risk of getting caught in the middle of an unwinnable sectarian civil war. Such planning is not an admission of defeat; it is responsible and necessary to protect the lives of our men and women in Iraq who are serving with great courage under enormously difficult circumstances.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 14, 1995, in Atlanta, GA, Quincy Taylor, a high school student, was found dead behind a convenience store from gunshot wounds to the chest. Taylor frequented and sometimes worked at a popular gay bar known for featuring cross-dressing entertainment. According to police, the killer knew the victim and was motivated solely by his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend

them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PRESIDENTIAL SIGNING STATEMENTS

Mr. LEAHY. Mr. President, yesterday we were reminded, again, of the lawlessness of the Bush-Cheney administration as it continues its abuse of ''signing statements'' as part of a systematic pursuit of power without the checks and balances inherent in our constitutional democracy. A most distinguished task force of the American Bar Association has now released a unanimous report highly critical of this President's practice as ''contrary to the rule of law and our constitutional system of separation of powers.'' I thank the distinguish panel of conservatives and moderates, or Republicans and Democrats for their thoughtful report.

Let me be clear, this is not some academic debate without consequences. I have been seeking to draw attention to this surreptitious power-grab for at least 4 years, since this President's unusual signing statement following enactment of the Sarbanes-Oxley bill in 2002 to reign in corporate abuses that cost so many Americans their livelihoods and their retirement savings through Enron and other scandals. The President signed the bill but had secret ''reservations.'' That is when I first realized the President's unorthodox, unwise and unsound practice of signing a bill while crossing his fingers behind his back. We have seen it over and over again as this President insists on the equivalent of an unwritten line-item veto that would undermine the checks and balances of our constitutional separation of powers and that the Supreme Court correctly determined was unconstitutional.

Later this week, the President will be signing the reauthorization and revitalization of the Voting Rights Act, passed by the House with 390 votes and unanimously last week by the Senate. In the past I could have gone to the White House to witness the bill signing knowing that our three branches of government were all operating within their proper authority. That is the way we have operated for more than 200 years. But this year, with this President, that is not the way any longer. After the bill signing, after the celebration, after the bipartisan plaudits and after the President takes credit for the civil rights advances that our bill is intended to represent—after all this—we will have to wait to see whether there is a belated presidential document, a so-called ''signing statement.'' Only then will we see if the President will seek to create a gloss that Congress did not intend, or modify a provision of law more to his liking, or declare some provision of law something he and his administration will not enforce. That is wrong. That is the opposite of the rule of law. And no one—not even the President—is above the law.

The Constitution places the lawmaking power, ''All legislative Powers'' in the Congress. That is an article I power. A check on the congressional power is the requirement that ''before [a bill] becomes a Law'' it must be presented to the President. Section 7 of article I of the Constitution provides: ''If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated.'' Of course the Constitution then contemplates congressional power to override a presidential objection or veto. That is our system, that is our law. The President has the option to veto—in fact after 5 years in office, he finally exercised that power last week when he vetoed the stem cell research legislation. I disagreed with his decision to veto that bill, but it was within his constitutional power to do it. He does not have the power to issue a decree that he will pick and choose which provisions of laws to follow in statements issued after Congress passes a law. What this President is doing is wrong.

Last month, the Senate Judiciary Committee held a hearing on the use of these signing statements by the Bush-Cheney administration. I noted that we are at a pivotal moment in our Nation's history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power. This President's use of signing statements is unprecedented, although presaged by the work of Samuel Alito at the Meese Justice Department during the Reagan Presidency—now Justice Alito on the Supreme Court. This administration is now routinely using signing statements to proclaim which parts of the law the President will follow, which parts he will ignore, and which he will reinterpret. This is what I have called ''cherry-picking'' and it is wrong.

This President's broad use of signing statements to try to rewrite the laws passed by the Congress poses a grave threat to our constitutional system of checks and balances. During his 5 years in office, President Bush has abused his bill signing statements to assign his own interpretations to laws passed by Congress.

According to a review of these statements conducted by The Boston Globe, President Bush has employed signing statements to ignore or disobey more than 750 provisions enacted by the Congress since 2001, more than all previous Presidents in the history of our Nation combined. According to scholarly research that number now tops 800 provisions of law.

I have alluded to the President's signing statement in 2002 in connection with the Sarbanes-Oxley law designed to combat corporate fraud. The President used his signing statement to attempt to narrow a provision protecting corporate whistleblowers in a way that would have afforded them very little protection. Senator GRASSLEY and I wrote a letter to the President stating that his narrow interpretation was at odds with the plain language of the statute, and the administration reluctantly relented on this view but only after much protest.

We also witnessed the President's fondness for signing statements earlier this year, when after months of debate and negotiations in Congress, the President issued a signing statement for the USA PATRIOT ACT reauthorization language in which he stated his intentions not to follow the reporting and oversight provisions contained in that bill. I noted this abuse at the time. When I voted against that reauthorization, I explained it was because I did not have confidence that the oversight provisions we succeeded in incorporating into the law would be respected. What little doubt was left by the self-serving signing statement was erased last week when the Attorney General of the United States refused to commit to following the law.

This President has also used signing statements to challenge laws banning torture, on affirmative action and prohibiting the censorship of scientific data. In fact, time and again, this President has stood before the American people, signed laws enacted by their representatives in Congress, while all along crossing his fingers behind his back. And, while this President used to boast—until his veto of stem cell research legislation—that he was the first modern President to have never vetoed a bill, he has cleverly used his signing statements as a de facto line-item veto to cherry-pick which laws he will enforce in a manner not consistent with our Constitution.

Under our constitutional system of government, when Congress passes a bill and the President signs it into law, that should be the end of the story. At that moment the President's constitutional duty is to ''take Care that the Laws be faithfully executed.'' That is the article II power, the executive power, to ''execute'' the laws, it is not a legislative power. So when the President, including this President, takes the oath of office and swears on the Bible, he does so, in the words of the Constitution, ''Before he enter on the Execution of his Office,'' and swears that he will ''faithfully execute'' the office of President and ''preserve, protect and defend the Constitution of the United States.'' I remind this President and this administration that the Constitution has more than one article and that ''All legislative Power'' is vested in Congress, not some ''unitary executive.''

When the President uses signing statements to unilaterally rewrite the laws enacted by the people's representatives in Congress, he undermines the rule of law and our constitutional

checks and balances designed to protect the rights of the American people.

This President's abuse of signing statements is all the more dangerous because he has packed the courts with judges willing to defer to him and presidential authority. I have noted that Justice Alito helped develop this device. I could not help but note that Justice Scalia, who is famous for not consulting legislative history, reached out in his dissent in the recent Hamdan decision to reference a recent Presidential signing statement.

These signing statements are a diabolical device but this President will continue to use and abuse them, if the Republican Congress lets him. So far, this Congress has done exactly that. Whether it is torture, warrantless eavesdropping on American citizens, or the unlawful detention of military prisoners, this Republican-led Congress has been willing to turn a blind eye and rubberstamp the questionable actions of this administration, regardless of the consequences to our Constitution or civil liberties.

VOTING RIGHTS ACT

Mr. CRAPO. Mr. President, I rise today to express my support for the Voting Rights Act, VRA. Unfortunately a longstanding medical appointment kept me from casting my vote in favor of this legislation last week and I want there to be no question as to my support for the VRA. For over 50 years, the VRA has protected the cornerstone of democracy: the right to vote. Congress enacted the VRA in response to evidence that some States and counties had denied many citizens access to the ballot because of their race, ethnicity, and language-minority status. The creators of this law were convinced, as am I, that a strong America is one that reflects the feelings and opinions of all Americans. That means that everyone has the right to vote.

Provisions of the VRA prohibit election laws that would deny or abridge voting rights based on race, color, or membership in a language minority. The act allows citizens to challenge discriminatory voting practices and procedures and prohibits the use of any test or device as a condition of voter registration. Such provisions seem like common sense today, but they were not always so widely supported. We must recommit today not to return to the mistakes of yesterday. I am pleased that the Senate approved the reauthorization of this critical act. It correctly ensures that every citizen has a stake and a voice in our country's future.

INSTABILITY IN SOMALIA

Mr. FEINGOLD. Mr. President, I am deeply troubled by reports in the press that the Islamic courts in Somalia are advancing on the internationally recognized Transitional Federal Government, TFG, and are apparently ignoring recently signed cease-fire agreements. It is imperative that the Islamic courts recognize the TFG as the official governing body of Somalia and that it abide by the cease fire agreed to on June 22, 2006, in Khartoum. The Islamic courts must work in good faith to strengthen the TFG and actively commit to the development of a more inclusive and representative government of Somalia.

For this to happen, the international community, including the United States, needs to be fully engaged. The United States, in particular, must develop a comprehensive strategy for Somalia that utilizes all facets of its power and capabilities and must ramp up its diplomatic efforts throughout the region and the international community to bring this crisis to an end. Unfortunately, it can't do that if it doesn't have the resources or the people in place to deal effectively with the complexity of this problem. The U.S. Government needs to appoint a senior envoy for Somalia to pull together a strategy and to engage full time with international and regional partners in addressing this crisis. It also needs more staff and more resources to work with to help execute this strategy and to contribute to international efforts to bring about lasting peace throughout the region. The administration should work closely with Congress to identify what additional resources are needed for Somalia, given the recent escalation of tension there.

That said, it is important to realize that efforts to both establish long-term peace and to eradicate terrorist networks and safe havens in Somalia are complimentary. The U.S. Government must recognize that long-term stability in Somalia is our best weapon against terrorist networks, extremist organizations, and the conditions that allow them to seek safe haven there. We must look at poverty reduction programs, economic development efforts, support for democratic institutions, anticorruption efforts, and education as the core elements of a new Somalia strategy.

As we learned in Afghanistan, we cannot ignore the conditions that breed extremist and terrorist organizations. Accordingly, it is essential to recognize that any attempt to address instability in Somalia must address a range of root causes or facilitating conditions: a weak and dysfunctional central government, extreme poverty, corruption, conflict, disease, and drought.

It is imperative that the U.S. Government begin playing a leadership role in helping stabilize Somalia and the region and that it do so immediately. We need a comprehensive approach to engaging with regional actors, the international community, and the U.N. to find a permanent solution to this crisis. Such an approach will contribute to stability throughout the Horn of Africa and to our national security.

NATIONAL KOREAN WAR VETERANS ARMISTICE DAY

Mrs. CLINTON. Mr. President, on Thursday, July 20, 2006, I introduced S. 3700, which would honor the valiant efforts of our Korean war veterans, who risked their lives fighting against communism on the Korean peninsula. As we honor the 53rd anniversary of the Korean War Armistice, I am proud to reintroduce this legislation recognizing Korean War Armistice Day. The Korean War Veterans Recognition Act of 2006 would include National Korean War Veterans Armistice Day among the days when the American flag should especially be displayed. Earlier this year, Representative SUE KELLY reintroduced similar legislation into the House.

National Korean War Veterans Armistice Day is July 27, which recognizes that negotiators signed an armistice agreement at Panmunjom on July 27, 1953. This led to North Korea's withdrawal across the 38th parallel and allowed the Republic of South Korea to be free from attempts to force communism upon its people.

This year, as we commemorate the 53rd anniversary of the signing of the Korean War Armistice, it is important that we take a moment to reflect upon the sacrifices our men and women of the U.S. Armed Forces have made in brave service to our Nation since its inception. I am pleased to introduce this legislation to respectfully honor and pay tribute to the tremendous courage and sacrifice demonstrated by the men and women who served in the Korean war. As U.S. soldiers continue to fight for freedom around the world, we must remember the sacrifice and valor of their brethren who helped protect and promote American values on the Korean peninsula over a half century ago.

CELEBRATE AMERICA CREATIVE WRITING CONTEST

Mr. KENNEDY. Mr. President, I ask unanimous consent that the five poems, the winner and runner-up entries for the Celebrate America Creative Writing Contest about the contribution of immigrants to America, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MY MOM ''THUY''

(By Jasminh Duc Schelkopf)

INTERNATIONAL SCHOOL OF INDIANA 2006
NATIONAL CONTEST GRAND PRIZE WINNER

My mother's name is Thuy. She was born in Saigon, South Vietnam. Her father was a 3-star Lieutenant General for the South Vietnam military and her family had almost everything that you could possibly think of before the civil war of Vietnam. However, when they lost their country, they lost everything. After the war, all they had left was their hope and beliefs.

In 1975, North Vietnam won the war. When my mother was only 12 years old (8th Grade), she and her brother and sister were forced to go to Canada. The rest of her family was

then scattered around the world in places like France, Australia, Canada and the U.S.A. They all had a very tough time there because they had no support and no money as new immigrants.

For 7 years after the war, my mother went to school and worked during the evening to help out my grandfather. My mother attended college for only 2 years because she needed a full time job to support her family. She also went to beauty school, graduated, and worked for the family. Then, having lived in Canada for 10 years, my mother realized there was a better future for her in the U.S.A.—''The Land of Opportunity.'' She decided to move to Pennsylvania in 1985.

My mother began hard work at a beauty shop near Philadelphia and she worked hard everyday. Her dreams were to ''ONE DAY'' create her own salon and reach her many dreams. Due to her talents, she developed many clients and made a lot of friends. She saved as much money as she could and even avoided eating out or going to the movies or doing anything fun that might cost money.

Then her dream of ''ONE DAY'' had come true when she met my dad, John Bruce Schelkopf. My dad was a very bright young man who was full of energy. With my dad's knowledge and skills and my mom's talent, they opened a small beauty salon in Pennsylvania. During this time my Mom also finished her college degree and got her Bachelor's Degree in Business. My mother also sponsored my grandparents from Canada to the United States. My parents then got married in 1995 to begin a family.

My mother's dreams came true because she always viewed life as ''half of a full glass'' and because she found the U.S.A. to truly be the ''land of opportunity.'' My mother often says to me, ''You can do it if you believe in yourself and always try your best.'' My mother is only one of the few million Vietnamese immigrants who settled in the United States. But that one particular Vietnamese immigrant is one special immigrant to me as she struggled to overcome many challenges, hard times, and obstacles in her way. She is a special immigrant who I am happy to call ''My Mom Thuy.''

Why I Am Glad America Is a Nation of Immigrants

(By Arjun Kandaswamy)

FINDLEY ELEMENTARY SCHOOL—2006 NATIONAL CONTEST RUNNER-UP

Imagine America without pizza and Top Ramen. Imagine America without a booming economy. Imagine a world where everyone wore the same boring style of clothes. That would be reality if America did not have immigrants.

Pizza, tandoori, lasagna, dumplings or tortillas would not be a part of our vocabulary or among our favorite foods if it were not for immigrants. Although we don't realize it, many foods we have grown to enjoy were greatly influenced by other cultures. For example, Top Ramen is a popular and addicting food. Although it's an American brand, it was greatly influenced by Manchurian noodles brought over by Chinese immigrants. Despite the fact that Top Ramen has flavors like Cajun chicken it all started with Manchurian noodles. Immigrants not only make our plates colorful and interesting, but also aid our economy in a huge way.

Our economy is flourishing because of one thing. Immigrants. Immigrants do countless things to help our economy. For starters, immigrants fill jobs. Immigrants are willing to take up jobs that others may not want to. They take minimum wage, which is a lot compared to what they earn in their homeland. Immigrants often work harder in the jobs that they take up because they really want to stay in this country. Because of this keeping a job is important. Wealthier immigrants usually start their own businesses which is sometimes a restaurant serving their customary dishes. In addition in areas such as high-tech a lot of immigrants have started their own companies and created a lot of new jobs. Most importantly, immigrants raise the bar of America by being hard-working and tough competitors.

Since immigrants live in America they pay taxes, property, sales, and income. Property taxes for the land they live on, sales tax for the items they buy and income tax for the amount of money they make. With over 90 percent of America's population as immigrants, that's a lot of money the government receives.

Immigrants create or bring new art forms and music that enrich our lives. Be it Jazz, Rap, classical music, or varieties of instrumental music from their native lands. Children of African immigrants founded jazz and Rap. Some of the sports that we could not live without were founded by immigrants, like basketball which is part of the American lifestyle.

Have you ever seen everyone walking around in Levi's and a t-shirt? Thanks to immigrants we won't be seeing that. Immigrants add a variety to our closet. Other styles have been Americanized into a popular fashion, like bandanas. Bandanas originated in the Caribbean and are found everywhere in America, from a dog's neck to a person's head.

Immigrants have done so many great things for us. They give us a ''taste'' of the world; they strengthen our economy. America should march on forward and continue the tradition of it's forefathers of as a land of immigrants envisioned by them.

A Nation of Difference

(By Kimya Khoshnan)

ARROYO VISTA ELEMENTARY SCHOOL—2006 NATIONAL CONTEST RUNNER-UP

On the airplane I sat,
As my heart thundered in my chest.
The silent tears falling into my lap.
Why did this have to happen?
And of all the people in the world,
Why me?
Would I be the only one in my school,
To have another language?
I ponder these questions for a while,
And then breathe a deep sigh.
I had left everything in Japan,
And had to start all over again.
A new life, a new me.
I would have to learn how to stay strong.
I think more,
Then my ears begin to pop.
The airplane groans,
As it reaches its final destination,
California,
And my new life has begun.

As my parents and I enter our house,
My hopes rise a bit.
It is pretty but my house in Japan was better.
But my hopes sink farther than ever,
As my father leads us to the back.
I see that we have rented,
The very small two-bedroom house,
With only a kitchen and a bathroom,
Behind that luxurious castle.
I feel jealous,
Then angry.
I had left my room bigger than a classroom,
For this!

As my first day of school approaches,
My stomach is filled with fear and dread.
I absolutely know that no one will like me.
My backpack slung over my shoulders,
My head raised up high,
I try to be optimistic,
But I know optimism will not help in reality.
I slowly enter my classroom,
And make my way toward the teacher.
I quietly say hello.

She looks up and says,
''Oh, hello there!
Vhy, you must be the new student!
What's your name?''
I am utterly surprised by her odd accent.
Do all Americans speak this way?
''Toshiko,'' I whisper.
''Vell Toshiko welcome to our class!
Class say hello to Toshiko!''
''Hi'' the class responded.
''Now Toshiko come sit here next Chieko.''
I was suddenly alert of my surroundings,
Chieko,
Why that was a Japanese name!
Could it be?
I could not find out for sure until recess.

Recess came and I ran over to Chieko,
Asking if she was Japanese,
When she replied yes,
My spirits soared.
I was so happy not to be the only one!
I asked how she felt being the only foreigner,
As she chuckled at my question,
I began to feel confused.
She replied, ''What do you mean?
Everyone here is a foreigner!''
I looked around me,
And sure enough,
Nobody was the same.
I suddenly started to laugh,
I thought I looked like a fool,
Braying away like a donkey.
As I finally stopped, Chieko asked me,
Why I was laughing.
I told her my story,
And we have been best friends ever since.

As I reflect upon the past,
I realize that if,
California was not a state of immigrants,
My life probably would have been,
As horrible as I imagined it.
But since it is,
My family and I have been thriving
And we shall honor our freedom,
Forever.

Immigration, Past, Present, Future

(By Marissa Lynch)

BROWN MIDDLE SCHOOL—2006 NATIONAL CONTEST RUNNER-UP

Last summer, my Grandpa and I visited Ellis Island and the Statue of Liberty. As I looked up at her torch against the baby blue sky, my grandpa read aloud the words at the base of the statue:

Give me your tired, your poor,
Your huddled masses yearning to
Breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed to me
I lift my lamp beside the golden door

He told me that those great words were written by an intelligent lady name Emma Lazarus. We talked about what the words mean. From 1892 to 1954, 12,000,000 people passed through the Statue of Liberty and Ellis Island to start a new, better life in America. He told me his family came from three different places so he is called ''mixed ancestry''. We talked about why people moved here and what they did when they got here. Many moved here for freedom and peace. We decided that each came with their own stories, hopes and dreams. Once they arrived, they could become anything—doctors, athletes, artists, astronauts, teachers and more!

My other Grandpa told me that his parents came to America at age 19. They moved because of a war in their country, Greece, and

they were driven out by the Turks. They worked at a restaurant in Newark, New Jersey. At Ellis Island, there was a big board with names of people that passed through there. I noticed their name on the wall!

I'm glad our country is full of immigrants because if no one was brave enough to leave family, friends, and their belongings behind, this country would not be as fascinating as it is. Many people call our country a big mixing pot because people all over the world come to live here. The people mix and blend together like food in a mixing pot. Yet, everyone has their own way of life and their own culture. Everyone is a little different. It is good to be different. Everyone stands out in a crowd!

Do you think that immigration is just in history books and doesn't happen any more? If you do, you are wrong. Today, many people still come to America, like me. I was adopted from South America, just like lots of kids. We came to America with our new families! My mom and dad tell me about the exciting day I became an American citizen. A flag was flown over the United States Capitol for me! I have this flag and a certificate which says:

''This is to certify that the accompanying flag was flown over the United States Capitol on August 26, 1998, at the request of the Honorable John Edward Porter, Member of Congress. This flag was flown for Marissa Rose Lynch in celebration of her receiving U.S. citizenship.''

When I look at my flag, it makes me proud to be a part of a new generation of immigrants.

WHY I AM GLAD AMERICA IS A COUNTRY OF IMMIGRANTS

(By Esteban Ochoa)

ST. CLEMENT'S PARISH SCHOOL—2006 NATIONAL CONTEST RUNNER-UP

I am glad that the United States of America is a country of immigrants because you never feel lonely; you just have to look into a crowd to find someone with your same background. When you think you are alone and without friends, you just have to look around and you will find a friend.

When I first transferred from Mexico to my current school in Texas, I did not know how to speak English. I felt alone and confused, but before long, I found that many people in my class spoke Spanish, and I soon made many friends, who eventually helped me learn English and do very well in school.

My case is not different from the story of most of the people who have come to this country from other parts of the world. Having millions of people from hundreds of countries, races, religions and economic backgrounds has created a society unlike any other in this planet.

With diversity comes cultural, economic, and spiritual richness. It is evident everywhere you look, in its food, in its music, in its clothing, and in its churches, just to mention a few examples. This Country has served as refuge for many people who came to the U.S.A. looking for opportunities and in many cases after having suffered extreme hardships.

Those are some of the reasons why I like that America is a country of immigrants. Just when you think that you do not fit in, and that you are alone in this cold world, you can still find variety, alternatives and, consequently, hope in the most unexpected situations.

ADDITIONAL STATEMENTS

COLORADO'S BIG THOMPSON FLOOD OF 1976

● Mr. ALLARD. Mr. President, today I honor those who lost their lives as well as those who survived Colorado's Big Thompson Flood of 1976.

Thirty years ago, more than 1 foot of rain fell in a matter of hours, causing a flash flood in Big Thompson Canyon. One hundred and forty-four people were killed, and over $30 million in property damage occurred. We remember those who died in this natural disaster and also the survivors who had to rebuild their lives, working as a community to start over again. Next week, outside of my hometown of Loveland, CO, survivors of this tragedy will gather to commemorate the Big Thompson Flood. Though I cannot be with them in this ceremony, my thoughts and prayers are with them, and I speak on the Senate floor today as a tribute to this special event.

I ask that the following letter, which I wrote for the commemoration ceremony of the Big Thompson Canyon Flood of 1976, be printed in the RECORD.

The material follows:

JULY 31, 2006.

DEAR FAMILIES AND FRIENDS OF THE VICTIMS OF THE 1976 BIG THOMPSON CANYON FLOOD: I very much wanted to join you today as you gather to remember the 30th Anniversary of one of Colorado's worst natural disasters.

As we look back thirty years, we recall the shock and devastation that took place in this canyon. Joan, myself and our two daughters, who were very young children at the time, will never forget the Big Thompson Flood and the days that followed. We arrived at home just after the flood tore through the canyon and towards Loveland. We were overwhelmed by the destruction we saw as we later viewed the damage.

A number of our friends and clients who lived in the canyon were ravaged by the flash flood and brought their animals to my hospital for care. As the Loveland city health officer at that time, I also remember well the many health issues we faced together as a community. The memories will remain forever with each one of us who experienced this flood or witnessed its devastating effect on so many lives.

Today, we can see the positive results of the communities in the canyon working together to rebuild their lives and their property. Joan's and my thoughts are with you today as we remember the people who lost their lives and the ones who survived and rebuilt.

Today I am entering this letter in the Congressional Record as a tribute to the living and non-living victims of this natural disaster.

Sincerely,

WAYNE ALLARD,
U.S. Senator.●

A TRIBUTE TO WILLIAM OKONIEWSKI

● Mr. BIDEN. Mr. President, this spring, William Okoniewski, one of Wilmington's best, passed away after a long career as a photographer. He was known throughout the community as the guy who shot all the pictures at weddings, high school graduations, communions, and confirmations.

If you had the Okoniewski Studio logo in the corner of a photo, you knew it was quality work. This was before the era of digital cameras, when our standards were different.

A couple of generations of Delawareans came to admire Bill, and his family. He and his wife of 64 years, Ceclia, had six children, and you could find him coaching winning track teams throughout the 1960s and 1970s.

At his funeral, when his son Stephen read a letter, it reminded me of just why we call Bill's generation the ''greatest generation.''

The letter was from Art Slote, who on January 9, 1945, was one of five people rescued by Bill in the middle of the Battle of Herrlsheim, in France, near the German border.

In the letter, Mr. Slote said how he had searched for Bill for years, contacting the Army, the Red Cross, and every phone book, trying to locate the guy who saved his life. He finally found him in the late 1990s. He wrote:

I frequently ponder over what impels a man to act as your father did. He could have easily scurried to the rear to save his own skin, and nobody would have criticized him. But he didn't. I wonder if you or I would risk our lives in another's behalf. It must be built into your father's character and sense of morality.

Although slow to admit it, your father's personal bravery, his ability to set aside his fears in behalf of his wounded fellow soldiers, his natural compassion for others in trouble, his modesty in never talking to you about it make this a valor and heroic event.

There is a lesson in those words for all of us in this Chamber and for all Americans. Bill Okoniewski embodied everything that is uniquely American. He understood what it meant to be loyal to our country and to respect your fellow Americans.

He, and his generation, set the example. Today, he is the model for the brave men and women in uniform who are performing equally dangerous acts every day in Iraq and Afghanistan.

One day, and hopefully soon, they too will return home not only having served their country in time of war but going on to lead the kind of professional and family life that Bill lived for decades and decades.●

100TH ANNIVERSARY OF DOUGLAS, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On August 4, the residents of Douglas will gather to celebrate their community's history and founding.

Douglas was founded in 1906 and was proudly named after the nearby Douglas Creek. The creek's name honored Major Douglas, who was stationed at Fort Stevenson in the 1870s. In 1906, Douglas's post office was established under the stewardship of Arthur C.

Bates. Douglas was incorporated as a village in 1908 with A.G. Burgeson as its first mayor.

Today, Douglas remains a small, proud community. Each year, the community gathers together and has picnics in the park. During the summer, many of its residents can be found on the banks of Lake Douglas catching up with friends and family.

To celebrate the 100th anniversary of its founding, the residents of Douglas will gather on the weekend of August 4th. There will be an all-school reunion to allow former classmates to reunite with each other, followed by a charity auction. A fireman's rodeo, lawnmower pull, and an event to honor veterans will keep the crowds entertained all weekend. The highlight of the celebration will be the parade, which will feature floats, musical performances, and a fireworks display.

Mr. President, I ask the Senate to join me in congratulating Douglas, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Douglas and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Douglas that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Douglas has a proud past and a bright future.●

TRIBUTE TO JAMES HEALY

● Mr. LAUTENBERG. Mr. President, I to pay tribute to a fine New Jerseyan and a great friend of my State, James Healy. News of Jim's untimely passing this past Friday at the age of 48 saddened all of us in the New Jersey delegation. His great personality and tremendous work ethic truly made him a pleasure to work with and an asset to his organization, the New Jersey Department of Transportation, NJDOT.

For nearly 20 years, Jim held several important posts within the department. Most recently, he served as the NJDOT's Federal liaison. Jim was an expert on Federal legislative, regulatory, and finance issues. He provided my office with valuable expertise and advice concerning subjects of great importance to New Jersey.

New Jersey is the most densely populated State in the Union, and the movement of people and goods through its travel corridors is of utmost importance, not just to New Jerseyans, but for the entire regional economy.

Jim guided the New Jersey delegation through Federal highway bill authorizations, which took years to accomplish. The most recent one, SAFETEA–LU, took 2 years to complete. Jim also worked closely with New Jersey members on aviation reauthorization bills, including the VISION–100 legislation passed in 2003.

He advocated for the State's priorities, including legislation to help preserve open spaces in New Jersey. My staff and I had the pleasure of working with him many times on these bills and he was always a consummate professional: well-informed, thorough in his work, and always extraordinarily helpful.

When a former NJDOT commissioner served as president of the American Association of State Highway and Transportation Officials, AASHTO, Jim served as liaison to AASHTO staff, where he helped coordinate and set national transportation policy goals.

Jim was an assistant professor at Fairleigh Dickinson University and was a 1979 graduate of William Paterson University, where he earned a Bachelor's Degree in Business Administration. He received his law degree in 1983 from Rutgers University in Newark, NJ.

Jim is survived by his parents, Philip and Hannah Healy of Wayne, NJ, and his brothers and sisters, Joseph Healy, Mary Jo Ridge, Kathleen Bianco, Teresa Hoey, and Joan Wielenta. My heart goes out to Jim's family during this difficult time.

I salute the life and memory of this great son of New Jersey, Jim Healy. May he rest in peace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and concurrent resolution, without amendment:

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

S. Con. Res. 60. Concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

At 2:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

H.R. 1307. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3082. An act to amend title 38, United States Code, to make improvements to small business, memorial affairs, education and employment programs for veterans, and for other purposes.

H.R. 3603. An act to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4301. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

H.R. 4947. An act to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes.

H.R. 5025. An act to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes.

H.R. 5057. An act to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

H.R. 5534. An act to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

H.R. 5865. An act to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes.

The message further announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 125. Concurrent resolution expressing support for the designation and goals of ''Hire a Veteran Week'' and encouraging the President to issue a proclamation supporting those goals.

H. Con. Res. 347. Concurrent resolution honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 854. An act to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; to the Committee on Indian Affairs.

H.R. 1307. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3082. To amend title 38, United States Code, to make improvements to small business, memorial affairs, education, and employment programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3603. An act to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4301. An act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4947. An act to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5025. An act to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5057. To authorize the Marion Park Project, a Committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 125. Concurrent resolution expressing support for the designation and goals of ''Hire a Veteran Week'' and encouraging the President to issue a proclamation supporting those goals; to the Committee on Veterans' Affairs.

H. Con. Res. 347. Concurrent resolution honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7633. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to the United Kingdom, Canada, France and Germany; to the Committee on Foreign Relations.

EC–7634. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to adding a class of certain workers of the Nevada Test Site, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7635. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to adding a class of certain workers of the Pacific Proving Grounds, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7636. A communication from the Secretary of Health and Human Services, transmitting, the report of a draft bill entitled ''United States Public Health Service Commissioned Corps Transformation Act of 2006'' received on July 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7637. A communication from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Electronic Premium Filing'' (RIN1212–AB02) received on July 17, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7638. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prescription Drug Marketing Act Pedigree Requirements; Effective Date and Compliance Policy Guide; Request for Comment'' (Doc. No. 1992N–0297, 2006D–0226) received on July 17, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7639. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Ear, Nose , and Throat Devices; Classification of Olfactory Test Device'' (Doc. No. 2006N–0182) received on July 17, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7640. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exception From General Requirements for Informed Consent'' ((RIN0910–AC25)(Doc. No. 2003N–0355)) received on July 17, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7641. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7642. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7643. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7644. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to section 3(a) of the Government in the Sunshine Act, the Commission's annual report for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–7645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–433, ''Pedestrian Protection

Bus Safety Amendment Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–434, ''Closing of Public Streets and Alleys in Squares 5318, 5319, and 5320 S.O. 04–14199, Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–435, ''Drug Offense Driving Privileges Revocation and Disqualification Amendment Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7648. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–436, ''Closing of a Public Alley in Square 2910, S.O. 05–0587, Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7649. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–437, ''People First Respectful Language Conforming Amendment Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7650. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–438, ''People First Respectful Language Modernization Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7651. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–439, ''Closing of Public Alleys in Square 749, S.O. 00–83, Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7652. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–440, ''Official Fruit of the District of Columbia Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7653. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–441, ''Washington Stage Guild Tax Exemption Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7654. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–442, ''Solid Waste Disposal Fee Temporary Amendment Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7655. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–444, ''Fringe Lot Real Property Exclusive Rights Agreement Extension Temporary Amendment Act of 2006'' received on July 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7656. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance Regarding Client Commission Practices Under Section 28(e) of the Securities Exchange Act of 1934'' (S7–13–06) received on July 21, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5631. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–292).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3508. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs. *Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 3720. A bill to amend the Food Security Act of 1985 to improve the protection of farm and ranch land; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. SALAZAR):

S. 3721. A bill to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 3722. A bill to authorize the transfer of naval vessels to certain foreign recipients; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3723. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. INOUYE, Mr. COCHRAN, and Mr. JOHNSON):

S. 3724. A bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. PRYOR, Mr. CORNYN, and Mr. SALAZAR):

S. 3725. A bill to reduce the disparity in punishment between crack and powder cocaine offenses, to more broadly focus the punishment for drug offenders on the seriousness of the offense and the culpability of the offender, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 3726. A bill to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 3727. A bill to amend title XVIII of the Social Security Act to provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. LUGAR, Mr. INOUYE, Mr. BROWNBACK, Mr. BIDEN, Mr. BUNNING, Mr. AKAKA, and Mrs. DOLE):

S. 3728. A bill to promote nuclear nonproliferation in North Korea; considered and passed.

By Mr. BAUCUS:

S. 3729. A bill to provide for the establishment of emergency wildland fire suppression funds; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAPO:

S. 3730. A bill to amend title XVIII of the Social Security Act to require the use of recovery audit contractors under the Medicare Integrity Program with respect to Medicare Secondary Payer claims and activities; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 666

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 713

At the request of Mr. ROBERTS, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on

behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1276

At the request of Mr. CORNYN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1276, a bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2459

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2459, a bill to improve cargo security, and for other purposes.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2616

At the request of Mr. SANTORUM, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2707

At the request of Mr. SUNUNU, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2707, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 2787

At the request of Mr. CRAIG, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2787, a bill to permit United States persons to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States, and for other purposes.

S. 3128

At the request of Mr. BURR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3519

At the request of Mr. BURNS, his name was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3613

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3613, a bill to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the ''Major George Quamo Post Office Building''.

S. 3652

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3652, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 3653

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3653, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3716

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3716, a bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''.

S. RES. 312

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 510

At the request of Mr. MARTINEZ, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as ''National Clean Beaches Week'', supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

S. RES. 531

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Iowa (Mr. HARKIN) were

added as cosponsors of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

S. RES. 535

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 535, a resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

AMENDMENT NO. 4689

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 4689 proposed to S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

AMENDMENT NO. 4690

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4690 intended to be proposed to S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. SALAZAR):

S. 3721. A bill to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce S. 3721, the Post-Katrina Emergency Management Reform Act of 2006. It contains a vital set of reforms and innovations for our emergency-management systems that are designed to save lives and ease suffering when disaster strikes. The crafting of this bill has benefited from the insights of my principal cosponsor, Senator LIEBERMAN, and from the support of our other cosponsor, Senator SALAZAR.

The Senate has already acted on one critical measure to apply the bitter lessons of Hurricane Katrina. The 87 to 11 vote on July 11, adding creation of the U.S. Emergency Management Authority to the Homeland Security appropriations bill, adopted a major element of today's bill. That was a great step forward.

The Senate Homeland Security Committee conducted an 8-month investigation with 23 hearings, more than 325 formal interviews, and a review of more than 838,000 pages of documents to ascertain why the response to Hurricane Katrina was so inadequate at all levels of government. The investigation revealed serious failures of leadership. It also revealed an urgent need for broad reforms ranging from communication-technology standards to the structure and missions of entire Federal agencies.

Some of the 88 recommendations that flowed from our investigation can be adopted by administrative action. The Post-Katrina Emergency Management Reform Act comprises important steps that only Congress can take. I will outline the five key components of our bill.

First, we strengthen FEMA and rename it as the United State Emergency Management Authority, or US–EMA, to signify a fresh start. We elevate US–EMA within DHS, restore its preparedness authority, and protect it from departmental reorganizations that could erode its budget and assets. These measures give the agency mission and asset protections like those of its DHS siblings, the Coast Guard and the Secret Service.

These statutory protections are important. Securing the integrity of FEMA preserves the cooperative benefits of its operating within easy reach of other DHS agencies. It also avoids the duplication, cost, and confusion for State and local officials that would come from carving FEMA out as a weak, stand-alone agency for natural disasters. Keeping FEMA where it was placed by the Homeland Security Act of 2002 avoids the need for DHS to recreate a similar terror-response capability.

Improving contact and coordination among Federal, State, and local agencies is essential. For that reason, our bill provides for regionally based, multi-agency Federal strike teams that will be ready to act and deploy in a region they will already know and understand before a disaster occurs.

The bill also provides continued funding for the interstate Emergency Management Assistance Compact that proved so valuable in marshaling aid for the gulf coast last year. It commits the US–EMA to work with States and localities to develop a standardized credentialing system that will help responders and selected private-sector personnel move quickly into disaster areas anywhere in the country, and it requires the US–EMA to offer technical assistance to State and local governments.

To help remedy the communications gaps revealed by Hurricane Katrina, we also improve the agency's organizational and technical communications systems. Our bill designates the Administrator of the US–EMA as the principal advisor to the President on emergency-management issues. Meanwhile, national and regional advisory councils will ensure that the US–EMA has open channels of communication with State and local officials, emergency responders, key private-sector and nongovernmental entities, and with representatives of people with disabilities.

On the equally important technical side, our bill consolidates several communications programs within a new Office of Emergency Communications within US–EMA. This office will devise a national emergency-communications strategy, administer grants for interoperable communications, and regularly assess the operability and interoperability of the communication systems that are essential for disaster response and that failed so widely during the Katrina catastrophe.

This US–EMA portion of the bill has received a great deal of attention. But it is only one part of this package of essential reforms.

The second part of our bill permits an enhanced Federal role in emergency management when major disasters require it. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, better known as the Stafford Act, authorizes a variety of Federal assistance measures to State and local governments when the President has declared a disaster.

Congress has amended the Stafford Act over time to make it more effective. Our bill continues that process of improvement by applying lessons learned from Katrina.

At the highest level, it directs the Federal Government to develop and maintain a national disaster-recovery strategy in coordination with the State and local governments which will lead each recovery. This fills a remarkable planning void in our current system, which focuses on response. When disaster overwhelms state and local governments and devastates large areas, recovery can be a long process requiring extended Federal assistance.

We increase the potential for more effective Federal aid in several ways. For example, the legislation enhances Federal agencies' ability to respond when the President uses his authority to direct their assistance in major-disaster response and recovery.

The bill requires a national-disaster housing strategy and authorizes making semipermanent housing units a part of Stafford Act assistance. In many cases, the modular ''Katrina cottages,'' for example, would be less costly, safer, more livable, more easily sited, and more durable than the notorious trailers FEMA purchased.

A new title VII for the Stafford Act gives the President discretion to offer increased Federal assistance when disaster overwhelms state and local governments. This discretionary—but limited—authority for catastrophes includes raising the cap on individual assistance, assisting victims with rent or mortgage costs, extending disaster-unemployment benefits, increasing community loans, and raising the reimbursement to communities for the cost of food, clothes, and other essential goods they distribute to victims.

Among other Stafford Act revisions, our bill clarifies that Federal mitigation efforts can extend to man-made hazards like the Mississippi River Gulf Outlet that funneled deadly storm-surge waters toward New Orleans. It establishes a missing-child location system and a database to help reunite families, a major problem in the aftermath of Katrina. And it requires that planning and training exercises, as well as evacuation and sheltering plans, give consideration to people with disabilities or special needs, or who are not fluent in English, or who have pets.

These improvements to the Stafford Act would be a major accomplishment by themselves. But the demonstrated need for reforms goes deeper still.

The third key element of our bill will provide more and better-trained emergency professionals. The US-EMA will establish a contingency cadre to meet surge workforce needs; implement a human-capital strategy to improve recruitment, development, and retention; and make quarterly reports to Congress on staffing levels. These actions should reduce the chronic workforce shortfalls—at times as great as 25 percent—that have hobbled FEMA in the past.

Looking to staffing quality across the full spectrum, our bill creates a National Homeland Security Academy. The academy will offer both classroom and distance-learning instruction and training to DHS, state, and local homeland-security professionals.

The fourth element in our reform bill will correct the confusion and lack of training on incident management and unified-command operations that frustrated a fully effective response to Katrina. Our bill mandates a comprehensive review of the National Response Plan, and requires that the DHS Secretary employ the NRP and the National Incident Management System to guide Federal actions in a natural or manmade disaster.

The Secretary is also directed to work with the US-EMA Administrator and with the National Advisory Committee to implement a national training-and-exercise program to ensure that vital knowledge and skills are in place and are kept sharp.

The fifth key aspect of our bill targets the waste, fraud, and abuse that outraged both our compassion for disaster victims and our sense of stewardship for taxpayer dollars. Based on the investigations by our committee, the GAO, and the DHS inspector general, I believe far more than a billion dollars has been lost to waste, fraud, and abuse in the aftermath of Katrina. The purchase of unusable mobile homes, long-distance moving and storage of unneeded ice, and abuse of debit cards indicate that DHS has lacked even rudimentary controls to safeguard tax dollars.

Our bill directs the Department to identify emergency-response requirements that can be contracted in advance with pre-screened vendors, so that vital commodities and services can be secured and delivered promptly. This simple change could curtail the waste of time and money as officials scramble to make ad-hoc purchase and distribution arrangements, often paying excessive prices. We also provide for a contingency corps of Federal contracting officers who can work in the field for an extended period following a disaster, so that response and recovery spending is better directed and controlled than with Katrina.

Our bill also faces the unfortunate reality that thieves and con artists will try to abuse even programs for disaster victims. Our bill imposes civil and criminal penalties for misrepresentation, requires fraud-awareness training for contracting officers and for the relief workforce, mandates systems to verify identities and addresses, and requires issuing explicit directions on legitimate uses of purchase cards.

Our bill is no single-issue, silver-bullet exercise but a careful and comprehensive program of improvement and innovation. It takes on each of the vital areas that our Hurricane Katrina investigation determined require action by Congress: reconstituting FEMA, updating and expanding the Stafford Act, improving emergency staffing, enhancing planning and preparedness, and reducing waste, fraud, and abuse.

Floods, earthquakes, storms, fires, and other natural disasters are abiding threats that exempt no one living on this planet. And the threat of man-made disasters has, perhaps permanently, forced itself into our plans for sustaining this great Nation.

Hurricane Katrina showed us in tragic terms that our mechanisms for disaster mitigation, preparation, response, and recovery urgently need many improvements. If we leave untouched the gaps, the confusions, and the missteps revealed during Katrina, we will see more unnecessary loss of life and prolonged misery. We do not know when the next great disaster will strike, or what form it will take. But we know it will come. We know what needs to be done. The Post-Katrina Emergency Management Reform Act gives us the tools to do it.

Mr. LIEBERMAN. Mr. President, I rise today to offer my support for and cosponsorship of this comprehensive piece of legislation that Chairman COLLINS and I are proposing based on our investigation into the failed preparations and response to Hurricane Katrina.

About 1 month ago, we introduced a bill to transform FEMA into the U.S. Emergency Management Authority to guarantee that our national emergency response system can handle a catastrophe—whether it is a hurricane the size and scope of Katrina or a terrorist attack. U.S. EMA would have special, protected status—much like the Coast Guard has within the Department of Homeland Security. The Senate overwhelmingly adopted that legislation by a vote of 87 to 11 as part of the Department of Homeland Security fiscal year 2007 Appropriations Act.

Today, we reintroduce that legislation backed up by additional reforms to improve emergency communications, planning, training, and to make necessary changes to the Stafford Act, which governs relief and emergency assistance to victims of disasters.

The Homeland Security and Governmental Affairs Committee, at the request of the Senate leadership, spent 7 months culling through hundreds of thousands of documents, interviewing hundreds of witnesses, and holding scores of hearings into the botched Government response to that catastrophic hurricane.

We found that at all levels, our Government was ill-equipped to deal with the massive human suffering all along the gulf coast that followed the storm's landfall, suffering that shocked and angered the American people who expect more from their government when fellow Americans are in need. These failings were the result of many things—negligence, lack of resources, lack of capability. But most of all they were the result of a failure of leadership—by the White House, DHS, FEMA, the Louisiana Governor's office, and the New Orleans mayor's office.

To this day, the Department of Homeland Security does not make sufficient distinction between everyday problems that States must deal with on a seasonal basis and the larger catastrophes which, as Katrina demonstrated, quickly overwhelm local and State authorities.

The legislation we are introducing today is an effort to get the Department of Homeland Security to understand that distinction better and to target its preparedness and response to cope better with normal disasters as well as with those rarer but truly catastrophic events. It addresses—to the extent possible—many of the Federal shortcomings exposed by our investigation. And it reflects many of the 88 recommendations the committee reached in its final report on the Katrina investigation.

Let me briefly summarize the bill. First and foremost, we are concerned about our first responders who rush into the middle of catastrophes to save lives. First responders must have the tools they need to protect and save our communities. Think back to September 11. Hundreds of firefighters lost their lives that day for many reasons. Among them was that their radio equipment was not compatible with the police force radios, making it more difficult to learn of the warnings others had that the Twin Towers were going to fall.

During Hurricane Katrina, first responders not only lacked compatible radio equipment, but they lost communication completely when power lines and sub stations were knocked out of operation.

Whether responding to a terrorist attack, natural disaster, fire, a missing

child, or a fleeing suspect, police, firefighters, emergency medical technicians, and other responders too frequently cannot share crucial, lifesaving information at the scene of a disaster.

Senator COLLINS and I introduced a bill, reported out of committee last year, to improve emergency communications, the Assure Emergency and Interoperable Communications for First Responders Act of 2005, S.1725. We have borrowed liberally from it. For example, today's legislation, like S.1725, would require the development of a national strategy for emergency communications; the establishment of an emergency communications research and development program; and dedicated funding for State and local communications and interoperability grants, authorized at $3.3 billion over 5 years.

We would also establish a new Office of Emergency Communications within U.S. EMA by combining existing offices at the Department of Homeland Security that deal with various aspects of emergency communications. Among the offices to be combined are SAFECOM within the Science and Technology Directorate and the National Communications System, which was under the Infrastructure Protection Office during Katrina. This office will make sure that DHS actually has someone in charge of leading the Department's splintered efforts to fix these persistent communications problems.

This legislation also makes changes to the Stafford Act and improves upon other recovery and assistance benefits for the victims of disaster. Among other things, we would require U.S. EMA to develop housing and recovery strategies; we would increase the assistance provided under the Hazard Mitigation Grant Program from 7.5 percent of funds paid out under title IV of the Stafford Act up to 15 percent, depending on the size of the disaster; and we would expand FEMA's authority so that in addition to providing temporary housing it could provide permanent or semipermanent housing, giving it greater flexibility to meet the needs of those affected by a disaster. Unlike FEMA, U.S. EMA would not have to reflexively rely on travel trailers to house victims when other types of housing make more sense.

Victims would be aided further under this legislation by elimination of the subcaps that limited the amount of specific assistance for repairs and home replacement during Katrina and by increased transportation benefits. We would clarify the statute by reinforcing Congress's intent to allow for the use of rental assistance to pay for utility costs and to provide treatment of mental health problems resulting from or aggravated by a disaster. And we would allow U.S. EMA to provide temporary residences to all parts of a household that necessarily must split following a disaster—because of multiple relocations or cases of domestic violence, for example.

If the President finds ''catastrophic damages'' to a locale hit by disaster, he would be able to provide even more assistance under our legislation. The President would be able to double the cap for individual assistance from $26,000 to $52,000, provide unemployment benefits for 52 weeks instead of 26 weeks, provide help with mortgage and rental assistance, and waive maximum limitations on the amount of assistance that can be provided under the Community Disaster Loan Program.

Other provisions in our bill call for increased planning for people with special needs, better ways to get disaster information to those who need it, and measures to assist with family reunification. We would also require government contractors to hire more local firms and local workers.

This legislation also has an extensive section dedicated to saving money for the taxpayers while preventing waste, fraud, and abuse. For example, we would require the U.S. EMA Director to establish an identity verification process to ensure that victims who apply for benefits under the Individuals and Households Program are who they say they are and are in true need. We would create a registry of contractors able to perform common postdisaster work and use advance, competitively awarded contracts for predictably required goods and services. And we would create a contingent of volunteer contracting officers from throughout the Federal Government to assist with additional contracting needs during emergencies.

Our bill would also require U.S. EMA to plan for a disaster far more extensively than it has previously. It requires the development of a national training and exercise program, involving both Federal and State officials, to prepare for natural and manmade disasters. And the U.S. EMA Administrator would have to review the National Response Plan and clarify overlapping or confusing law enforcement, search and rescue, and medical responsibilities.

Mr. President, we are approaching the 1-year anniversary of Katrina—August 29. Much has changed since that time. Certainly, the gulf coast is better prepared to meet a disaster this hurricane season. Yet many victimized by Hurricane Katrina, as well as those vulnerable to natural disasters or terrorist attacks elsewhere, still face uncertain futures.

We cannot forget those still struggling to rebuild their lives from the devastation wrought by Katrina almost a year ago. This legislation was designed to address specific problems exposed by Katrina, so as it moves through the legislative process, we must do all that we can to ensure that the President has the authority he needs to provide assistance to past victims, as well as to victims of future disasters. We must also make certain that, unlike FEMA, U.S. EMA has all of the resources it needs to lead a national preparedness effort and to respond to whatever occurs in a manner that the American people have a right to expect.

The committee's investigation found that FEMA had never been prepared for a catastrophic event but also that it had budget shortages that hindered its preparedness and impeded its performance. Scott Wells, FEMA's Deputy Federal Coordinating Officer in Lousiana, summed it up. He said, ''This was a catastrophic disaster. We don't have the structure; we don't have the people for catastrophic disaster. It's that simple . . . If you want a big capability, you've got to make a big investment. And there is no investment in response operations for a catastrophic disaster. It's not there.''

Clearly, if the Federal Government is to improve its performance in the next disaster, we must give it sufficient resources. This legislation takes an important step in that direction by providing a $49 million increase for FEMA's two key operating accounts in fiscal year 2008 and an additional $53 million in fiscal year 2009. However, I believe even more is necessary, and I will work to secure additional resources as U.S. EMA becomes a reality.

The Department of Homeland Security was established not to address average disasters—the hurricanes that reliably strike certain parts of the country each year or flooding from heavy rains. DHS was established to prevent, prepare for, and if necessary respond to horrific catastrophes that demand all the resources our Federal Government has to offer in times of need or when local and State governments are overwhelmed by what has befallen them.

This legislation is a reminder of that original purpose, an effort to get the Department of Homeland Security back to where Congress originally envisioned it should be. This bill will help the Department be as prepared for and able to respond to catastrophes as the American public expects it to be.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3723. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, today I join with my colleague Senator LIEBERMAN to introduce the Eightmile Wild and Scenic River Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

The National Wild and Scenic Rivers System was created by Congress in 1968 to create a ''Hall of Fame'' for exceptional rivers. Eligible rivers or river segments must meet two criteria; first,

the river corridor must be free flowing and, second, it must contain at least one outstanding remarkable resource deserving special recognition, such as a prominent natural, cultural, scenic, or recreational resource.

Over the course of the past few years, the National Park Service has responded to interest and inquiries from local advocates and town officials regarding a potential Wild and Scenic River designation for the Eightmile River located in south central Connecticut. While a local management plan has been developed, studies have shown that fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, CT, were already included on the National Park Service's Nationwide Rivers Inventory of potential Wild and Scenic River segments. Both segments have great recreational value and are included on the inventory for outstanding scenic, geologic, and fish and wildlife values. More than 80 percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, great horned owls, red foxes and roughly 180 other species of birds, plants, fish, and reptiles.

The impetus for gaining wild and scenic designation of segments of the Eightmile River originated locally in 1995 when local officials and citizens began working on protection efforts. A variety of local, State, and Federal watershed protection programs were considered, and a Wild & Scenic River study and designation were determined to be the best way to achieve the local vision of a protected watershed. It was found that six special ''resource values'' are present in the Eightmile River Watershed. These resource values are: Watershed hydrology, water quality, unique species and natural communities, geology, the watershed ecosystem, and the cultural landscape. Preserving and enhancing these values is the basis of the Eightmile River Management Plan and ultimately the pursuit of wild and scenic designation. Earlier this year I joined with residents of East Haddam, CT, to endorse the management plan.

Connecticut is a small State in area, but it is densely populated and it is essential that balance is achieved between conservation and economic growth. As one of the most diverse and thriving ecosystems in the lower Connecticut River Valley, it is essential that we work to preserve this river while all parties, local, State and Federal, are willing and able to support this ecosystem. The Eightmile River, like many other rivers in America, can still be stewarded for future generations of Americans as both a recreational treasure and an unblemished ecological haven.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Eightmile Wild and Scenic River Act''.

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds that—

(1) the Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) required the Secretary to complete a study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System;

(2) the segments of the Eightmile River that were assessed in the study continue to be in a free-flowing condition;

(3) the segments of the Eightmile River contain outstanding resource values relating to—

(A) cultural landscapes;

(B) water quality;

(C) watershed hydrology;

(D) unique species;

(E) natural communities;

(F) geology; and

(G) watershed ecosystems;

(4) the Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of those segments of the Eightmile River depend on the continued integrity and quality of the Eightmile River watershed;

(B) those resource values that are manifested throughout the entire watershed; and

(C) the continued protection of the entire watershed is intrinsically important to the designation of the Eightmile River under this Act;

(5) the Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole;

(6) during the study, the Eightmile River Wild and Scenic Study Committee prepared the Eightmile River Management Plan to establish objectives, standards, and action programs to ensure long-term protection of the outstanding values of the river, and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected land not owned by the United States;

(7) the Eightmile River Wild and Scenic Study Committee—

(A) voted in favor of including the Eightmile River in the National Wild and Scenic Rivers System; and

(B) included that recommendation as an integral part of the Eightmile River Watershed Management Plan;

(8) the residents of the towns located adjacent to the Eightmile River and comprising most of its watershed, including Salem, East Haddam, and Lyme, Connecticut, as well as the boards of selectmen and land use commissions of those towns, voted—

(A) to endorse the Eightmile River Watershed Management Plan; and

(B) to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(9) the General Assembly of the State of Connecticut enacted Public Act 05–18—

(A) to endorse the Eightmile River Watershed Management Plan; and

(B) to seek the designation of the Eightmile River as a component of the National Wild and Scenic Rivers System.

(b) DEFINITIONS.—In this Act:

(1) EIGHTMILE RIVER.—The term ''Eightmile River'' means segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut that are designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (c).

(2) MANAGEMENT PLAN.—The term ''Management Plan'' means the plan prepared by the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, known as the ''Eightmile River Watershed Management Plan'', and dated December 8, 2005.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the undesignated paragraph relating to the White Salmon River, Washington, following paragraph (166) as paragraph (167); and

(2) by adding at the end the following:

''(168) EIGHTMILE RIVER, CONNECTICUT.—The following segments in the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior:

''(A) The 10.8-mile segment of the main stem of the Eightmile River, from Lake Hayward Brook to the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River from Witch Meadow Road to the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook from the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook from Cedar Pond Brook to the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from Tisdale Brook to the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(d) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Eightmile River in accordance with the Management Plan and such amendments to the Plan as the Secretary determines to be consistent with this section.

(2) MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy each requirement for a comprehensive management plan that is required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(e) COMMITTEE.—The Secretary shall coordinate the management responsibilities of the Secretary relating to the Eightmile River with the Eightmile River Coordinating Committee, as described in the Management Plan.

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Secretary may enter into a cooperative agreement with—

(A) the State of Connecticut;

(B) the towns of—

(i) Salem, Connecticut;

(ii) Lyme, Connecticut; and

(iii) East Haddam, Connecticut; and

(C) appropriate local planning and environmental organizations.

(2) CONSISTENCY WITH MANAGEMENT PLAN.—Each cooperative agreement authorized by this subsection—

(A) shall be consistent with the Management Plan; and

(B) may include provisions for financial or other assistance from the United States.

(g) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not—

(1) be administered as part of the National Park System; or

(2) be subject to laws (including regulations) that govern the National Park System.

(h) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—With respect to the Eightmile River, each zoning ordinance adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005 (including provisions for conservation of floodplains, wetland and watercourses associated with the segments), shall be considered to satisfy each standard and requirement under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) ACQUISITION OF LAND.—The authority of the Secretary to acquire land for the purpose of managing the Eightmile River as a component of the National Wild and Scenic Rivers System shall be—

(A) limited to acquisition—

(i) by donation; or

(ii) with the consent of the owner of the land; and

(B) subject to the additional criteria set forth in the Management Plan.

(i) WATERSHED APPROACH.—

(1) STATEMENT OF POLICY.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and that watershed.

(2) COVERED TRIBUTARIES.—The tributaries referred to in paragraph (1) include—

(A) Beaver Brook;
(B) Big Brook;
(C) Burnhams Brook;
(D) Cedar Pond Brook;
(E) Cranberry Meadow Brook;
(F) Early Brook;
(G) Falls Brook;
(H) Fraser Brook;
(I) Harris Brook;
(J) Hedge Brook Lake Hayward Brook;
(K) Malt House Brook;
(L) Muddy Brook;
(M) Ransom Brook;
(N) Rattlesnake Ledge Brook;
(O) Shingle Mill Brook;
(P) Strongs Brook;
(Q) Tisdale Brook;
(R) Witch Meadow Brook; and
(S) all other perennial streams within the Eightmile River watershed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. INOUYE, Mr. COCHRAN, and Mr. JOHNSON):

S. 3724. A bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today, I introduce the EPSCoR Research and Competitive Act of 2006, and I am proud to have the bipartisan support of my colleagues, Senators SNOWE, INOUYE, COCHRAN and JOHNSON.

The Experimental Program to Stimulate Competitive Research, EPSCoR, at the National Science Foundation, NSF, is designed to help states that historically do not receive much NSF funding to compete more effectively for grants. NSF maintains it high standards, but it also provides help to States to meet such standards. Such an investment is fundamental to help promote our country's competitiveness nationwide. Twenty-six States are eligible for the EPSCoR program, and these States represent 20 percent of our population, 25 percent of our doctoral and research universities, and 18 percent of our academic scientists and engineers. The EPSCoR states also represent unique environments for scientific research with Hawaii and Alaska having unique features. Montana is a major area for paleontology. Six of the top ten energy producing States are EPSCoR States. It is common sense to invest in building research capacity in our EPSCoR States.

We also know that EPSCoR works. More than one-half of the researchers supported by NSF's EPSCoR program during the first 10 years later were successful in competing for non-EPSCoR funding. Also, 75 percent of new technology companies started by university research are based in the States where the original research was done. To strengthen our research and enhance competitiveness EPSCoR is a smart investment.

Within the American Innovation and Competitiveness Act of 2006, is a provision authorizing the EPSCoR program at $125 million, and stating that EPSCoR funding should increase in proportion with the overall NSF budget. This package was marked up by the Senate Commerce Committee on May 18, 2006 with bipartisan support.

Clearly, there is agreement that EPSCoR needs to be part of our national strategy for competitiveness. This legislation adds some specifics to that goal. The bill proposes that the Research Infrastructure Improvements Grant increase to $75 million. It seeks 20 percent of the EPSCoR budget for the co-funding program, an innovative initiative to help encourage each of the NSF directorates to collaborate and fund meritorious projects from the EPSCoR States. It encourages the NSF Director to develop creative ways to ensure that the EPSCoR States are part of the new major initiatives of the foundation, including cyber-infrastructure and major research instrumentation.

West Virginia has truly benefited from the EPSCoR program. Since 2001, competitive Federal research in West Virginia has risen from $35.8 million to $60.1 million which is a 68 percent increase. In 2005 alone, research created more than $147 million in economic activity and supported 4,432 jobs. EPSCoR has also been the catalyst for enhanced cooperation between West Virginia's leading universities, West Virginia University and Marshall University.

This legislation will add to the American Innovation and Competitiveness Act's goal of promoting competitiveness in the EPSCoR States which helps our entire country.

By Mr. KOHL:

S. 3727. A bill to amend title XVIII of the Social Security Act to provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports; to the Committee on Finance.

Mr. KOHL. Mr. President, today I am introducing the Medicare Residency Program Fairness Act of 2006. This bill would provide for an adjustment to the reduction of Medicare resident positions based on settled cost reports. The reason I am introducing this bill is because unintended consequences of Section 422 of the Medicare Modernization Act of 2003 have resulted in a decrease of residents slots in Wisconsin's Fox Valley and potentially in other small urban and rural family medicine practices across the Nation.

For more than a year, I have been working with the University of Wisconsin School of Medicine and the Fox Valley Family Medicine Residency Program to urge CMS to restore funding for its residency training positions that was taken away as a result of an audit that incorrectly determined that the positions were not used. Now, a Final Mediation Agreement between Appleton Medical Center and United Government Services demonstrates that the positions were being used and that the program met the Medicare requirement for those positions. I believe it is only fair that Appleton Medical Center's residency positions be reinstated.

The Fox Valley Family Practice Residency Program is an important contributing member to the Fox Valley and surrounding community, providing health care services to some 10,000 families. This is exactly the type of program that we should be supporting, not reducing. My legislation will right this wrong and provide for the same opportunity for any other small urban or rural program that can demonstrate that its residency slots were erroneously de-funded by CMS. I ask that my Senate colleagues join me by supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Residency Program Fairness Act of 2006''.

SEC. 2. ADJUSTMENT TO THE REDUCTION OF MEDICARE RESIDENT POSITIONS BASED ON SETTLED COST REPORTS.

(a) IN GENERAL.—Section 1886(h)(7) of the Social Security Act (42 U.S.C. 1395ww(h)(7)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by adding at the end the following new subparagraph:

''(D) ADJUSTMENT BASED ON SETTLED COST REPORT FOR RURAL AND SMALL URBAN HOSPITALS.—In the case of a hospital located in a rural area (as defined in subsection (d)(2)(D)) or in an urban area that is not a large urban area (as so defined) for which—

''(i) the otherwise applicable resident limit was reduced under subparagraph (A)(i)(I); and

''(ii) such reduction was based on a reference resident level that was determined using a cost report that was subsequently settled, whether as a result of an appeal or otherwise, and the reference resident level under such settled cost report is higher than the level used for the reduction under subparagraph (A)(i)(I);

the Secretary shall apply subparagraph (A)(i)(I) using the higher resident reference level and make any necessary adjustments to the reduction described in subclause (II). Any such necessary adjustments shall be effective for portions of cost reporting periods occurring on or after July 1, 2005.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. FRIST (for himself, Mr. LUGAR, Mr. INOUYE, Mr. BROWNBACK, Mr. BIDEN, Mr. BUNNING, Mr. AKAKA, and Mrs. DOLE):

S. 3728. A bill to promote nuclear nonproliferation in North Korea; considered and passed.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korea Nonproliferation Act of 2006''.

SEC. 2. STATEMENT OF POLICY.

(a) In view of —

(1) North Korea's manifest determination to produce missiles, nuclear weapons, and other weapons of mass destruction and to proliferate missiles, in violation of international norms and expectations; and

(2) United Nations Security Council Resolution 1695, adopted on July 15, 2006, which requires all Member States, in accordance with their national legal authorities and consistent with international law, to exercise vigilance and prevent—

(A) missile and missile-related items, materials, goods, and technology from being transferred to North Korea's missile or weapons of mass destruction programs; and

(B) the procurement of missiles or missile-related items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or weapons of mass destruction programs,

it should be the policy of the United States to impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.

SEC. 3. AMENDMENTS TO IRAN AND SYRIA NONPROLIFERATION ACT.

(a) REPORTING REQUIREMENTS.—Section 2 of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by inserting ''**, NORTH KOREA,**'' after ''**IRAN**''; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Iran, or'' and inserting ''Iran,''; and

(ii) by inserting after ''Syria'' the following: '', or on or after January 1, 2006, transferred to or acquired from North Korea'' after ''Iran''; and

(B) in paragraph (2), by inserting '', North Korea,'' after ''Iran''.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 1, by inserting '', North Korea,'' after ''Iran'';

(2) in section 5(a), by inserting '', North Korea,'' after ''Iran'' both places it appears; and

(3) in section 6(b)—

(A) in the heading, by inserting '', NORTH KOREA,'' after ''IRAN''; and

(B) by inserting '', North Korea,'' after ''Iran'' each place it appears.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.

Congress urges all governments to comply promptly with United Nations Security Council Resolution 1695 and to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), as amended by this Act.

AMENDMENTS SUBMITTED AND PROPOSED—JULY 24, 2006

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table.

SA 4690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4691. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

SA 4692. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4693. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

SA 4694. Mrs. BOXER (for herself and Mr. ENSIGN) proposed an amendment to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

TEXT OF AMENDMENT—JULY 24, 2006

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. TEEN PREGNANCY PREVENTION.

(a) EDUCATION PROGRAM FOR PREVENTING TEEN PREGNANCIES, AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may make grants to States, local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out programs of family life education, including education on both abstinence and contraception for the prevention of teen pregnancy and sexually transmitted disease, and education to support healthy adolescent development.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to applicants that will carry out the programs under such paragraph in communities for which the rate of teen pregnancy is significantly above the average rate in the United States of such pregnancies.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if the applicant for the grant meets the following conditions with respect to the program involved:

(A) The applicant agrees that information provided by the program on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(B) The applicant agrees the program will—

(i) not teach or promote religion;

(ii) teach that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(iii) stress the value of abstinence while not ignoring those teens who have had or are having sexual intercourse, or teens at risk of becoming sexually active;

(iv) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(v) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(vi) encourage family communication about sexuality between parent and child;

(vii) teach teens the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances;

(viii) teach teens how alcohol and drug use can affect responsible decisionmaking; and

(ix) educate both young men and women about the responsibilities and pressures that come along with parenting.

(4) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education under paragraph (1), a State, agency, or entity may carry out educational and motivational activities that help teens—

(A) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(B) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS, throughout their lifespan;

(C) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(D) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, and other subjects;

(E) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(F) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage, and family interactions; and

(G) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

(5) EVALUATION OF PROGRAMS.—The Secretary shall establish criteria for the evaluation of programs under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the program in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (6), a plan for conducting the evaluations.

(6) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (5) and the plan under paragraph (5)(C), as the Secretary determines to be necessary to carry out this subsection.

(7) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which programs under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the programs have been carried out.

(8) DEFINITIONS.—In this subsection:

(A) AGE-APPROPRIATE.—The term ''age-appropriate'', with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term ''factually and medically accurate and complete'' means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(i) published in peer-reviewed journals, where applicable; or

(ii) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) HIV/AIDS.—The term ''HIV/AIDS'' means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(D) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated for each of the fiscal years 2007 through 2011, an amount equal to the total amount appropriated for that fiscal year to carry out programs of abstinence education under—

(A) section 510 of the Social Security Act (42 U.S.C. 710);

(B) title XX of the Public Health Service Act (42 U.S.C. 300z et seq.); and

(C) section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

(b) REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.—

(1) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(A) in paragraph (5), by striking ''$2,250,000,000'' and inserting ''$2,500,000,000''; and

(B) in paragraph (6), by striking ''$2,500,000,000'' and inserting ''$2,750,000,000''.

(2) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(A) by striking ''There are'' and inserting ''(a) IN GENERAL.—There are''; and

(B) by adding at the end the following:

''(c) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.''.

(3) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking ''$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(4) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(c) DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.—

(1) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(2) CERTAIN APPROACHES.—Approaches under paragraph (1) may include the following:

(A) Encouraging teen-driven approaches to pregnancy prevention.

(B) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(C) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(3) MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of the project to be carried out under paragraph (1) by an applicant, a grant may be made under such paragraph only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(4) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the project in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (5), a plan for conducting the evaluations.

(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (4) and the plan under paragraph (4)(C), as the Secretary determines to be necessary to carry out this subsection.

(6) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under paragraph (1) and the effectiveness of each of the approaches.

(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2011.

SA 4690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

At the end, add the following:

SEC. 6. SENSE OF THE SENATE REGARDING APPOINTMENT OF CONFEREES BY THE SENATE AND AMENDMENT BY THE HOUSE OF REPRESENTATIVES.

It is the sense of the Senate that—

(1) the Senate should not appoint conferees to conference with the House of Representatives with respect to this Act; and

(2) the House of Representatives should enact this Act without amendment.

TEXT OF AMENDMENTS

SA 4691. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production

activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 21, insert after ''Treasury'' the following: '', from which the Secretary of the Treasury shall transfer to the Secretary such amounts as are necessary to carry out the payment in lieu of taxes program under chapter 69 of title 31, United States Code''.

SA 4692. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—OIL CONSERVATION

Subtitle A—National Oil Savings Plan and Requirements

SEC. 201. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this subtitle as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section 102 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section 105—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. 202. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section 201, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section 201; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section 205.

SEC. 203. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 205.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 201, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 202.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 204. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 201;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 201; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 201, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 202.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 205. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this subtitle, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

Subtitle B—Federal Oil Conservation Programs

SEC. 211. FUNDING FOR ALTERNATIVE INFRASTRUCTURE FOR THE DISTRIBUTION OF TRANSPORTATION FUELS.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the ''Alternative Fueling Infrastructure Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited into the Trust Fund under subsection (b) and any interest earned on investment of amounts in the Trust Fund.

(b) PENALTIES.—The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under section 32912 of title 49, United States Code, to the Trust Fund.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative transportation fuels.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary of Energy may award grants under this subsection to—

(i) individual fueling stations; and

(ii) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

(B) MAXIMUM AMOUNT OF GRANTS.—A grant provided under this subsection may not exceed—

(i) $150,000 for each site of an individual fueling station; and

(ii) $500,000 for each corporation (including a nonprofit corporation).

(C) PRIORITIZATION.—The Secretary of Energy shall prioritize the provision of grants under this subsection to recognized nonprofit corporations that have proven experience and demonstrated technical expertise in the establishment of alternative fueling infrastructure, as determined by the Secretary of Energy.

(D) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds provided in any grant may be used by the recipient of the grant to pay administrative expenses.

(E) NUMBER OF VEHICLES.—In providing grants under this subsection, the Secretary of Energy shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

(F) MATCH.—Grant recipients shall provide a non-Federal match of not less than $1 for every $3 of grant funds received under this subsection.

(G) LOCATIONS.—Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this subsection on a formal, open, and competitive basis.

(H) USE OF INFORMATION IN SELECTION OF RECIPIENTS.—In selecting grant recipients under this subsection, the Secretary of Energy may consider—

(i) public demand for each alternative fuel in a particular county based on State registration records indicating the number of vehicles that may be operated using alternative fuel; and

(ii) the opportunity to create or expand corridors of alternative fuel stations along interstates or highways.

(3) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to—

(A) construct new facilities to dispense alternative fuels;

(B) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

(C) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

(4) FACILITIES.—Facilities constructed or upgraded with grant funds under this subsection shall—

(A) provide alternative fuel available to the public for a period not less than 4 years;

(B) establish a marketing plan to advance the sale and use of alternative fuels;

(C) prominently display the price of alternative fuel on the marquee and in the station;

(D) provide point of sale materials on alternative fuel;

(E) clearly label the dispenser with consistent materials;

(F) price the alternative fuel at the same margin that is received for unleaded gasoline; and

(G) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest practicable retail price.

(5) OPENING OF STATIONS.—

(A) IN GENERAL.—Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to construct the station shall notify the Secretary of Energy of the opening.

(B) WEBSITE.—The Secretary of Energy shall add each new alternative fuel station to the alternative fuel station locator on the website of the Department of Energy when the Secretary of Energy receives notification under this subsection.

(6) REPORTS.—Not later than 180 days after the receipt of a grant award under this subsection, and every 180 days thereafter, each grant recipient shall submit a report to the Secretary of Energy that describes—

(A) the status of each alternative fuel station constructed with grant funds received under this subsection;

(B) the quantity of alternative fuel dispensed at each station during the preceding 180-day period; and

(C) the average price per gallon of the alternative fuel sold at each station during the preceding 180-day period.

SEC. 212. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 213. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) PROGRAM.—The Secretary of Energy shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium- and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

SA 4693. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strikes lines 1 through 7 and insert the following:

(B) 25 percent in a special account of the Treasury, which shall be used by the Secretary of the Treasury, subject to subsection (g), to make payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393).

On page 18, after line 14, add the following:

(g) SECURE RURAL SCHOOLS PROGRAM PAYMENTS.—

(1) NO ADDITIONAL FUNDS.—Amounts made available under subsection (a)(2)(B) to make payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) shall be used in lieu of the amounts made available for those purposes under section 102(b)(3) and 103(b)(2) of that Act.

(2) CONDITION ON AVAILABILITY.—Amounts made available for a fiscal year under subsection (a)(2)(B) shall be used for payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) only if—

(A) title I of that Act has been reauthorized through at least the applicable fiscal year; and

(B) the authority to initiate projects under titles II and III of the Act has been extended through at least the applicable fiscal year.

SA 4694. Mrs. BOXER (for herself and Mr. ENSIGN) proposed an amendment to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; as follows:

On page 4, line 5, strike the period and insert '', unless the parent has committed an act of incest with the minor subject to subsection (a).''.

On page 5, after line 12 insert the following:

''§ 2432. Transportation of minors in circumvention of certain laws relating to abortion

''Notwithstanding section 2431(b)(2), whoever has committed an act of incest with a minor and knowingly transports the minor across a State line with the intent that such minor obtain an abortion, shall be fined under this title or imprisoned not more than one year, or both.''

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, August 3, 2006, at 10 a.m., in room SD–628 of the Dirksen Building.

The purpose of this legislative hearing is to receive testimony on S. 2589, to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to ensure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Clint Williamson or Steve Waskiewicz.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. The Chair would like to inform the Members of the Committee that the Committee will hold a markup on Thursday, July 27, 2006 at 10 a.m., in Russell 428A on ''The Small Business Reauthorization and Improvements Act of 2006.''

AUTHORITY FOR COMMITTEES TO MEET

AIRLAND SUBCOMMITTEE

Mr. COBURN. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on July 25, 2006, at 9:30 a.m., in open session to receive testimony on the F–22A Multiyear Procurement Proposal in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SUBCOMMITTEE

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Aviation Subcommittee be authorized to meet on Tuesday, July 25, 2006, at 10 a.m. on the Joint Planning and Development Office (JPDO).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 25, 2006, at 10 a.m., to conduct a hearing on ''Regulation of Hedge Funds.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 25, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''How Much Should Borders Matter?: Tax Jurisdiction in the New Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 25, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''CHIP at 10: A Decade of Covering Children.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Tuesday, July 25, 2006, to consider the nomination of Stephen S. McMillin to be Deputy Director, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, July 25, 2006, at 10 a.m. for a hearing entitled, Supporting the Warfighter: Assessing the DoD Supply Chain Management Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA NONPROLIFERATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3728, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3728) to promote nuclear nonproliferation in North Korea.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3728) was ordered to be engrossed for a third reading was read the third time, and passed, as follows:

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korea Nonproliferation Act of 2006''.

SEC. 2. STATEMENT OF POLICY.

(a) In view of —

(1) North Korea's manifest determination to produce missiles, nuclear weapons, and other weapons of mass destruction and to proliferate missiles, in violation of international norms and expectations; and

(2) United Nations Security Council Resolution 1695, adopted on July 15, 2006, which requires all Member States, in accordance with their national legal authorities and consistent with international law, to exercise vigilance and prevent—

(A) missile and missile-related items, materials, goods, and technology from being transferred to North Korea's missile or weapons of mass destruction programs; and

(B) the procurement of missiles or missile-related items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or weapons of mass destruction programs,

it should be the policy of the United States to impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.

SEC. 3. AMENDMENTS TO IRAN AND SYRIA NONPROLIFERATION ACT.

(a) REPORTING REQUIREMENTS.—Section 2 of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by inserting '', **North Korea,**'' after ''**Iran**''; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Iran, or'' and inserting ''Iran,''; and

(ii) by inserting after ''Syria'' the following: '', or on or after January 1, 2006, transferred to or acquired from North Korea'' after ''Iran''; and

(B) in paragraph (2), by inserting '', North Korea,'' after ''Iran''.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 1, by inserting '', North Korea,'' after ''Iran'';

(2) in section 5(a), by inserting '', North Korea,'' after ''Iran'' both places it appears; and

(3) in section 6(b)—

(A) in the heading, by inserting '', NORTH KOREA,'' after ''IRAN''; and

(B) by inserting '', North Korea,'' after ''Iran'' each place it appears.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.

Congress urges all governments to comply promptly with United Nations Security Council Resolution 1695 and to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), as amended by this Act.

Mr. FRIST. Mr. President, the bill that we just passed, S. 3728, to promote nuclear nonproliferation in North Korea was introduced by myself, Senator BIDEN, and others.

As we all know, earlier this month, the North Korean regime defied the international community and launched seven long and medium-range missiles into the Sea of Japan. One of the missiles, the Taepodong-2, has a potential range of approximately 9,000 miles, placing the United States well within reach of attack by North Korea.

Kim Jong Il's regime took this dangerous and provocative action despite repeated warnings not to do so from the United States, its close neighbors and participants in the six-party talks, and many others in the international community.

The unanimous consent which was just approved focuses on this issue of nuclear nonproliferation in North Korea.

The North Korean missile launches reminded us yet again of the threat posed by Kim Jong Il's regime.

North Korea's pursuit of nuclear weapons and its possession of long-range missiles that could potentially strike our Nation is a grave threat to the security of the American people and to peace and stability in East Asia.

This combination of nuclear weapons and long range missiles is a threat that the United States should not tolerate.

Since November 2005, North Korea has boycotted the six-party talks aimed at ending the regime's illicit nuclear weapons program.

In an effort to revive this diplomatic track, the People's Republic of China 2 weeks ago sent a high-level delegation to Pyongyang to convince North Korea to return to the six-party talks.

North Korea remained intransigent and gave no indication of any willingness to allow diplomatic efforts to succeed.

The U.N. Security Council then decided to act.

On July 15, the United Nations Security Council sent a strong, unambiguous, and unified message to the North Koreans that their latest provocations are unacceptable.

The Security Council unanimously passed Resolution 1695. This resolution condemned unequivocally the North Korean missile launches.

In addition, the Security Council demanded that North Korea reestablish its moratorium on missile launches. It also requires all U.N. member states to do everything they can to prevent the procurement and transfer of missiles, missile-related items, materials, goods, technology, or financial resources to or from North Korea's missile and WMD programs.

As Ambassador Bolton stated:

The United States expects that the DPRK and all other UN Member States will immediately act in accordance with the requirements of this resolution.

However, soon afterwards, North Korea announced that it had no intention of abiding by the resolution's requirements—yet another act of defiance and brinkmanship.

North Korea's continued defiance of the international community leaves our Nation with no alternative but to act.

For all these reasons, I rise today to call up the North Korea Nonproliferation Act of 2006, which I originally introduced last week. This legislation will add North Korea to the list of countries currently covered by the Iran and Syria Nonproliferation Act.

Under this bill, the President would be required to submit a report to Congress every 6 months listing all foreign persons believed to have transferred to or acquired from North Korea materials that could contribute to the production of missiles, nuclear weapons, other weapons of mass destruction, and certain conventional weapons.

This legislation also authorizes the President to impose sanctions on all foreign persons identified on this list.

These sanctions include prohibitions on U.S. Government procurement from such persons and the issuance of U.S. Government export licenses for exports to such persons.

Ultimately, the bill will lead to U.S. sanctions on any foreign persons or foreign companies that transfer missile and WMD-related items, as well as certain advanced conventional weapons, to North Korea, or that buy such items from North Korea.

The U.S. is already doing this with respect to transfers of these items to and from Iran and Syria under the Iran and Syria Nonproliferation Act. The time has come for us to treat transfers of these items to North Korea no less seriously than we already treat transfers of these same items to Iran and Syria.

Of course, no transfers of missile and WMD-related items to or from North Korea should be taking place now that the Security Council has forbidden all such commerce with that country.

Experience teaches us, however, that detennined proliferators are likely to ignore these new U.N. sanctions, which is why this legislation is so criticaUy important. It will provide a partial remedy in such cases, and should deter violations of the new U.N. sanctions on North Korea.

The North Korea Nonproliferation Act of 2006 will reinforce Security Council Resolution 1695 and demonstrate that the United States is, indeed, doing all that it can to stop the transfer of these dangerous materials to and from North Korea.

The U.N. Security Council has spoken. The United States must now step up its efforts to fulfill its responsibility to protect the American homeland from the North Korean threat.

Section 4 of this bill calls on all other countries to consider measures similar to the ones that we will adopt pursuant to this law to reinforce Security Council Resolution 1695.

I would hope that, in particular, countries such as Japan that are especially threatened by North Korea's provocative actions will consider taking steps like those provided for under this legislation to deter the transfer by others to or from North Korea of sensitive items with weapons applications.

These items in the hands of Kim Jong Il pose a direct threat to the American people, the people of the region, and peace and security in East Asia.

If we are in earnest about protecting the American homeland, then it's imperative that we prevent the North Korean regime from acquiring these dangerous materials. I thank the cosponsors of this bill: Chairman LUGAR, as well as Senators INOUYE, BROWNBACK, BIDEN, BUNNING, AKAKA, and DOLE, as well as the rest of my Senate colleagues for their support.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 513, S. 2832.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2832) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2832) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Appalachian Regional Development Act Amendments of 2006''.

SEC. 2. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) GRANTS AND OTHER ASSISTANCE.—Section 14321(a) of title 40, United States Code, is amended—

(1) in paragraph (1)(A), by striking clause (i) and inserting the following:

''(i) the amount of the grant shall not exceed—

''(I) 50 percent of administrative expenses;

''(II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

''(III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;''; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than—

''(i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.''.

(b) DEMONSTRATION HEALTH PROJECTS.—Section 14502 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to—

''(A) 50 percent of the cost of that operation;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.''; and

(2) in subsection (f), by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of—

''(A) 70 percent; or

''(B) the maximum Federal contribution percentage authorized by this section.''.

(c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-INCOME HOUSING PROJECTS.—Section 14503 of title 40, United States Code, is amended—

(1) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to—

''(A) 50 percent of that cost;

''(B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

''(C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.''; and

(2) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall—

''(A) not be made to an organization established for profit; and

''(B) except as provided in paragraph (2), not exceed—

''(i) 50 percent of those expenses;

''(ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

''(iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.''.

(d) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(e) ENTREPRENEURSHIP INITIATIVE.—Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(f) REGIONAL SKILLS PARTNERSHIPS.—Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section, not more than—

''(1) 50 percent may be provided from amounts appropriated to carry out this section;

''(2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

''(3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.''.

(g) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 14507(g) of title 40, United States Code, is amended by adding at the end the following:

''(3) AT-RISK COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.''.

SEC. 3. DISTRESSED, AT-RISK, AND ECONOMICALLY STRONG COUNTIES.

Section 14526(a)(1) of title 40, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (A), by striking ''and'' at the end; and

(3) by inserting after subparagraph (A) the following:

''(B) designate as 'at-risk counties' those counties in the Appalachian region that are most at risk of becoming economically distressed; and''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 14703 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In addition to amounts made available under section 14501, there are authorized to be appropriated to the Appalachian Regional Commission to carry out this subtitle—

''(1) $95,200,000 for fiscal year 2007;

''(2) $98,600,000 for fiscal year 2008;

''(3) $102,000,000 for fiscal year 2009;

''(4) $105,700,000 for fiscal year 2010; and

''(5) $109,400,000 for fiscal year 2011.''.

SEC. 5. TERMINATION.

Section 14704 of title 40, United States Code, is amended by striking ''2006'' and inserting ''2011''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2006.

CONDEMNING THE MURDER OF U.S. JOURNALIST PAUL KLEBNIKOV ON JULY 9, 2004, IN MOSCOW, AND THE MURDERS OF OTHER MEMBERS OF THE MEDIA IN THE RUSSIAN FEDERATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 526 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 526) condemning the murder of U.S. journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, the preamble be agreed to, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 526) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 526

Whereas, on July 9, 2004, United States journalist Paul Klebnikov was murdered by gunmen as he exited the Moscow offices of Forbes Magazine;

Whereas no person has been convicted of any offense in connection with the murder of Mr. Klebnikov;

Whereas Mr. Klebnikov is survived by his wife Helen and his 3 young children;

Whereas 12 journalists have been murdered in the Russian Federation since 2000 and Mr. Klebnikov was the first and only citizen of the United States among those journalists;

Whereas the Office of the Russian Prosecutor General arrested and tried Musa Vahaev and Kazbek Dukzov for the murder of Mr. Klebnikov;

Whereas Musa Vahaev and Kazbek Dukzov were acquitted on May 5, 2006, of the charges of murdering Mr. Klebnikov;

Whereas the Government of Russia has stated that the murder of Mr. Klebnikov was ordered by Khozh-Akhmed Nukhayev, a fugitive Chechen criminal gang leader, but has not publicly released any evidence of the complicity of Mr. Nukhayev;

Whereas it remains unclear who ordered the murder of Mr. Klebnikov or if any party will be convicted of that crime;

Whereas the attorneys that represented the Klebnikov family have alleged that numerous procedural violations occurred during the trial;

Whereas a group of investigative journalists from the United States has launched an independent inquiry into the death of Mr. Klebnikov;

Whereas the 2005 Country Reports on Human Rights Practices published by the Department of State indicated that the Government of Russia had continued to weaken the independence and freedom of expression of the media industry of Russia, particularly among the major national television networks and regional media outlets of that country; and

Whereas, on June 4, 2006, President Putin told a conference of the World Association of Newspapers that ''A progressive state requires a free press.'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns—

(A) the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow; and

(B) the murders of other members of the media in the Russian Federation;

(2) commends the Office of the Russian Prosecutor General for its continuing investigation of the murder of Mr. Klebnikov;

(3) urges the Government of Russia—

(A) to continue its inquiries to determine all parties involved in the murder of Mr. Klebnikov; and

(B) to bring those parties responsible for the murder of Mr. Klebnikov to justice;

(4) urges the Government of Russia to accept offers of assistance with the investigation of the murder of Mr. Klebnikov from—

(A) the United States; and

(B) other concerned governments;

(5) urges the Government of Russia, upon request, to extend appropriate assistance to investigative journalists who have started to conduct independent inquiries relating to the death of Mr. Klebnikov, to the extent that such assistance conforms with the privacy safeguards and the laws of Russia; and

(6) urges the Government of Russia to take appropriate action to protect the independence and freedom of—

(A) the media of Russia; and

(B) all visiting members of the media.

ORDERS FOR WEDNESDAY, JULY 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, July 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the motion to proceed to S. 3711, the Gulf of Mexico energy security bill, with the time until 10 a.m. to be equally divided between the two leaders or their designees; further, at 10, the Senate proceed to a vote on the motion to invoke cloture on the motion to proceed to S. 3711; further, that following the vote, the Senate will recess until 12 noon for the joint meeting with Prime Minister of Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning at 10 o'clock, we will be voting on the motion to invoke cloture on the motion to proceed to the Gulf of Mexico energy security bill. As has been pointed out over the course of the day, this bill is a very important issue which will open up to deep sea exploration over a billion barrels of oil and over 5 trillion cubic feet of natural gas, enough energy to supply 6 million homes for 15 years—a very important bill. It is bipartisan. We will be voting tomorrow morning on this motion to proceed. I do hope that cloture will be invoked and that we are then able to reach an agreement on when to start debate on the substance of that bill.

I remind Senators that after that 10 a.m. cloture vote, we will proceed to the Hall of the House of Representatives to hear the remarks of Prime Minister Maliki of Iraq.

Before we close, I again thank Senator ENSIGN for his tremendous leadership and work on this child custody protection bill. I thank all of our colleagues for working together in a bipartisan way to reach an agreement which allowed us to finish this bill in short order, in an organized way.

As my colleagues just heard, we feel strongly that we should proceed tonight in the usual fashion to go to conference. This bill passed by 65 to 34 tonight. We are expressing the strong support of this Senate.

The House, as I mentioned earlier, passed their child custody protection bill on April 27, 2005, and as is customary and is routine, we would go to conference. The Democrats have objected to going to conference. We will continue to try to go to conference over the next several days. I am deeply disappointed by that. I hope, as I said earlier, that this is not a sign that they are going to obstruct this bill at this point, at the level of conference, after this Senate has spoken overwhelmingly in support of this bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I

ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:27 p.m., adjourned until Wednesday, July 26, 2006, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2006:

OVERSEAS PRIVATE INVESTMENT CORPORATION

DIANNE I. MOSS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2007, VICE JOHN L. MORRISON, TERM EXPIRED.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE NANCY P. JACKLIN, TERM EXPIRED.

PEACE CORPS

RONALD A. TSCHETTER, OF MINNESOTA, TO BE DIRECTOR OF THE PEACE CORPS, VICE GADDI H. VASQUEZ, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, July 25, 2006:

THE JUDICIARY

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

EXTENSIONS OF REMARKS

RECOGNIZING SONIA CULVER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sonia Culver of Saint Joseph, Missouri. Sonia is the President of Enrichment Therapies, a company that provides speech and developmental therapy services, and she has been chosen to receive the YWCA Women of Excellence Emerging Leader Award.

As a speech-language pathologist and developmental therapist, Sonia has worked closely in the community to aid children and families facing speech and language challenges as well as the problems associated with autism. Sonia contracts with school districts to provide training and case management to speech implementers. She is also the Co-Founder of Connecting the Pieces, a seminar that is designed to help educators and families learn about Autism Spectrum disorders. Sonia is also on the Regional Interagency Coordinating Council for First Steps and is the author of a book series to be published in 2007, focusing on eliciting speech and language from children.

Mr. Speaker, I proudly ask you to join me in recognizing Sonia Culver. Her commitment to speech therapies and enhancing the quality of life for children and families is highly appreciated. I am honored to represent her in the United States Congress.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WU. Mr. Speaker, I rise in opposition to this bill, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. In this bill, Congress is overreaching its authority. The Federal Government already permits this research, through a merit based peer review process led by the scientific community. Congress should not be directing research in which we do not have expertise; we are not scientists.

ON THE FIRST ANNUAL UW SUMMER WASHINGTON PROGRAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to congratulate the University of Wisconsin, the Political Science Department, and the student participants on the creation and completion of the first annual UW Summer Washington Program. This invaluable opportunity was made possible by the generous support of many UW alumni.

The 15 undergraduate students were selected through a competitive application process and are interning in various offices on Capitol Hill. They are gaining experience in legislative offices, lobbying firms, the Department of Justice, and several foreign policy offices, while also participating in a Political Science course. Guest speakers and hosts, all of whom are UW alumni, have been in attendance at each class session offering priceless and practical advice to the students.

This program would not have been possible without the support of the Wisconsin alumni who have helped in funding, organizing social events, and speaking to the class. The UW Foundation, in collaboration with the Department of Political Science, has worked with alumni to get this program off the ground in hopes that it will be available to future undergraduate students. The goal of this program is to establish a permanent presence for the University of Wisconsin in Washington, DC.

I am proud to rise today to pay tribute to the establishment of this exceptional opportunity. It is truly an honor for me to represent the students, the alumni, and the University of Wisconsin on this occasion, and wish them the best of luck in the successful continuation of this important program.

TRIBUTE TO THE GRAND CANYON CHAPTER OF THE AMERICAN RED CROSS

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. HAYWORTH. Mr. Speaker, I rise today in honor and recognition of the Grand Canyon Chapter of the American Red Cross as they celebrate 90 years of service in Arizona.

Since 1916, the American Red Cross Grand Canyon Chapter, headquartered in Phoenix, is where the people of Arizona come together to help one another. The passionate volunteers and staff who make up the Grand Canyon Chapter provide care, comfort and lifesaving skills to millions of people in Arizona. Volunteers serve their neighbors throughout the 10 counties in the northern two-thirds of Arizona, a population of 4.5 million.

Arizonans benefit from programs that provide meaningful assistance and lift the spirit of individuals and families throughout our communities. The chapter is a leader in water safety instruction. I am particularly proud of their "Water Whiz Kids" program, which teaches backyard pool safety to children and also provides infant and child CPR training to their parents.

Within my district, the Grand Canyon Chapter is there when a disaster strikes thousands, and when it strikes only one. In May of this year, in the wake of the Tradewinds Apartment fire in Mesa, Red Cross volunteers assisted 34 families, served 400 meals, and distributed 125 comfort kits. Another local emergency response was the Cave Creek Complex Fire last year where 36 Red Cross volunteers opened a shelter and provided 23 residents with meals and comfort kits.

The American Red Cross Grand Canyon Chapter has also played an instrumental role in assisting after national disasters outside Arizona, including Hurricane Katrina. Last year, over 100 Red Cross volunteers from Arizona deployed to the gulf voast to help with the disaster response. The Grand Canyon Chapter also operated a national call center for disaster victims throughout the country. Impressively, with only 30 hours advance notice, the Chapter organized "Operation Good Neighbor Shelter" at Arizona Veterans Memorial Coliseum, helping more than 1,000 Hurricane Katrina evacuees in our State last year. These evacuees were displaced and relocated from the gulf coast, suddenly finding themselves hundreds of miles from their homes, yet upon their arrival, they were the recipients of the warm "compassion in action" that exemplifies the Red Cross volunteer and the spirit of Arizonans: good neighbors helping new neighbors during drastic times.

Mr. Speaker and colleagues, please join me to honor and recognize the American Red Cross Grand Canyon Chapter on its 90th birthday. With congratulations and gratitude for the excellent work they do to enrich our lives, I am pleased to recognize their service to our communities throughout the great State of Arizona.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BACHUS. Mr. Speaker, on rollcalls Nos. 394–396, I was not present in the House due to a family emergency. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on July 24, 2006, during rollcall votes Nos. 394, 395 and 396 during the second session of the 109th Congress.

Rollcall vote No. 394 was on the motion to suspend the rules and pass S. 1496.

Rollcall vote No. 395 was on the motion to suspend the rules and pass, as amended, S. 203.

Rollcall vote No. 396 was on the motion to suspend the rules and pass H.R. 5534.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted ''yes'' on all of these rollcall votes.

IN SUPPORT OF RURAL VETERANS HEALTH CARE ACT OF 2006

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. MICHAUD. Mr. Speaker, since the founding of our Nation, rural Americans have always answered the call to service in times of war. One in three of the patients seen at the Department of Veterans Affairs lives in a rural community. Veterans who live in rural settings are often older and have more physical and mental health diseases as compared to veterans who live in suburban or urban settings. According to the 2005 Institute of Medicine report, The Future of Rural Health, the smaller, poorer, and more isolated a rural community is, the more difficult it is to ensure the availability of high-quality health services. With some 44 percent of current military recruits coming from rural areas, we must help VA focus on meeting the pressing health care needs of rural veterans.

I have introduced H.R. 5524, the Rural Veterans Health Care Act of 2006, to take a comprehensive and practical approach towards improving care for our rural veterans by increasing community based facilities and outreach, encouraging the training and recruitment of health care professionals, focusing on research to develop innovative solutions to the challenges of delivering rural health care, and developing the information technology infrastructure we need to enhance health care services in rural areas.

Rural America has always answered the call to service. We should do everything we can to ensure that rural veterans have the same reasonable access to the high quality care available through the VA as veterans in suburban and urban areas. I urge my colleagues to support rural veterans and pass H.R. 5524.

Mr. Speaker I would like to include in the CONGRESSIONAL RECORD a letter of support for H.R. 5524, the Rural Veterans Health Care Act of 2006, from the National Rural Health Association.

NATIONAL RURAL HEALTH ASSOCIATION,
Kansas City, MO, July 17, 2006.

Hon. MICHAEL MICHAUD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MICHAUD: On behalf of the National Rural Health Association, I am writing to express our strong support for H.R 5524, the ''Rural Veterans Health Care Act of 2006.''

The NRHA is a national nonprofit, non partisan, membership organization with approximately 10,000 members that provides leadership on rural health issues. The Association's mission is to improve the health of rural Americans and to provide leadership on rural health issues through advocacy, communications, education and research. The NRHA membership consists of a diverse collection of individuals and organizations, all of whom share the common bond of an interest in rural health.

The NRHA members are keenly aware of the disproportionate rates at which rural people serve in the military and the issues our rural veterans face in obtaining health and mental health care in rural communities. We are pleased to see so many provisions in this legislation to address these concerns. In particular, the provisions which call for expansion of and improved quality of services provided by Vet Centers, Outreach Health Centers, and CBOCs in rural areas. These services represent approaches that greatly increase access to quality care for these vets. Vet Centers, as is their role, will also educate returning rural veterans to their benefits and the services they have earned.

The bill also addresses the long term care needs of rural vets, the use of an electronic medical record system to enhance patient safety and improve quality of care, takes advantage of the groundbreaking IOM report on the future of rural health care recommendations, and provides a provision for the training of health care professionals in rural facilities serving veterans. All of these provisions are included in NRHA's support. The NRHA is especially supportive of the call for a national Advisory Committee on Rural Veterans, and offer up any assistance we might make in recommending members for this committee should the legislation be successful. In addition, we are pleased that the legislation increases the number of rural rotations for medical residents training at the VA and takes steps to enhance the education, training, retention, and recruitment of health professionals in rural areas. Research has shown that rural rotations are effective in increasing the number of medical personnel that choose to practice in rural areas.

The NRHA is supportive and involved in the dissemination of research and resources developed by the Department of Health and Human Services (HHS) Rural Research Centers, therefore, we support the provisions in the bill which would designate at least four centers as the location for research targeted at defining rural veteran health and mental health care needs, and chronic disease management. NRHA is keenly aware of the limited research on rural veterans and their families, and this provision will begin to address the dearth of research in this area.

The NRHA maintains a Minority and Multicultural committee within our organization and develops many policy statements regarding the unique needs of rural minority groups and women. We are pleased to see the specific inclusion of Native American, Native Hawaiian and Native Alaskan veterans in this legislation. This legislation would expand VA's health care presence in these rural and remote communities. The NRHA also hopes that special consideration will also be given to the unprecedented number of African American women and all women serving at the highest rates ever seen in our country and the special needs that they will bring into the VA system in just a few short years.

The NRHA developed the first national policy paper as a non-Veteran Service Organization on rural veterans in 2003–2004, and we are pleased to see some of the recommendations called for in our policy paper addressed in this legislation.

For these many reasons, the NRHA strongly supports your efforts to urge Congress to enact the ''Rural Veterans Health Care Act of 2006.'' Thank you for your leadership on this issue.

Sincerely,

WILLIAM SEXTON,
President.

RECOGNIZING SUSAN DUDLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Susan Dudley of Saint Joseph, Missouri. For the past 11 years she has served as the executive secretary to the president of Commerce Bank and she has been chosen to receive the YWCA Women of Excellence Award for Women in Support Services.

As the executive secretary to the president, Susan is often looked to for guidance and direction. She is considered to be an outstanding member of the local Commerce Bank, as a result of her commitment to the company, staff, customers, and community. She is always positive and helpful, never refusing any task asked of her. In the community, she delivers ''Meals on Wheels'' through Inter-Serv. She also serves as a board member at Vatterott College and is a past president of her P.E.O. Chapter.

Mr. Speaker, I proudly ask you to join me in recognizing Susan Dudley. She serves as an inspiration to the community and sets the mark of excellence that encourages others. I am honored to represent her in the United States Congress.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–127)

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. WU. Mr. Speaker, I rise in support for H.R. 810, the Stem Cell Research Enhancement Act, and the override of the President's veto of this monumental commitment to historic scientific research.

Yet again, the administration turned its back on science and chose politics.

Embryonic stem cell research will go on, with or without the United States. Diabetes, Alzheimer's, Lou Gehrig's Disease will be cured, with or without the United States.

The stem cells in an embryo are special tissue. We should not create them with the intent to terminate them later. But here, embryos were created with the intent to bring more children in to the world, and once a baby is born many fertilized eggs are not implanted. The only alternate fate for them now is disposal.

Let us not waste potential human life, let us not waste these fertilized eggs by destroying them. Let us use them to save human lives through stem cell research.

TRIBUTE TO THE ROSEMARY GARFOOT PUBLIC LIBRARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to the Rosemary Garfoot Public Library in Cross Plains, Wisconsin, on the grand opening of its brand new facility. For nearly 40 years the library has been an impressive tribute to the people of Cross Plains.

The public library serves as the cornerstone of democracy, fostering intellectual freedom and making available to all citizens an extensive information network. In a local setting, citizens have access to global resources of information. The public library is critically important in improving the community by providing access to higher learning. It is certainly a requirement for a cultivated democratic society.

The public library allows citizens to perform the civic duties placed upon them in our democratic nation. It not only provides free access to worldwide information, but is a place where residents can obtain information about their community. It also serves as a place where Internet access, tax forms, and voter registration forms are provided. The role of the public library is essential in supporting a democratic state. The Rosemary Garfoot Public Library has gone beyond its civic duty in providing these services for the public.

To provide the public with a new library facility, the people of Cross Plains were committed to this important project since 2002. I am proud to recognize the efforts of a community that created a dream and followed through to success. I join the residents of Cross Plains in celebrating the grand opening of the newly expanded and renovated Rosemary Garfoot Public Library and wish them the best for many years to come.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ANDREWS. Mr. Speaker, I regret that, due to my attendance at the swearing in ceremony of New Jersey Commissioner of Labor David Socolow, I missed three votes on July 24, 2006. Had I been present I would have voted ''yea'' on S. 1496 (Electronic Duck Stamp Act of 2005), ''yea'' on S. 203 (National Heritage Areas Act of 2005) and ''yea'' on H.R. 5534 (To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels).

IN RECOGNITION OF REVEREND DR. LEROY JOHNSON, PASTOR, MISSIONARY TEMPLE C.M.E. CHURCH

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize City of Fairfield resident Dr. (Colonel) Leroy Johnson, Pastor, for his dedication and commitment to his church and community.

Dr. Johnson, who was licensed to preach in 1952, has served the Missionary Temple C.M.E. Church since 1989. Prior to joining the C.M.E. Church, Dr. Johnson was president of Miles College, which has a proud history of producing teachers, preachers, community leaders and politicians, in Birmingham, AL.

In 1963, Dr. Johnson entered the U.S. Army Chaplain Corps where he held various assignments which included pastoring the largest Protestant military/civilian congregation in Western Europe.

During his pastorate in Kaiserslautern, West Germany, the gospel singers and services that exist on all American military posts, bases, stations, and ships today were created.

He was the first African American to receive a line officer's commission under the Navy Reserve Officer Candidate Program and had the distinction of being a member of the Navy's first atomic bomb testing team in the South Pacific Marshall Islands.

After serving in the U.S. Army and Navy during a career that included world conflicts such as the Korean War and Vietnam, Dr. Johnson retired with the rank of Colonel.

Included amongst his 25 military awards and decorations are the Legion of Merit, Bronze Star, Meritorious Service Medal, the Army Commendation Medal and the Navy Unit Citation.

Dr. Johnson holds a Ph.D. from Kansas State University and has attained three masters degrees from Chapman University.

As the officers and members of Missionary Temple C.M.E. Church pay tribute to Dr. Johnson during the ''This is your Life'' Celebration, I wish Dr. Johnson, his wife, Simmie Mae, and daughter, Leana, many more years of health and happiness.

HONORING THE LIFE OF PRIVATE FIRST CLASS JUSTIN RAY DAVIS

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. WYNN. Mr. Speaker, I rise to express the heartfelt condolences of a grateful nation and to honor the life of PFC Justin Ray Davis of Gaithersburg, MD. PFC Justin Davis was killed on June 25 near the village of Kandalay, located in the Kunar Province in Afghanistan, from wounds sustained during combat operations as part of Operation Mountain Thrust. PFC Justin Davis, 19, was assigned to A Company, 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division of the U.S. Army. A native of Gaithersburg, MD, Private First Class Davis entered the Army in June 2005 and trained at Fort Benning, GA, to be an infantryman. His strong patriotism and desire to defend our freedoms led him to join the military immediately after graduating from Magruder High School in May, 2005, where he was active in the Junior ROTC and a starter on the varsity football team. Private First Class Davis was a loving son and leaves behind his mother, Paula Davis, and father, Dennis Johnson. May God bless them and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Private First Class Davis. He made the ultimate sacrifice. Americans, as well as Afghanis, owe their liberty to Private First Class Davis and his fallen comrades. Private First Class Davis was awarded the Bronze Star and Purple Heart for his actions in Afghanistan.

Mr. Speaker, for his heroism and service to his country, please join me in honoring the life of PFC Justin Ray Davis.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. CARTER. Mr. Speaker, on July 24, 2006, I was unavoidably detained due to inclement weather prohibiting my travel.

On rollcall vote Nos. 394, 395, and 396, if present, I would have voted ''yea.''

RECOGNIZING DR. NORMA BAGNALL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dr. Norma Bagnall of Saint Joseph, MO. Dr. Bagnall retired from teaching in 1996, she has served the community ever since and has been chosen to receive the YWCA Women of Excellence Lifetime Achievement Award.

Dr. Bagnall came to Missouri after obtaining a bachelors, masters, and doctorate degree from Texas A&M University. She joined the staff of Missouri Western State University in Saint Joseph, MO, in the early 1980's as an assistant professor of English and later gained a full professorship. She retired from Missouri Western in 1996 and began a long list of service to the community.

Norma has been a champion of literacy in the community. She has led the Runcie Club book study group for the past 6 years, and established the Hayes Bagnall Literacy Scholarship at Missouri Western and the Writer's Workshop at the Joyce Raye Patterson Senior Center. Then, during the summer of 2005, she developed a community class to teach conversational Spanish. That program became so successful that it had to be adopted by InterServ, in order to accommodate the 110 students and additional 115 people on a waiting list.

Mr. Speaker, I proudly ask you to join me in recognizing Dr. Norma Bagnall. In nearly three decades in northwest Missouri, Norma has come to be one of the most outstanding members of our community. I am honored to represent her in the United States Congress.

THE MOSES AND AARON FOUNDATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. NADLER. Mr. Speaker, I rise today to call attention to a worthy organization, one committed to special children and their families. The Moses and Aaron Foundation's significant and enduring efforts under the direction of the president, Rabbi Yaacov Kaploun, and executive vice president, Yehuda Kaploun, deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children is an all volunteer organization and is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, and financial, as well as counseling and guidance.

It also provides scholarship funding to educational institutions, collects, purchases, and distributes clothing for children in need and remembers them with presents at holiday time or when hospitalized.

In cooperation with Bally Total Fitness Centers, the Moses and Aaron Foundation has been able to establish physical fitness and therapy centers. The foundation has arranged for sound and musical equipment in other institutions as well to help improve the conditions of disabled children.

On Saturday night, August 5, 2006, at the Sullivan County Community College in Loch Sheldrake, NY, the Moses and Aaron Foundation will sponsor its 10th Summer ''Chazak—Strength'' concert honoring and paying tribute to special and outstanding children. This concert is presented under the honorary chairmanship of Nobel Laureate Elie Wiesel and is produced by STB Jewish Music Productions. The guests of honor will be the special and outstanding children, many of whom will perform with the entertainers on stage. More than 40 organizations and schools serving the needs of physically and mentally disabled children will be represented at this event.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate the caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all those who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in American society.

IN HONOR AND RECOGNITION OF THE VIRGINIA MARTI COLLEGE OF ART AND DESIGN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the Virginia Marti College of Art and Design as they celebrate 40 years of devotion to artistic exploration and advanced academics.

Located in the cultural hub of Lakewood, Ohio, the Virginia Marti College was founded in 1966 by visionary Virginia Marti Veith to stimulate innovation in the field of art and design. The culturally diverse campus engages students on an individual level to develop their unique talents and creativity, making Virginia Marti an inspirational learning environment. For 40 years students from around the world have met the rigorous academic challenges of Virginia Marti College with determined passion and graduated on to successful careers, creating vibrant ripples throughout the fashion world.

In the early 1990s, inspired by a trip she made with her husband Herb to Africa, Virginia Veith founded Mission to the Fatherless, a nonprofit operating in Kenya to provide orphaned children with food, healthcare, education, and a loving home. The organization is supported by proceeds from Virginia Marti Designer Fabrics store, located on the college campus. Due to the devastation of diseases like HIV/AIDS, more than a million children are orphaned in Kenya alone, a number that grows from day to day. Mission to the Fatherless is dedicated not only to providing children with basic needs but nourishing their spiritual and moral development to inspire principled civic engagement. All of the proceeds from Virginia Marti College's 40th anniversary black-tie celebration will go directly to Mission to the Fatherless, with the hopes of building a third orphanage in Kenya.

Mr. Speaker and colleagues, please join me in honor and recognition of the Virginia Marti College of Art and Design as it celebrates 40 years of excellence in design with a noble fundraiser for Mission to the Fatherless, rescuing children from a life of poverty, starvation, and violence.

PROVIDING GRANTS TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE AVAILABILITY OF ALTERNATIVE FUELS

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HAYES. Madam Speaker, today I rise in strong support of H.R. 5534, the E85 Kick-Start Bill. I am a proud co-sponsor of this bill and I applaud my good friend and colleague, Congressman MIKE ROGERS, for bringing this bill to the floor and helping the U.S. in the fight for energy independence.

High energy prices are a significant threat to our long-term economic well-being and we need to aggressively pursue a goal of energy independence for our Nation. This independence can only be achieved through greater domestic production of energy conservation and the use of alternative energy sources. Unfortunately, there are no quick fixes to the energy crisis that is before our country. It will take years to build new refineries and mass transit systems. But right now, there are 6 million vehicles on the road that can use E85, an alternative blend of fuel using 85 percent ethanol and 15 percent gasoline. What we are missing is a distribution network to make this gasoline alternative feasible and this legislation seeks to double that network, which is critical to expanding the use of alternative fuels.

Earlier in the year, I introduced the E85 Investment Act, which would increase the tax credit from 30 percent to 75 percent, up to $30,000, for E85 tanks and pumps.

This legislation embraces the goal of increasing alternative fuel infrastructure. Specifically, this bill creates a federal ''Fuel Economy Fund'' by diverting the corporate average fuel efficiency (CAFE) penalties currently paid by automakers from the general treasury to the ''Fuel Economy Fund.'' The legislation also calls for up to a $30,000 grant to station owners who invest in alternative fuel pumps and fuel stations, including E85 infrastructure.

I want to thank MIKE ROGERS for being a leader in this effort to help bring energy independence to our Nation. This legislation will help our Nation truly invest in alternative fuels and give consumers a choice when they go to the pump. I look forward to continuing to work with you to identify other ways we can help strengthen our Nation's economy.

Madam Speaker, I urge my colleagues to vote in favor of the underlying bill.

RECOGNIZING CUTLER DAWSON, NEWLY ELECTED BOARD MEMBER OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate Cutler Dawson, a constituent of mine, on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). Mr. Dawson is the president and CEO of Navy Federal Credit Union, located in Merrifield, Virginia.

Mr. Dawson only recently took over at Navy Federal Credit Union after a 35-year career in the Navy, retiring as Vice Admiral. Mr. Dawson held numerous commands, including service as Deputy Chief of Naval Operations and Chief of Legislative Affairs. While on active duty, Mr. Dawson also served as a Navy Federal volunteer official on the Supervisory and Credit Committees, and as a board director. Mr. Dawson has been very active since taking over at Navy Federal Credit Union, testifying before Congress twice and joining the Board of the Consumer Federation of America.

Mr. Dawson and Navy Federal Credit Union are working hard to ensure that the Nation's sailors have access to high quality, low cost financial services wherever they may be deployed. Such service is the hallmark of the

credit union movement, and Navy Federal Credit Union has exemplified that philosophy for decades. I wish Mr. Dawson good luck in his new role as a member of the NAFCU board of directors.

RECOGNIZING NATHANIAL CALEB HORN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathanial Caleb Horn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 204, and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nathanial Caleb Horn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING TIM FRIEDMAN

SPEECH OF

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to extend sincere congratulations to my friend Tim Friedman upon his retirement from the Democratic Cloakroom. Tim, a Lackawanna, NY native, has dedicated 30 years of his life to service in the House of Representatives.

Tim began his career in Washington in 1976 in the House of Representatives under Congressman Dan Rostenkowski. Shortly after, he worked under Doorkeeper James T. Molloy as a doorkeeper and in 1982 transferred to the House Sergeant at Arms. In 1985, Tim was appointed to the House Democratic Cloakroom as Assistant Manager. For over 20 years, Tim has been a constant presence in the Cloakroom, and has tirelessly worked on behalf of House Democrats.

The Democratic Cloakroom has been like a home away from home for me over these past 19 months. It's been an honor and pleasure to have Buffalo guys in the Cloakroom—people like Tim Friedman and Bob Fischer, who have been terrific public servants in the House, and who have shown me the ropes and ways of the House.

It is with great pride and gratitude that I stand here today to recognize Tim Friedman for his many years of service and for his commitment to Democrats, and the House of Representatives. I wish Tim and his wife Colleen many years of continued health and happiness.

HONORING TIM FRIEDMAN

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. HARMAN. Mr. Speaker, somehow, I thought Tim and I would grow old together. For 30 years, he has always been there for us: friendly, informed, endlessly patient with our endless questions, and always ready with his wry smile.

There will be a void now in the cloakroom, a physical gap that we all will feel. But more: there will be a void in our Caucus, where Tim has provided such competent guidance, continuity and wisdom.

Godspeed, Tim. You have made a big difference here.

TRIBUTE TO KEN WRINKLE OF HERNANDO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a distinguished veteran and true friend to the men and women who served in our armed forces. Ken Wrinkle, a man who I have known and worked with for many years, passed away just last week. Beloved by those whose lives he touched, Ken's memory will live on with the veterans of Hernando County, FL.

Born in Pontiac, MI, in 1950, Ken and his family moved to Miami, FL, in 1952. Following his high school graduation and time spent in college, Ken enlisted in the U.S. Marine Corps in 1969.

A Vietnam combat veteran, Ken was awarded the Purple Heart and the Combat Action Ribbon for wounds received in battle. Evacuated to the United States, Ken recovered from his injuries and received a medical discharge from the U.S. Marine Corps.

Continuing his studies at Michigan State University, Ken graduated from college in 1974. While in pursuit of his degree, Ken met and married his wife Linda. Following graduation, Ken volunteered to re-enter the U.S. Marines Corps through the Officer Candidate Program and was commissioned an Infantry Lieutenant. Ken went on to successfully complete 20 years of service, retiring as a Major on January 1, 1993.

Eventually settling with his family in Spring Hill, FL, in May 1993, Ken, a disabled veteran, was named the Hernando County Veterans Services Officer and Director. Following 12 years of distinguished service to the veteran community, illness forced him to retire in July 2005.

As Director of Veterans' Services, Ken was able to accomplish several of his goals for the region, including starting a network to provide transportation for veterans to the Tampa VA hospital. He also supported the VA Community Based Outpatient Clinic in Brooksville, a facility that today serves over 23,000 veterans annually.

Ken is survived by his wife of 33 years, Linda, a teacher at Powell Middle School, and his son, John, a U.S. Air Force veteran currently attending college.

Mr. Speaker, the volunteer spirit of men like Ken Wrinkle shines through in the legacy he has left behind in Hernando County. Unfortunately, one less star will be shining in our local veteran community. From now on, area veterans must look up to the heavens to see Ken's light shining down on them from above. I speak for many when I say that Ken Wrinkle will be sorely missed.

RECOGNIZING TRENT KENDALL GERMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Trent Kendall German a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 9, and in earning the most prestigious award of Eagle Scout.

Trent has been very active with his troop, participating in many scout activities. Over the many years Trent has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Trent Kendall German for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO STATE REPRESENTATIVE ALLEN LAYSON

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ADERHOLT. Mr. Speaker, today I rise to honor State Representative Allen Layson on the occasion of his retirement from the Alabama House of Representatives. Allen is a man who embodies the American principles of hard work, dedication to one's family and service to one's country. I am honored to stand before this body of Congress and this Nation to recognize his many accomplishments.

Allen was born on December 16, 1931 in Eatonton, Georgia. He graduated from Eatonton High School in 1947. He entered the United States Army Reserves in 1948 and volunteered for active duty service in 1951 and was discharged in 1953. Immediately after leaving the Army, Allen attended the University of Georgia and earned a Bachelor of Science Degree in Forestry in just three years, graduating in 1956.

Allen and his family moved to Pickens County in 1969, and he soon demonstrated his outstanding leadership to the Reform community. He served as president of the Reform Rotary Club, is the founder of the Reform Area Public Library, is a member of the American Legion, a member of the Pickens County Mental Health Association, a Master Mason, and a member of the Boy Scout Troop Committee.

First elected to the Alabama House of Representatives in 1986, Allen has served the Sixty-First district with distinction for the past twenty years. During his tenure he was a strong proponent of our Second Amendment rights and worked hard to protect the family and our religious liberties. A social and fiscal conservative, he voted consistently to ensure that Alabama provided an economic atmosphere in which business and industry could grow and prosper.

Allen is a true friend of the volunteer fire fighter. Through his efforts, a three mil revenue tax was enacted in 1999, and amended in 2004, to provide badly needed funding to the volunteer fire departments in Pickens County. This funding allows the volunteer fire departments to purchase equipment, provide training and cover operating costs. This has greatly enhanced their firefighting capabilities, thus reducing insurance rates and thereby saving money for Alabama families.

He served as a Commissioner on the Alabama Forestry Commission from 1979 to 1983, served as president of the Alabama Division for the Society of American Foresters, is a Trustee of the Alabama Forest Products Workman's Compensation Fund, served as president and is a lifetime member of the Alabama Wildlife Federation, is a member of the Alabama Cattlemen's Association, a member of the Sierra Club and a member of sixteen volunteer fire departments. Also, Allen has served on the board of directors for the Tennessee Tombigbee Waterway Development Authority since his appointment by Governor Guy Hunt in 1991.

He has been distinguished as the recipient of the Governor's Conservationist of the Year Award in Forestry in 1982, the Kelly Mosley Environmental Award in 1985 and the APA Southwestern United States Technical Writing Award in 1981.

Of all of Allen's accomplishments, perhaps his greatest achievement was convincing the former JoAnn Kimberly to marry him. They were married on September 15, 1949 and are the proud parents of five children; Butch, Allen, Jr., Kim, James and Michael. Allen and JoAnn are faithful members of Reform First United Methodist Church where Allen has served as a Lay Leader and Lay Speaker.

Mr. Speaker, it is a great privilege to honor State Representative Allen Layson for his many achievements and his enduring impact on his country, state, community, friends and family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. Allen is an inspiring role model for all of us and I join his family, friends and colleagues in wishing him God's richest blessings in his retirement.

HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. GARRETT of New Jersey. Madam Speaker, as a cosponsor of H. Con. Res. 347, I am pleased to support this resolution honoring the work of the National Association of State Veterans Homes and the 119 homes across the country that honor our nation's heroes.

I am proud to work on closely with the State Veterans Home in Paramus, New Jersey. This excellent facility is run by caring individuals who work hard each day to see that our veterans are given the care that they earned sacrificing for our nation. Veterans Affairs Secretary Nicholson recently had the opportunity to tour the facility with me and see the tremendous effort that Doris Neibart, director of the home, and all the nurses and staff have put into caring for veterans in the final stages of life's journey.

Throughout the 20th Century and now into the 21st, the American soldier, sailor, airman, and Marine has been a force for good in this world. Working together, they have kept our nation safe from the threats of fascism, communism, and now terrorism. We owe them all a great debt of gratitude and the best care we can provide.

Our nation has a rich history of promoting freedom and spreading democracy, a history that was made possible by countless individuals who served in our armed forces. We remember all who contributed as well as those that stand ready to serve the cause of freedom today. I am proud to represent so many selfless and brave heroes and to honor those who work for their welfare.

GROWING SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. WOLF. Mr. Speaker, I recently introduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, H.R. 5552—the Securing America's Future Economy (SAFE) Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

Support for the bill is coming from both sides of the aisle. I submit for the Record a recent analysis by the Heritage Foundation; a letter of support from the Concord Coalition; a letter from Douglas Holt-Eakin, former director of the Congressional Budget Office, and letters from several former Members.

I also am pleased to submit today the names of 20 of my colleagues who are cosponsoring the SAFE Commission measure and urge the remainder of my colleagues to join as well. This legislation will be good for the future of America.

THE CONCORD COALITION,
Arlington, VA, June 28, 2006.

Hon. FRANK WOLF,
House of Representatives
Washington, DC.

DEAR MR. WOLF: On behalf of The Concord Coalition, I am writing to express our deep appreciation for your leadership in sponsoring the Securing America's Future Economy (SAFE) Act, which would establish a bipartisan commission to recommend legislation addressing our nation's unsustainable long-term fiscal outlook.

We strongly agree with you that the need for serious action is not just an economic imperative but a moral one as well. We also share your view that partisan divisions in Washington have become so wide that a commission may now be the only way forward on this issue. By establishing a fiscal policy commission with a broad mandate, meaningful public engagement, and the ability to consider all policy options, your legislation represents a very constructive step toward bringing about consensus solutions. '

The demographic and fiscal challenges facing the budget in the years ahead are well known. Analysts of diverse ideological perspectives and nonpartisan officials at the Congressional Budget Office (CBO) and the Government Accountability Office (GAO) have all warned that current fiscal policy is unsustainable over the long-term.

What is needed now is a clear commitment to address these issues in a straightforward, generationally equitable and bipartisan manner. Achieving consensus around the hard choices that must eventually be made will require open minds and bipartisan cooperation. Your legislation would establish a process to do just that.

Recently, The Concord Coalition organized a forum with experts from across the political spectrum to discuss the possibility of establishing a bipartisan commission to deal with our long-term fiscal outlook. Three conclusions from the forum stand out:

The commission must have meaningful participation and input from a broad range of views. Bipartisan support is essential to enacting and maintaining policies that will put the budget on a fiscally sustainable course.

The commission should have a broad mandate with no limitations on what policy options the commission can consider or preconditions on what must be included—or not included—in a proposal. Everything must be on the table, including revenues as well as entitlements and other spending.

The commission should engage the public in a dialogue about the long-term fiscal challenges and the tradeoffs that will be necessary to bring about a more secure and sustainable economic future.

The Concord Coalition commends your propoal because it recognizes each of these conclusions. The SAFE Act would establish a bipartisan commission of experts and legislators appointed by the President and Congressional leaders of both parties. The Commission would be directed to hold hearings across the country and incorporate the input from the public in its report. This is a very welcome provision. The public should be treated as if it were, in effect, a member of the commission. Doing so will enhance the commission's credibility and help build acceptance for its recommendations. Our experience hosting meetings around the nation on this issue has demonstrated that when the American people are armed with the facts and given the opportunity for honest dialogue, they are willing to set priorities and make the hard choices that often are not made in Washington.

Most importantly, the Commission would be allowed to consider all policy options to address the imbalance between long-term spending commitments and projected revenues, including reforms of entitlement programs and tax laws. In our view, this is an essential prerequisite for attracting well-respected individuals to serve on the commission and for finding solutions that are both substanive and politically viable.

We particularly commend you for your willingness to consider constructive suggestions for changes to achieve broader bipartisan support and increase the prospect that the commission will produce a balanced proposal that can be enacted into law. In that regard, we would suggest a few changes that we believe would strengthen the bill and help ensure the commission receives the bipartisan support essential to its success.

We believe the commission would have greater credibility if the appointees were more evenly divided between parties, potentially with some commission members appointed jointly or as a result of bipartisan consultation. Further, we would suggest that the commission have bipartisan co-chairs. We would also encourage you to consider a more expansive legislative process, which would allow for greater debate of policy tradeoffs by allowing the consideration of budget neutral amendments. Those who oppose the priorities and tradeoffs recommended by the commission should be challenged to say what they would do instead and given the opportunity to put forward alternative policies to address the problem.

A commission isn't a silver bullet that will solve our fiscal problems by itself. It will still take action by Members of Congress and the administration to adopt the tough choices. But a commission with credibility and bipartisan support could provide the leadership necessary to ensure that these issues receive the attention and serious consideration they deserve.

You deserve great credit for your willingness to undertake the difficult but absolutely essential task of focusing attention on the tough choices our nation faces. The Concord Coalition stands ready to assist in any way that we can.

Sincerely,

ROBERT L. BIXBY,
Executive Director.

THE WOLF SAFE COMMISSION ACT: A CHANCE TO GET THE BUDGET BACK ON TRACK

(By Stuart Butler)

The recent Mid-Session Review by the Office of Management and Budget underscores the facts that sensible tax reform stimulates the economy and that faster growth swells revenue to the government as a byproduct of new jobs and extra income for Americans. The review also confirms the overall, disturbing long-term budget picture indicated in the Congressional Budget Office's (CBO) longterm forecast. Under current law, both. taxes and spending will rise rapidly during future decades towards European levels, with an ever-growing government taking a larger and larger proportion of the nation's income and threatening America's future economic growth. Decisive action is needed.

But faced with this threat, Washington is paralyzed. Rather than seriously tackling the tsunami of entitlement spending that will hit the budget after the baby boomers begin to retire, Congress actually made the situation far worse by enacting the huge Medicare prescription drug benefit. And while the Bush tax reforms have significantly helped in the short term, even if made permanent they would shave only about one percentage point from the future growth in taxes. Absent any additional reforms, the CBO forecasts that, with the Bush tax cuts extended, federal taxes will top 20 percent of GDP by about 2025 and approach 23 percent of GDP by 2045. The historical average, and today's level, is just over 18 percent of GDP.

With Congress polarized and paralyzed, some Members of Congress, along with President Bush, are exploring the idea of a bipartisan commission as a way to break away from the path of rapidly rising spending and taxes. President Bush pressed for an entitlements commission in his State of the Union address. Senator Judd Gregg (R–NH) has sponsored legislation (5. 3521) that includes a commission to review the long-term solvency of Social Security and Medicare. Meanwhile, Representative Frank Wolf (R–VA) has crafted a commission bill (''The SAFE Commission Act,'' H.R 5552) specifically intended to win bipartisan support for bold action to secure the country's fiscal and economic future. Senator George Voinovich (R–OH) has introduced that bill in the Senate (S. 3491).

Commissions can help break a political logjam. They can also become vehicles for action that achieves a short-tem political fix and yet does little in the long term or even makes things worse. So the political dynamics and mandate of a commission are critical. Fortunately, the Wolf commission bill recognizes these facts of political life and offers real hope for sensible action. A reason for this is that in its instructions to the commission, the bill wisely combines reform with fiscal changes in a manner that could achieve a breakthrough.

The core of the fiscal problem is the sharp projected rise in future entitlement spending, especially spending on programs for middle-class retirees. Contrary to many peaple's perception, taxes are nat falling—as noted, taxes are projected to rise steadily to record levels under current law, in real terms and as a percentage of GDP. Still, in today's political deadlock many lawmakers maintain that tax revenue must be part of the equation if they are to have the political ''cover'' to accept curbs an popular entitlements.

But for good reasons, conservatives strongly resist the idea of raising taxes. For one thing, taxes are not the problem—spending is. Moreover, raising tax rates or instituting new taxes would threaten economic growth, compounding the economic harm associated with government spending. Further, raising taxes likely would reduce the pressure on Congress to curb spending or, worse still, encourage lawmakers increase their spending promises.

The Wolf bill seeks a solution to this political equation. It creates a bipartisan commission intended to address the ''unsustainable imbalance'' between federal commitments and revenues while increasing national savings and making the budget process give greater emphasis to long-term fiscal issues. While the commission could consider a range of approaches, the bill places emphasis on two: reforms that would limit the growth of entitlements while strengthening the safety net and tax reforms that would make the tax system more economically efficient and improve economic growth. The commission would hold public hearings around the country to discuss the long-term fiscal problem, and its recommendations would receive ''fast-track'' consideration by Congress.

By combining a slowdown in entitlement spending with reforms to strengthen assistance to the needy, a commission proposal could win support of liberals and others who worry that surging middle-class retiree spending in the future will crowd out safety net spending. And by placing an emphasis on pro-growth tax reform, a commission proposal could also lead to some additional revenues not by raising taxes but thanks instead to faster economic growth—just as the Bush tax reforms produced the recent sharp increase in federal revenues. Combining these features in a commission proposal could lead to a package that conservatives, liberals, and moderates all believe would advance their agendas—a necessary result for an economically sound agreement to succeed in a polarized Congress.

Some might argue that appointing a commission to address the long-term fiscal situation is an abrogation of responsibility by Congress. In an obvious sense, it is. But the Wolf bill also shows that lawmakers recognize that America's budgeting system is broken and in the current environment cannot lead to a responsible long-term federal budget. Representative Wolf's commission proposal seeks to alter those destructive dynamics in order to secure a sound economy for future generations.

Stuart M. Butler, Ph.D., is Vice President for Domestic and Economic Policy Studies at The Heritage Foundation.

COUNCIL ON FOREIGN RELATIONS,
Washington, DC, July 13, 2006.

Congressman FRANK R. WOLF,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN: I am writing regarding your proposed SAFE Commission. I applaud your desire to address the nation's long-term fiscal problems and thank you for your efforts.

The work of the proposed commission is central to the continued international competitiveness of the United States and the standard of living of future generations. The future growth of mandatory spending is among the greatest of economic threats, and it is entirely self-inflicted. It is imperative that our nation restructure its approach to old-age income, health insurance, and long-term care, and it is better to do it sooner than later.

I have taken the liberty of attaching a speech that I gave a while back. The final two sections make these points in greater detail.

Best of luck in your efforts. Please do not hesitate to contact me if I can help.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

THE URBAN INSTITUTE,
Washington, DC, June 22, 2006.

Representative FRANK WOLF,
Washington, DC.

DEAR REPRESENTATIVE WOLF: In. response to your letter of June 16, I strongly support your bill to establish a national bipartisan commission on entitlement spending and tax policy. Although many are cynical about the prospects for the success of any commission, I think that you are right that the current political climate is not conducive to passing constructive legislation without some prodding from the outside.

I also believe that the American public is not ready to accept the sacrifices necessary to avoid a crisis, because the dire nature of the situation has not been well communicated by policy makers. Therefore, I particularly commend your idea of holding town meetings across the country and I would hope that the commission has a large budget for this purpose, because I believe that we need lots of meetings. Ideally, the commission would first produce a white paper that could be discussed at the meetings. It would outline the problem in the most objective way possible and describe the major options for solving it.

It is interesting to note that Canada had such meetings prior to a significant reform of their social security system and Canadian officials will tell you that they were extremely helpful in finding a solution. Similarly, Britain is in the midst of reforming their public pension system and they used large focus groups to test their options. I would prefer a town meeting to a focus group format, but however one proceeds, the involvement of the public is absolutely crucial.

I wish you success in getting your idea enacted and would be willing to help in any way that I can.

Sincerely,

RUDOLPH G. PENNER.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS,
Washington, DC, July 7, 2006.

Hon. FRANK R. WOLF,
Washington, DC.

DEAR FRANK: Thank you for sending along your excellent proposal to establish a national bipartisan commission on America's looming fiscal crisis. I agree that we must hastily address the very grave financial challenges before our nation. You have laid out a thoughtful and effective way forward. In particular, it is important to put everything on the table—entitlement spending, federal programs, and tax policy. Mandating congressional action would also ensure that a prospective commission does not issue a report that gathers dust on a shelf.

On another note, the Iraq Study Group continues to make excellent progress, and I once again thank you for your leadership and support of our efforts.

With best wishes,

Sincerely,

LEE H. HAMILTON.

MANATT JONES GLOBAL STRATEGIES,
Washington, DC, June 26, 2006.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your letter and for sending me a copy of your legislation, H.R. 5552. I can't speak highly enough in commending you for leading this much needed effort and for the comprehensiveness of your proposal.

As a former House Budget Committee Chairman who subsequently headed the American Stock Exchange among other business activities since leaving the Congress, I have been appalled and discouraged by the recklessness and disregard of our government's fiscal policy. These unconscious able deficits and mounting federal debt load financed primarily by foreigners are an economic time bomb waiting to explode. If I were managing a private company this irresponsibly, the shareholders should demand my resignation.

We hear much talk about our national security and energy security. But to put our economic security so much in the hands of foreign interests is gambling at its worst.

In addition to the economic dangers, this is also a moral issue in that our generation is saddling our children and grand-children with the responsibility for paying off our profligacy. That can only reduce the standard of living of future generations. How can we justify such immorality.

I am so proud that you are stepping forward to try to pass legislation with teeth to force both the Congress and the Executive Branch to make hard choices to get our fiscal house on a path to responsibility. I hope that you will make this a bi-partisan effort. I will be pleased to support you in every way I can and to urge my fellow Democrats to join you in this effort.

Sincerely yours,

JAMES R. JONES.

RECOGNIZING SAMUEL GILBERT OAS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel Gilbert Oas a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 9, and in earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Samuel Gilbert Oas for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. WESTMORELAND. Mr. Speaker, due to a mechanical failure with my voting card, my vote in favor of H. Res. 921 was not recorded (rollcall vote No. 391).

I strongly support the state of Israel, and am in full support of its actions to defend itself against the attacks by Hamas and Hezbollah. Both of these terrorist organizations are comprised of terrorist thugs and must be rooted out in order for peace to be achieved in the region, and their use of civilians as shields is deplorable.

I am grateful that Israel has taken so many steps to wage a careful, targeted effort, focused on eliminating terrorist elements while also minimizing other damage.

I applaud the President for moving forward on the right track in demanding that Hezbollah be eliminated from Lebanon, and also hope this will be the opportunity for the Arab world to unite against terrorism. Iran and Syria should take notice—supporting terrorist organizations is not a proper activity of governments.

Mr. Speaker, I once again reiterate my strong support of H. Res. 921, and would have voted in favor if my voting card had registered successfully.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. HONDA. Mr. Speaker, on Monday July 24th, I was unavoidably detained due to family matters I had to attend to in Seattle, WA and was not present for rollcall votes on that day.

Had I been present I would have voted:

"Yea" on rollcall 394, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

"Yea" on rollcall 395, to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

"Yea" on rollcall 396, to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels.

TRIBUTE TO REVEREND LEWIS RANDOLPH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Reverend Lewis Randolph who will celebrate 30 years as pastor of the Antioch Missionary Baptist Church on October 14th in my hometown of Flint, Michigan.

Reverend Randolph was installed as pastor of Antioch Baptist Church in 1976 as the church's fifteenth pastor. He quickly made an imprint upon the congregation by a twofold plan of renovating the physical structure of the church grounds and by evangelizing in the community.

Starting in 1979 and continuing over the next 30 years, Pastor Randolph renovated the sanctuary, improved the parking lots, added a new kitchen, dining facility, and improved the upper level of the church.

As a part of the church's covenant "to strive for the advancement of this church in knowledge, holiness, and comfort; to promote its prosperity and spirituality"; Reverend Randolph has organized and supported numerous auxiliaries and ministries. These include the Voices of Antioch Choir, the Usher Board and a Concerned Committee to help persons return to the church. He added a new Easter Sunday worship service, supports a ministry in Haiti, teaches a weekly Bible class, and distributes Bibles and baskets of food in the community.

Recognizing the need to encourage young people, he has made sure that Antioch Missionary Baptist Church has been well represented in the Young Peoples Department of the National Baptist Convention, USA, Incorporated over the past several years. Under his tutelage several pastors began their ministries with his guidance and direction.

Mr. Speaker, I ask my colleagues to join me in honoring Reverend Lewis Randolph. The Flint community is a better place because of his leadership.

RECOGNIZING DREW KELLY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Drew Kelly, a very special young man who has exemplified the finest qualities

of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Drew has been very active with his troop, participating in many scout activities. Over the many years Drew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Drew Kelly for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF DR. PETE G. MEHAS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. COSTA. Mr. Speaker, I rise today to recognize Dr. Pete G. Mehas, Fresno County Superintendent of Schools. Dr. Mehas is retiring at the end of his current term and his unwavering commitment to students and education will be missed, but never forgotten.

Like many others, I consider myself fortunate to count Pete Mehas as a friend and advisor. His life's work embodies the very basic values—hard work, respect for people and family—that make it possible for a person to have a profound influence on others.

Pete Mehas was born, raised and educated in Fresno, California. Growing up he worked during the 40s and 50s for his father at the Fresno Malt Shop and the Athenian Restaurant. At age 19 Pete hitchhiked around the world on a personal odyssey of discovery and cultural exploration. Over the years, the call of family and his pride of heritage have drawn him back to his ancestral homeland, the magnificent Greek Islands. But Pete Mehas has always come back to the Central Valley where he spent his professional career advancing education on many fronts, in classrooms, boardrooms and the legislative halls of Sacramento and our nation's capitol.

During his career, Pete has been a teacher, a coach, a school principal, an associate district superintendent and a legislative advocate. His efforts on behalf of education have been driven by his often-stated belief that, ''Children are the living message we send to a time we will not see.'' His personal objective has always been to serve as a model of high values, coupled with strong character and love of country and to hopefully pass those standards on to the next generation.

Pete has never let his success go to his head. In fact, to this day he continues to visit classrooms to read to young students and encourage them to succeed. His utter lack of pretense has been a hallmark of his career and made it possible for him to inspire others and bring people together.

Elected four times to the position of Fresno County Superintendent of Schools, Pete Mehas' well-documented career dedication to education has been recognized many times by others. He has participated in Presidential Education Summits on education, served as an education policy advisor to three California governors and held leadership positions in numerous education organizations and associations. Pete's many honors include being the first recipient in 1990 of the Fresno Public Education Fund's Gold Star Alumni Award. And his leadership has been praised by organizations as varied as the California Farm Bureau Federation and the National Congress of Parents and Teachers.

Beyond the honors that have come his way as his professional success multiplied over the years, Pete Mehas has always been devoted to his family. His mother Sylvia, his wife Demi, sisters Tula and Georgia and his daughters Alethea and Andreanna have enriched his life as only family can.

And though Pete Mehas has talked with world leaders, Presidents, Governors and business leaders, I know nothing compares to the loving sound he hears from his twin granddaughters, Andreanna and Isabella, when they whisper ''pappou'', Greek for ''grandpa'', in his ear.

Though he will soon retire as Fresno County Superintendent of Schools, there can be no uncertainty that Pete Mehas will continue to make a valuable contribution to his community, state and nation. Pete's future efforts will, I am sure, be reflective of his personal philosophy which is summed up so well in the words of his favorite songwriter, Jimmy Buffet, when he sings, ''Yesterdays are over my shoulder, so I can't look back for too long. There's just too much to see waiting in front of me, and I know that I just can't go wrong.''

CONGRATULATING ISRAEL'S MAGEN DAVID ADOM SOCIETY

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. WAXMAN. Mr. Speaker, I join my colleagues in congratulating Magen David Adom, Israel's national emergency medical service, as a fully admitted and recognized member of the International Red Cross and Red Crescent Movement. This 60-year effort to win membership for Israel's humanitarian society solely on the basis the MDA uses the Star of David as its symbol.

Since its founding in 1930, MDA has been a leading participant in international humanitarian relief efforts and in training and instruction in emergency services techniques. Regrettably, the organization has been denied full membership in the International Committee for the Red Cross, ICRC, because of anti-Israel bias among countries that refuse to recognize the State of Israel or the symbol of the Star of David. This political discrimination is in direct violation of the ICRC principle of maintaining neutrality and impartiality in conflicts.

MDA has been a committed humanitarian society embodying all the goals and ideals of the Red Cross and Red Crescent Movement. MDA has been an impartial force in the international community helping victims all over the world after the Southeast Asian tsunami, Hurricane Katrina, disastrous flooding of the River Danube in Romania, even helping those considered enemies of Israel. But for 60 years, Israel was denied membership. There was no good reason for MDA to be forced to wait this long to be a member of ICRC when their efforts are solely humanitarian and separate from the decades-old political conflict existing in the Middle East.

The process of International recognition has been a long and arduous process tainted by discrimination allowing politics to outweigh the humanitarian objectives of the MDA. A diplomatic conference in Geneva in December 2005 was a significant step in the process of enabling MDA to finally become a full member in the International Committee of the Red Cross. On December 8, 2005 the signatory countries to the Geneva Conventions approved a Third Additional Protocol establishing a new neutral Red Crystal emblem by a vote of 98 in favor, 27 against, with 10 abstentions. After all these years, the Syrian delegation still tried to stall the vote, but in the end was unable to prevent the adoption of the Third Protocol.

I am pleased that this longstanding injustice has been rectified and MDA is permitted to conduct international humanitarian operations under a third neutral symbol. We should not allow decades old disputes and larger, unrelated political problems in the Middle East to impede the work of Israel's humanitarian aid society.

I also take this time to applaud the efforts of U.S. diplomats and American organizations for bringing the issue of MDA's exclusion from the ICRC to the focus of the international community. Without U.S. leadership on this important issue and the pressure that both our leaders and the American Red Cross put on the ICRC, this wrong that has existed since Israel's founding would not have been redressed. Our country understood that we should not allow politics to prevail over humanitarian efforts in any country no matter what the political climate or religious beliefs are. I also thank the American Red Cross for its continued support to help open the channels for MDA's acceptance in the ICRC. I fully support the decision of the American Red Cross, since 2000, to protest the exclusion of MDA by withholding $42 million in annual dues from ICRC. Finally, I would like to thank Hadassah, the Women's Zionist Organization of America, for its efforts lobbying Congress and working with the U.N. and the American Red Cross in support of MDA.

MDA should never have been linked to the fate of the Israeli-Palestinian conflict and with the adoption of a third neutral symbol will be able to fulfill its humanitarian mission. The adoption of a neutral symbol is a celebration that humanitarian principles have triumphed above politics and bigotry.

HONORING TIM FRIEDMAN

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mrs. MCCARTHY. Mr. Speaker, today I want to honor Tim Friedman, who will be retiring after 30 years of service in the Democratic Cloakroom. My staff and I rely on the Cloakroom on a daily basis. The Cloakroom staff is reliable and knowledgeable and serves as the voice of reason during often chaotic times on the floor. Tim Friedman was a big part of the Cloakroom operations and I know my colleagues and I will miss seeing him everyday.

But his retirement is certainly well-earned and I hope he enjoys the next chapter in his life.

TRIBUTE TO RABBI MICHAEL ROBINSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my good friend Rabbi Michael Robinson who died July 20, 2006, surrounded by friends and family at his home in Sebastopol, California.

Mr. Speaker, this is the second time I have risen to honor this unique man who has dedicated his life to the cause of social justice at home and around the world. On the last occasion, several years ago Rabbi Robinson received a civil liberties award from the ACLU of Sonoma County recognizing a lifetime of achievements and his passionate advocacy for civil rights. From the American civil rights movement to the Nicaraguan Contra war to the Israel-Palestinian conflict Michael Robinson has been on the front lines promoting peace and the improvement of humanity.

Born in North Carolina, Michael received his B.A. from the University of Cincinnati and attended North Carolina State College before enlisting in the Navy during World War II. He served in the Pacific and became a pacifist immediately after this experience.

In 1952, after completing a course of study at Hebrew Union College in Cincinnati, Michael became the first North Carolina native to be ordained as a rabbi. He later earned his doctoral degree from the New York Theological Seminary and served in temples in Seattle and Pomona as well as 29 years as an activist leader at Temple Israel in Westchester, New York. During the civil rights movement, the synagogue raised money to help rebuild the black churches that had been burned in the South and finance the van used by the Freedom Riders to tour the South. Michael marched with Martin Luther King Jr. in Selma, and expressed his convictions with these words: ''When I was ten years old I began sitting on the back seat of the bus with 'colored people.' I never returned to the front seat.''

After moving to Sonoma County with his wife Ruth, Michael served Shomrei Torah, and is credited with growing the congregation from 30 families to now the largest Jewish congregation (175) in Santa Rosa, CA. Retired since 1996, Rabbi Robinson holds the title of Rabbi Emeritus at both Temple Israel and Shomrei Torah.

In addition to promoting affirmative action, same sex marriage, affordable housing, and other equality issues, Michael has worked against nuclear war, apartheid, and all forms of injustice. He is known locally for his involvement in the Sonoma County Task Force on Homelessness, Children's Village, the Living Wage Coalition, Habitat for Humanity, the Sonoma County Peace and Justice Center, and the Sonoma Land Trust.

A founding Member of Angry White Guys for Affirmative Action in 1996, Michael's words still resonate: ''I hope that my anger will not dissipate until justice is done and every man, woman and child has equal access to all the privileges of a democratic society and receives equal respect.''

Michael is survived by his wife Ruth, his sister Leah Karpen, his daughters Jude and Sharon, and 3 grandchildren.

Mr. Speaker, I share Rabbi Michael Robinson's hope that we as a nation can become better people and create a just society. And I join with his family and friends in the belief that we can best honor his life by making the work of peace and social justice a priority in our own lives.

RECOGNIZING LIEUTENANT COLONEL RICHARD E. NICHOLS, JR.

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize LTC Richard E. Nichols, Jr. The Lieutenant Colonel is retiring from the United States Army after 24 years of distinguished service.

Lieutenant Colonel Nichols spent his early years growing up in the heartland of Kansas and Missouri. While attending Missouri Western State College in St. Joseph, Missouri, he made the decision to serve his country in the United States Army and was commissioned a Second Lieutenant in the Field Artillery in 1982. Upon graduating from Missouri Western State College in 1983 with a bachelor of science degree in business administration, Lieutenant Colonel Nichols served in the Kansas Army National Guard as the Reconnaissance and Survey Platoon Leader for the 2nd/130th Field Artillery Battalion in Hiawatha, Kansas.

Lieutenant Colonel Nichols went on to serve in various posts over the next 24 years. During his service he was assigned to C Battery, 1/76th Field Artillery, 3rd Infantry Division, in Bamberg, Germany, and as the commander of B Battery, 6th Field Artillery, which deployed in support of Operation Desert Shield/Desert Storm from 1989 to 1991. In these roles and under various posts in Kansas, Alabama, and Virginia, Lieutenant Colonel Nichols has earned numerous awards and decorations. Among these awards are the Meritorious Service Medal with four Oak Leaf Clusters, the Joint Service Commendation Medal, Army Achievement Medal, Army Superior Unit Award, the National Defense Service Medal with service star, Global War on Terrorism Service Medal, Armed Forces Reserve Medal, the Saudi Arabia Liberation of Kuwait Service Medal, the Emirate of Kuwait Liberation of Kuwait Service Medal, and the Overseas Service Ribbon.

Mr. Speaker, I proudly ask you to join me in recognizing LTC Richard E. Nichols, Jr., an outstanding leader in the United States Army. His years of service and dedication in protecting the freedom of the United States has been an inspiration to many. I commend him for his many years of service and I am honored to represent him and his family in the United States Congress.

COMMENDING THE INDUSTRIAL EMERGENCY COUNCIL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. LANTOS. Mr. Speaker, I rise to commend the invaluable services offered by the Industrial Emergency Council (IEC) in my district. I had the great honor recently to meet with this group and I was very impressed with their zeal and loyalty to the citizens of California. The IEC is a non-profit organization founded by several hardworking and dedicated constituents in the 1970s. They provide training and assessment programs that help prepare local businesses for emergency responses to industrial accidents and natural disasters. In a part of the country where earthquakes, flash floods and other disasters often have devastating effects, the IEC takes public safety seriously by educating at-risk federal, industrial, corporate and academic installations about the dangers they confront.

The Council is comprised of commendable and experienced membership. Its founder, James O'Donnell, served as Battalion Chief and Fire Marshall of the San Carlos Fire Department and is a leader hazardous materials planning. Other members include: John Paine, a consultant to the gas industry for over thirty years; Mark Green, the founder of an environmental consulting group; Paul Stanley, the facility manager for a large bay-area pharmaceutical company; Richard Foster, the former city manager for Foster City and Jack Leslie, former Battalion Chief of the Palo Alto Fire Department. These career professionals have pooled their respective knowledge and experience managing industrial hazards and now generously share their expertise on a volunteer basis.

In response to a variety of client needs, the IEC provides a wide array of services. They offer several specially tailored training services for employees, ranging from Emergency Medical training to Hazardous Materials and Waste operations. They help work with industrial facilities to assess the natural and technological risks to their operations. In addition, IEC assists clients in the execution of comprehensive action plans designed to address identified hazards.

IEC's vision was best realized in the formation of the San Mateo County Hazardous Materials Response Plan. In 1984, the Council organized a response unit to classify the actual and potential threats in the county. This unparalleled endeavor won national recognition as a commendably comprehensive plan, serving 18 separate jurisdictions in the state. Even though the industrial emphasis in my district has shifted towards biotech and hi-tech industries, the response unit remains important in dealing with hazardous materials,

To adjust to the emerging threats against our homeland security, the IEC organized a weapons of mass destruction exercise in early 2005, designed for first responders. Over 1000 members of law enforcement, fire and public works received vital joint training, which stressed information sharing among different personnel. The entire endeavor was hugely successful thanks to the unwavering enthusiasm of our dedicated public servants at the IEC.

I urge my colleagues to join me in commending the praiseworthy efforts of my fellow Californians at the Industrial Emergency Council who help protect us from the dangers we face every day.

RECOGNIZING SHERIFF RONNIE TOUNGETTE'S 26-YEAR SERVICE TO HUMPHREYS COUNTY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a local hero who has dedicated his life to making sure our community stays safe. After 26 years as Humphreys County Sheriff, Ronnie Toungette is retiring.

Toungette was born in Mt. Pleasant, Tennessee, grew up in West Nashville and later moved to Waverly, where he eventually became a sheriff's deputy. In 1980, he was appointed county sheriff, and the people of Humphreys County re-elected him to that position again and again.

Sheriff Toungette has been instrumental in cleaning up the numerous methamphetamine labs that have sprouted up as Humphreys County and other communities across the country have fought to control the spread of the dangerous drug. Humphreys County has been a leader in combating meth, and Ronnie's efforts on that front should not go unnoticed.

Toungette and his wife, Darlene, have five grown children, Ronnie, Jr., Stephanie, Shelly, Marcella and Amanda; and eight grandchildren, Matthew, Zachary, Scott, Trey, Tyler, Kirston, Kayla and Kylie.

Mr. Speaker, I rise today to congratulate Sheriff Ronnie Toungette on his retirement and thank him for his 26 years of service as the sheriff of Humphreys County. His tireless work has helped make our community a safe and secure place to live.

HONORING THE MEMORY OF RHETT PAYNE, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BONNER. Mr. Speaker, recently, south Alabama lost a dear friend, a man who was the epitome of a true southern gentleman, and I rise today to pay tribute to his memory.

Rhett Payne was a kind and gentle man. He was generous to a fault and good to the core. Moreover, he came from the era that Tom Brokaw has called ''the Greatest Generation.'' Mr. Rhett answered his country's call to service when World War II broke out—as so many other young boys did at that time—and he returned home a few years later to help make his beloved Jackson a better place to live.

He was a success in business, retiring as district manager for Liberty National Life Insurance Company after three decades of service.

Moreover, he was a winner in life, circling himself with numerous friends and confidantes who all enjoyed his sound judgment, wise counsel and his good humor.

Perhaps the ultimate feather in Mr. Rhett's distinguished cap was his beloved wife of 59 years, Jean, and their two sons, Rhett III and Bill, and the wonderful families they have helped to foster.

Mr. Speaker, there have been many tributes made to the life of Rhett Payne since his untimely passing but none, I think, captures his very essence as a good and decent man better than the article written by my friend, Jim Cox, publisher of the South Alabamian. With your permission, I would like to enter Jim's tribute to Rhett Payne at this time:

The fairways are lush and unbroken. The greens are like the felt atop a quality pool table. It is a perfect golf course . . . but perfect means there are even some challenging holes.

Bounding over the crest of the hill is a youthful Rhett Payne Jr. trailed by his good friend, an equally young and vigorous Bob Harper. They are having a great time. They should be. They are playing the ''Cloud 9 X 2'' course at No. 9 Heavenly Lane.

I smiled through my tears as I fancied the scene while the Rev. Rhett Payne III was speaking at his father's funeral Saturday at the First Presbyterian Church in Jackson where the senior Payne was a longtime member.

The image was prompted by the Rev. Payne's—''Little Rhett''—reference to his dad being buried with his favorite putter in his hands. He commented that the late Bob Harper, a good friend and longtime president of Merchants Bank, had nicknamed him ''Puttin' Payne.''

The senior Payne was a charter member of the Jackson Golf Course. He loved the game and a tournament was named in his honor in 1994.

For over 25 years, Rhett and Jean Payne have been a part of my life. Jean has worked with me and for me in the newspaper business. She's earned the nickname ''Aunt Jean,'' from a host of younger people she's come in contact with and influenced over the years, me included.

If she was an aunt, then Rhett was certainly a grand uncle, although the handle was rarely added.

Rhett Payne was a southern gentleman—courtly, well-mannered, and soft-spoken. He didn't gossip much and he rarely criticized or downgraded people.

His son and others commented on his constant and contagious smile and that, along with his sparkling eyes and easy laugh, is what I will remember about Rhett Payne Jr.

Rhett loved to laugh and have a good time. His laughs were not loud guffaws but soft chuckles. They were real and authentic, not put ons.

Rhett was of the ''Greatest Generation,'' a group of World War II veterans who served their country and the world honorably in a time of great crisis and then came home to work and help mold and develop communities. They are fast leaving us and their replacements are not of the same caliber.

By the time I really got to know Rhett, he was retired as a district manager for Liberty National Life Insurance. He had worked for the company for 3 decades.

By then, Jean and I were working together. I'd see him at the office and at office parties, and I visited him frequently in their home where I was always a welcomed guest.

Rhett was 88 when he died last week but I never thought of him as being old. While he and Jean were old enough to be my parents, I always thought of them more as peers and contemporaries than as ''old folks.''

Rhett III did a wonderful job Saturday eulogizing his dad. He stepped the congregation through the seasons and through amusing incidents that he and his younger brother, William McCrary ''Bill'' Payne, remembered of their growing up years with Rhett and Jean.

He detailed his parents' love and said they went out almost every Friday night, still ''dating'' to keep their love alive.

They were married for 59 years.

Jean and Rhett loved to dance. If you never saw them performing on the dance floor, you really missed something. Think of Fred Astaire and Ginger Rogers and you'll come close.

I was at some event, political or newspaper, I'm not sure, years ago and the Paynes were there, too. There was a band and a few couples were muddling through dances. I was at the back of the room when I noticed the crowd parting around the dance floor. I edged to the side of the group and there was Jean and Rhett. It was then that I really understood the phrase ''cutting a rug.'' They were having a ball. And so was everybody watching them.

Time is not important in Heaven. Rhett may be enjoying his golf game now but he will trade his golf shoes for his dancing shoes one day when he'll swing his beloved Jean out across a celestial dance floor.

Of course, we are in no hurry down here, Rhett. Enjoy your game!

Mr. Speaker, may the entire Payne family draw some comfort during their time of grief with the knowledge that their beloved husband, father and grandfather will be sorely missed.

COUNCIL OF KHALISTAN CONDEMNS BOMB BLASTS IN BOMBAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. TOWNS. Mr. Speaker, the Council of Khalistan has condemned the train bombings in Bombay this week. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, whom most of us know, said that ''this is a terrible incident and shameful for whoever carried it out. Terrorism is never acceptable.''

The attacks have been attributed to Lashkar-e-Taiba, a Kashmiri organization. One thing you have to say about Lashkar, though: normally, they take responsibility for what they do. But as Dr. Aulakh pointed out, they have not done so in this instance and the attack fits the pattern of the kinds of attacks carried out by the Indian government and its operatives, which the Council of Khalistan details in the release. These include the Air India bombing, the many attacks on Christian groups, the Gujarat massacre, and the fact that as the Washington Times reported, India is sponsoring cross-border terrorism in Sindh. These are not the acts of a responsible democracy.

This kind of activity is the mark of a terrorist state, Mr. Speaker. If we are serious about fighting terrorism, we should stop our aid and trade with India and we should support a free and fair plebiscite in the minority nations that seek their freedom in South Asia.

COUNCIL OF KHALISTAN CONDEMNS TRAIN BOMBINGS

WASHINGTON, DC., July 12, 2006—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the train bombings in Bombay in which 190 people were killed and over 660 were injured.

''This is a terrible incident and shameful for whoever carried it out,'' Dr. Aulakh said. ''Terrorism is never acceptable.'' He endorsed the request to donate blood for the victims. ''We should join together to take care of the people who were victimized by this brutal attack,'' he said. The Council of Khalistan leads the peaceful, democratic, nonviolent movement to liberate Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. Dr. Aulakh was interviewed on WRC-TV Channel 4 news in Washington yesterday about the bombings. Dr. Aulakh noted that the first-class cabins were bombed. ''This is where the rich people hid,'' he said. No one has taken responsibility for the attack, although the Indian government has blamed the Kashmiri organization Lashkar-e-Taiba.

''This is the kind of thing the Indian government is quite capable of carrying out itself,'' Dr. Aulakh said. He noted that the book Soft Target shows how the Indian regime bombed its own airliner in 1985, killing 329 innocent people, to justify further repression against the Sikhs. The flight was bound for Bombay. The book quotes an investigator from the Canadian Security Investigation Service as saying, ''If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.'' The book shows that within hours after the flight was blown up, the Indian Consul General in Toronto, Surinder Malik (no relation to Ripudaman Singh Malik), called in a detailed description of the bombing and the names of those he said were involved, information that the Canadian government didn't discover until weeks later. Mr. Malik said to look on the passenger manifest for the name ''L. Singh.'' This would turn out to be Lal Singh, who told the press that he was offered ''two million dollars and settlement in a nice country'' by the Indian regime to give false testimony in the case.

India fomented and pre-planned the massacre of Muslims in Gujarat, according to a police officer who was quoted in the newspapers. Government forces were caught red-handed in a village in Kashmir, trying to burn down the Gurdwara (Sikh place of worship) and some Sikh homes, to blame the Muslims. Two independent investigations, one carried out jointly by the Movement Against State Repression (MASR) and the Punjab Human Rights Organization and the other carried out by the International Human rights Organization of Ludhiana. both concluded that Indian troops carried out the massacre of 38 Sikhs in Chithlsinghpora. Both former President Bill Clinton, in his introduction to Madeleine Albright's book, and New York Times reporter Barry Bearak came to the same conclusion. The killers dressed as ''militants'' but spoke to each other in the language of the Indian army. This is just one of many incidents where the Indian army or its paid ''Black Cats'' paramilitary have been caught carrying out terrorist incidents while trying to create the impression that they were alleged ''militants.''

The Indian newsmagazine India Today reported that the Indian government created the Liberation Tigers of Tamil Eelam, identified by the U.S. government as a terrorist organization. The January 2, 2002 issue of the Washington Times noted that India sponsors cross-border terrorism in Sindh. The Indian newspaper Hitavada reported that India paid the late governor of Punjab, Surendra Nath, $1.5 billion to foment and support covert state terrorism in Punjab and Kashmir.

A report issued by MASR show that India admitted that it held 52,268 political prisoners under the repressive ''Terrorist and Disruptive Activities Act'' (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners. The MASR report quotes the Punjab Civil Magistracy as writing ''if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]'' The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

Government-allied Hindu militants have burned down Christian churches and prayer halls, murdered priests, and raped nuns. The Vishwa Hindu Parishad (VHP) described the rapists as ''patriotic youth'' and called the nuns ''antinational elements.'' Hindu radicals, members of the Bajrang Dal, burned missionary Graham Stewart Staines and his two sons, ages 10 and 8, to death while they surrounded the victims and chanted ''Victory to Hannuman,'' the Hindu monkey-faced God. The Bajrang Dal is the youth arm of the RSS. The VHP is a militant Hindu Nationalist organization that is under the umbrella of the RSS.

''Only in a free Khalistan will the Sikh Nation prosper and get justice,'' said Dr. Aulakh. ''This is the only issue. India is a terrorist state in which we will never escape from the repression and tyranny.'' he said. ''It is time to liberate Khalistan so that the Sikh Nation can live in freedom, security, prosperity, and dignity,'' he said. ''Remember the words of former Akal Takht Jathedar Professor Darshan Singh: 'If a Sikh is not a Khalistani he is not a Sikh.' The only way we can escape the terrorism and repression is to free Khalistan. Khalistan Zindabad.''

IN RECOGNITION OF CAPTAIN RONALD CHASTAIN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay special recognition to Air Force Captain Ronald Chastain, a native of Jacksonville, Alabama and the son-in-law of a long-time colleague of mine who was recently honored for saving a man's life.

On May 29th, Captain Chastain, an Air Traffic Control specialist stationed in Okinawa, Japan, was on his way to welcome home a fellow airman returning from Iraq when he noticed a vehicle that had crashed and caught fire. He, and two other men, acted quickly and risked their own lives to pull the victim from his burning car. Their heroism helped save the victim's life, and on June 15th, the Okinawa Prefectural Police Department held a ceremony in Chastain's honor for his actions.

A graduate of Jacksonville High School, Chastain is fulfilling his dream of seeing the world and serving his country. He is guided by God's grace and love for his family. He said his wife, Susan, and sons, Hayden and Caleb, were in his thoughts as he worked to rescue the man from his burning car that dark and rainy night.

I salute Captain Ronald Chastain for working to save this man's life, for his continued efforts to serve and protect our country, and for helping serve as a role model for us all.

IN RECOGNITION OF MARION PAUL SANCHEZ, SR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American, Marion Paul Sanchez, Sr. June 2, 1922–May 27, 2006. I honor him today for his service in the United States Navy during World War II and his dedication to his family.

Mr. Sanchez served on the USS *Kula Gulf* CVE 108 during World War II. The USS *Kula Gulf* was commissioned on May 12, 1945 and on August 5 was assigned to the 7th Fleet in the Western Pacific. The *Kula Gulf* patrolled the East China Seas, shuttled planes between Saipan and Guam, and transported veterans of the Pacific Theater around the region and back to the United States.

After returning from the war, Mr. Sanchez married MaryAnn Del Razo in 1948 and began what would become a 59-year marriage. Mr. Sanchez decided to follow in his father's footsteps and began a career in agriculture, where he spent 50 years growing produce in California's Central Valley. Over the course of his career he employed hundreds of workers and grew cotton, tomatoes, lettuce, garlic, asparagus, cantaloupes, bell peppers, alfalfa, prunes, grapes, sugar beets, and corn.

Farming allowed Mr. Sanchez to pursue his true passion in life, which was raising his family. He had four boys; Theodore, Richard, Ronald, and Marion. Through the years, the Sanchez family has grown, and Mr. Sanchez became the proud grandparent to 11 grandchildren and 5 great-grandchildren. Mr. Sanchez took great pride in his family and loved spending time with his grandchildren and great-grandchildren.

Mr. Sanchez was an avid golfer and played 18 holes, 2 days a week, until his passing in May of 2006. Mr. Sanchez's approach to the game of golf illustrates his approach to life. He was dedicated to the game, always willing to try new things, and never let a bad round affect the next.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Marion Paul Sanchez, Sr. for his service to our Nation and dedication to his family.

IN RECOGNITION OF SERGEANT RON LOMPART

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in recognition, and with thanks, for the 31 years of exemplary service Police Sergeant Ron Lompart has given to the City of Simi Valley, California.

Ron's last day as a Simi Valley police officer is tomorrow. He began his career as a Simi Valley police officer fresh out of the academy just 4 years after the city incorporated.

They matured together.

They matured well.

Mr. Speaker, Simi Valley is my home. I served as mayor there for 7 years before being elected to Congress. I am proud of the fact that Simi Valley is routinely recognized as one of the safest cities in the United States. That recognition is in large part due to the caliber of the men and women of the Simi Valley Police Department.

That being true, Ron Lompart is largely responsible for the high caliber of the men and women who serve the Simi Valley Police Department. Ron is responsible for overseeing the training of new officers as one of the department's two Field Training Program Sergeants. He also is a patrol supervisor, overseeing the daily actions of both rookies and veterans alike.

Ron's career parallels his dual dedication to both the City of Simi Valley and the men and women with whom he serves. After 6 years as a patrol officer, Ron was promoted to sergeant in 1981. He served with distinction on the department's SWAT team for 10 years and worked as a Rangemaster and Participative Management Team member. In addition, Ron represented the department's rank-and-file as a board member of both the Simi Valley Police Officers' Association and the Peace Officers Research Association of California.

After 31 years in a police uniform—after 3 years in a U.S. Army uniform—Ron looks forward to spending time as a civilian with his wife, Cindy, and their three children, doing a bit of hunting and perhaps some cruising.

Mr. Speaker, I know my colleagues will join me in thanking my friend Ron Lompart for his decades of service to the City of Simi Valley and his country, and in wishing him Godspeed in his retirement.

HONORING TIM FRIEDMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. WAXMAN. Mr. Speaker, we don't recognize often enough the talented and dedicated individuals who are critical to the operations of the House of Representatives. They safeguard our traditions and keep our great institution functioning. Tim Friedman is one of these essential individuals. I can't remember the House of Representatives without him and will miss him when he retires.

Tim arrived in 1976 during my first term in Congress. He has been an invaluable part of the House during his exceptional service. Tim started in the Doorkeeper's Office and then worked as an Assistant to the Sergeant of Arms. But I'm sure most of my colleagues, like me, remember his work in the Democratic Cloakroom best.

Tim has put the institution of the House first and has done all he can to help Members and staff do their jobs the best way possible. Now it's time for him and his wife Colleen to take a well-deserved break and play golf the best way possible. And, although their new home will be North Carolina, they'll keep an eye to the north and spend a good amount of their time off the links cheering the New York Yankees and Buffalo Bills on to greatness.

We will miss Tim greatly and will remain indebted to him for making the House of Representatives a better institution.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–127)

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to express my extreme disappointment with the President's decision to use his veto power to reject the Congress's will to see H.R. 810, the Stem Cell Research Enhancement Act, become public law, and I stand in support of millions of Americans who will benefit from the promises of embryonic stem cell research. Each year, I meet several hundred, perhaps thousands, of constituents who share with me how Federal support of embryonic stem cell research could vastly change their lives. There are a few constituents in particular who stand out on this issue. Late last year, Maddie and Tommy Poulin, just 4 and 5 years old, traveled from Rhode Island to Washington. These two young children talked with me about what their life is like with Type I Diabetes. In a journal they left with me, Maddie included an entry that said, ''I really hope you can help us find a cure, we're not asking for a lot, we just want to live without needles.''

Stem cell research also holds promise for those suffering from Parkinson's disease, like my good friend, and the distinguished Senator from Rhode Island, Claiborne Pell. Senator Pell's contributions to our country are too numerous to list, but I know his legacy is honored everyday when individuals are able to attend college with the assistance of a Pell Grant. He stood up for those without a voice for over 35 years, and now it is time for us to stand up for him.

Sue Sgambato, a cancer survivor living in Rhode Island, visits my office regularly to advocate on behalf of patients in our State. Rhode Island has one of the highest rates of cancer in the Nation, and stem cell research may provide clues on how to beat this devastating disease. I cannot and will not stand by and let one more person be diagnosed with cancer, Alzheimer's, Lou Gehrig's disease, or multiple sclerosis without holding the President responsible for his action today.

It is absolutely tragic that President Bush has used his very first and only veto on an issue of such importance to American families. Every family in America has a loved one who is suffering from a disease that could benefit from the advances of stem cell research. This veto is only the latest action that President Bush has taken against medical research. He has also level funded the National Institutes of Health, and cut programs at the Centers for Disease Control and Prevention (CDC), limiting our Nation's ability to find better treatments and cures for diseases.

President Bush had a choice today, and he chose politics over people. I want to assure my friends in Congress, as well as the people of the First District of Rhode Island, that today's veto is not the end to this debate, it is only the beginning. Congress has voted overwhelmingly in support of stem cell research, and this bill remains a top priority for a majority of elected officials. I promise that I will continue to do everything within my power to get this legislation back to the President's desk, and to get this language into our public law. We will be back, and we will succeed.

TRIBUTE TO SARAH JORDAN-HOLMES

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Sarah Jordan-Holmes, an incredibly gifted leader and fundraiser who put her talents, her heart and her faith into improving our community.

As President and CEO of Prevent Blindness Florida for 15 years, Sarah raised millions of dollars, won over countless supporters for its mission and brought national attention to the organization. Through her work, Prevent Blindness Florida earned Tampa Bay Business Journal's ''Non-Profit of the Year Award'' in the area of Health Services, and Sarah earned the Association of Fundraising Professionals Lifetime Achievement Award.

Prevent Blindness Florida was not the only worthy cause that was blessed to count Sarah as an advocate. She led fundraising campaigns for the Florida Museum of Science and Industry, the YMCA and the University of South Florida. In addition, Sarah was active in a host of other local community, charitable and professional organizations.

Sarah's tireless work on behalf of the organizations she championed was deeply rooted in her faith and dedication to serve others. She served as a senior warden and vestry member of the St. James House of Prayer Episcopal Church, president of the board of trustees for the Southwest Florida Episcopal Church Foundation, member of the Diocesan Standing Committee and participant in the Cursillo Movement.

It is no surprise that Sarah was so successful in her lifetime. She was a natural leader, a role model for everyone she met and a genuine go-getter. Sarah's faith and inner strength helped guide her through her long struggle with cancer—a challenge she faced with great dignity. During her lifetime, cut short by cancer, Sarah lived life to its fullest and gave to her family, friends and thousands of others to a point few people achieve in their lifetimes. Her powerful example will inspire many in our community and state for generations.

Among all her accomplishments, Sarah was most proud of her role as wife and mother. I would like to extend my deepest sympathies to her family for their loss. May they find comfort in Sarah's legacy—her contributions to our community will not be forgotten.

AUGUST AS PSORIASIS AWARENESS MONTH

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BLUMENAUER. Mr. Speaker, in recognition of the National Psoriasis Foundation and of August as Psoriasis Awareness Month, I would like to bring attention to this often overlooked and serious disease that affects as many as 7.5 million Americans. Psoriasis is a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. Ten to 30 percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. Psoriasis is widely misunderstood and undertreated. In addition to the pain, itching and bleeding caused by psoriasis, many affected individuals also experience social discrimination and stigma. Many people mistakenly believe psoriasis to be contagious. Psoriasis typically strikes between the ages of 15 and 25 and lasts a lifetime. As such, psoriasis and psoriatic arthritis impose significant burden on individuals and society; together they cost the nation 56 million hours of lost work and between $2 billion and $3 billion in treatments each year.

I am pleased that the 89,000 affected Oregonians have access to the knowledgeable support offered by the Oregon affiliate of the National Psoriasis Foundation. Support group interaction and discussion provides individuals affected by this debilitating disease with much-needed comfort, assistance and resources. The work of the support groups in Oregon is invaluable, and I commend the efforts of those involved.

I thank the National Psoriasis Foundation for all of its efforts and leadership over the last 38 years. This year, the National Psoriasis Foundation had nearly one hundred participants join in its Capitol Hill Day to elevate awareness and understanding of psoriasis and psoriatic arthritis and have policymakers take action to address access to care and boost the nation's research efforts.

CONGRATULATING MAJOR PHILLIP GARRETT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BONNER. Mr. Speaker, I rise today to congratulate Major Phillip Garrett on his newest posting as Chief of Police of Mobile, Alabama.

Major Garrett was born on December 26, 1950, in Prentiss, Mississippi. His education and specialized training is extensive, including attending the 194th session of the FBI Academy and receiving a bachelor of science degree from Troy State University in Criminal Justice Administration. He has served on the Mobile Police Department for 33 years, starting his career as a patrol officer. Since 1999, Garrett has served as head of the department's Community Services Division.

Major Garrett has received many commendations and recognitions, including the Chief's Commendation from Chief Sam Cochran, the Life Saving Award from the Mobile Police Department, and the Medal of Valor from the Mobile Police Department. He has also been recognized for his outstanding performances on Competitive Promotional Exams, and in 2004, he was recognized as the top scorer on the Competitive Promotional Exam for Major.

Garrett is considered an innovator amongst his colleagues and has worked to improve relationships between officers and the community. He served on the Envision Coastal America Steering Committee, the Underage Drinking Taskforce, and the Clean Start Pre-natal Substance Abuse Committee. He is also a member of the board of directors for Camp Rap-A-Hope, a children's oncology summer camp. Major Garrett is married to Tammy Smitherman and has three children: Phillip M. Garrett, Jr., Sergeant Matthew Ryan Garrett of the Mobile Police Department, and Kendall W. Smitherman.

Mr. Speaker, it is my great honor to recognize Major Phillip Garrett and commend him for his hard work and this well-deserved appointment as Chief of Police of Mobile, Alabama. I know Major Garrett's family and friends join me in praising his accomplishments and extending thanks for his efforts on behalf of the citizens of Mobile.

REPRESSION IN INDIA EXPOSED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. TOWNS. Mr. Speaker, the London Institute of South Asia recently published an edition of its Journal. It included many excellent articles on the plight of minorities in India. There were articles about the Sikhs, Dalits, Muslims, and others. A writer named Tim Phares wrote a very comprehensive article on the subject that I would like to share with my colleagues.

He took note of the plight of the Sikhs, the Dalits, the Muslims, the Christians, and other minorities in India. He noted that Christians have become ''the targets of choice.'' He noted that the Indian constitution bans the caste system but it remains in place, a vehicle of oppression of minorities. He reported that India's constitution denies people their fundamental right of self-determination. That is the essence of democracy, Mr. Speaker. I don't know how a country can call itself democratic when it denies people such a fundamental democratic right.

The article takes note of the Rashtriya Swayamsewak Sangh (RSS), formed in support of the fascist movement, publishing a booklet on how to frame Christians and other minorities in fake criminal cases. It comments on anti-conversion laws. It details some of the violence that has come about due to such laws. Shouldn't a person's religion be a fundamental freedom, Mr. Speaker?

The article notes the studies that have been done on the massacre in Chithisinghpora in which at least 35 Sikhs were murdered. It notes that they have come to the common conclusion that the Indian government's forces carried out this massacre. It notes the government's involvement in the Gujarat massacres. The article does an excellent job of detailing incident after. incident of repression against minorities in India.

Mr. Speaker, we must do what we can to support freedom throughout the world. It is time to stop our aid and trade with India until it stops being the repressive regime that it is and starts being the democracy that it says it is. We should declare our support for a free and fair plebiscite in Khalistan, Kashmir, Nagalim, and everywhere people are seeking their freedom in South Asia.

[From the Journal of the London Institute of South Asia, July 2006]

REPRESSION IN INDIA

(By Tim Phares)

It is not safe to be a minority in India. As U.S. Congressman Dana Rohrabacher (R–Cal.) pointed out, if you're a Sikh, Muslim, Christian, or other minority, ''India might as well be Nazi Germany.'' While democratic elections occur, they have little effects on minorities except to change the faces.

India has committed or allowed to be committed numerous actions against people (men, women and children) within its borders, actions that, if committed against Americans anywhere would be condemned by us as terrorism.

In India, the overwhelming issues are caste and religion. The caste system defines the rights that people enjoy based on a system of social stratification founded on ancestry and occupation. Unless you are born a Brahmin or other upper-caste Hindu, you are a slave in India. The term Brahmin, for all practical purposes. incorporates all the Hindu upper-castes of India. The Brahmins claim that they were are the ''chosen people of God.'' Brahmins believe that whatever exists belongs to the Brahmin.

Under BJP rule, a new term—Hindutva—came into use that bundled all the peoples of India (except those of foreign faiths—Christians Muslims and Parsis) into the fold of Hinduism. A Cabinet member in the previous government led by BJP was open about it. He said that in India, either you must be a Hindu or you are subservient to Hinduism. Despite the fact that India's constitution bans the caste system, it remains the foundation of Hinduism and the Hindu supremacist system.

India's constitution ignores that India is many nations brought together only under foreign imperial rule and denies its peoples their right to self-determination as recognized under International Law.

The target of choice these days seems to be the Christians. Indian Christians have faced many hardships. Christians in India report that they or fellow believers have faced threats, physical attacks, and jail time for sharing their faith. Baptisms, in particular, became a significant challenge for local churches. Under the anti-conversion laws, anyone who chose to become baptized was legally obligated to seek permission from the government, as well as provide them with the name of the person performing the baptism. Fearing repercussions, many new Christians did not make this outward profession of faith until after the laws were repealed.

Human-rights organizations report that more than 300,000 Christians in Nagaland have been killed by the Indian government. In addition, tens of thousands of Christians have been killed throughout the country. Priests have been killed, nuns have been raped and forced to drink their own urine, churches have been burned, Christian schools and prayer halls have been attacked. No one is ever punished for these activities.

In 2002, the Associated Press reported an attack on a Catholic church on the outskirts

of Bangalore in which several people were injured. The assailants threw stones at the church, then broke in, breaking furniture and smashing windows before attacking worshippers. The February 25, 2002 issue of the Washington Times reported another church attack in which 20 people were wounded. Earlier that month, two church workers and a teenage boy were shot at while they prayed. The boy was injured. Two Christian missionaries were beaten with iron rods while they rode their bicycles home. A Christian cemetery in Port Blair was vandalized. Indian police broke up a Christian religious festival with gunfire.

The Hindu militant Rashtriya Swaysmsewak Sangh (RSS), of which all the leaders of the BJP and its various allies and factions are members (founded in support of the Fascists in Italy), published a booklet on how to file false criminal cases against Christians and other religious minorities.

The attacks on Christians continue and the oppression of Christians that has been going on since Christmas 1998 is unabated. In fact, the atrocities have been increasing in the past year. According to Rev. Dave Stravers, President of Mission India, ''There is no question that extremists are trying to instill fear in Christians. They want to make Christians afraid to assemble or share their faith.'' These Hindu militants accuse Christians of forcibly concerting people, then they forcibly reconvert them to Hinduism.

Several Indian states have passed laws forbidding anyone to convert to any religion other than Hinduism. These laws range from requiring a government fee for converting to forcing Dalits to appear before a magistrate and prove a level of education before converting. They often restrict the religious speech of minority believers as those of a certain income or education level are prohibited from discussing religious matters with uneducated, poor Dalits.

On January 28, 2006, a group of Christians in Madhya Pradesh were engaged in prayer. A mob of Hindu militants stormed the hall, a private facility, and severely beat eight Christians. Five of them are still in the hospital as of this writing. The attack appears to be premeditated. The attackers burst in and knew precisely where to go. They arrived on motorbikes, broke windows, and forced the doors open.

On December 29, 2005 a landmine was planted in the Lengjen (Ngarichan) Committee Hall in Tamenglong District which is a Naga inhabited area in the state of Manipur. The land mine exploded when the children of the village went and played at the hall. One 12-year-old boy died in the hospital. Another boy's limb was ripped off and several others were seriously injured.

On November 4, 2005, a Hindu mob attacked Pastor Feroz Masih of the Believers Church of India. He was threatened with death and arson. After beating Pastor Masih, the Hindu militants told him that unless he and his 60 church members took part in a reconversion, they would be burned to death.

Australian missionary Graham Staines and his two young sons, ages 8 and 10, were burned to death while they slept in their jeep by a mob of Hindus chanting ''Victory to Hannuman,'' a Hindu god with the face of a monkey. Staines's widow was expelled from the country, but only one person was ever brought to trial for the Staines murder.

American missionary Joseph Cooper was beaten so badly that he had to spend a week in an Indian hospital. Then he was expelled from India. No one has ever been brought to justice for Cooper's beating.

The missionaries are having a good deal of success in converting members of the lower castes, especially Dalits, also known as ''Untouchables.'' This removes the lower-caste people from the stratification of the caste system, which is essential to the Hindu religion and its social structure. Recently, in response to the history of caste and its problems, hundreds of thousands of Indians, Dalits particularly, have turned away from Hinduism to join other religions such as Christianity, Buddhism, and Sikhism. This practice created a backlash from a sizeable portion of the Indian population.

Even though they are officially considered Hindus, the Dalits may be the most oppressed people on Earth. The 250 million lower castes include 170 million people called the Scheduled Castes (Untouchables) and 70 million people called the Tribals. Both are looked upon by upper-caste Hindus as less than human and to touch a Dalit renders a person himself ''Untouchable.'' They are called impure, they are shunned, they are banned from Hindu temples, and they are considered to be so low on India's social scale that they are outside of the caste system.

The Untouchable Dalits and Sudras (another low caste) make up 70 percent of the population of India. Most live in very impoverished conditions. At least half the population of India lives below the international poverty line. Forty percent live on less than two dollars per day.

A few years ago, a Dalit girl was hit across the eyes and blinded by her teacher. Her crime had been to drink from the community water pitcher. A Dalit constable took shelter in a Hindu temple one day, only to be stoned to death by the upper-caste Hindus there. Discrimination against Dalits includes education inequality, economic disenfranchisement, religious discrimination, a poor system of medical care, and targeted violence against women. Dalit students are often denied the opportunity to receive the public education guaranteed by the Indian constitution. Rape is widespread and massively underreported.

On August 31, 2005, upper-caste villagers in the village of Gohana burned more than 60 Dalit residences, driving over 2,000 Dalit families out of Gohana. In 1998, a judge in Allahabad cleaned the courtroom with blessed water from the Ganges River because it was previously occupied by a judicial officer belonging to a Scheduled Caste.

When Dalits are walking in the presence of a Brahmin, they can be beaten or killed with impunity. Under strict interpretation of the caste system, Dalits are obligated to perform certain manual duties for upper-caste families without compensation. These duties include cleaning latrines, skinning dead animals, and crafting leather shoes, and other menial tasks.

The Sikhs are also highly victimized by the Indian government. Over 250,000 Sikhs have been killed since the military attack on the Golden Temple in June 1984, according to the book The Politics of Genocide by Inderjit Singh Jaijee. The figures were compiled by the Punjab State Magistracy, which represents the judiciary of Punjab. A report issued by the Movement Against State Repression (MASR) showed that India admitted to holding 52,268 political prisoners. Amnesty International reports that tens of thousands of other minorities are also being held as political prisoners. How can a democracy hold political prisoners?

According to many reports, some of these political prisoners have been in custody for almost two decades. Amnesty International reported last year that tens of thousands of minorities are being held as political prisoners. These prisoners continue to be held under a law called the ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995. It empowered the government to hold people virtually indefinitely for any offence or for no offence at all.

In June 2005, at the observance of the Indian government's 1984 military attack on the Golden Temple, a group of Sikhs marched, then made speeches in support of independence for Khalistan, the Sikh homeland that declared its independence on October 7, 1987, and hoisted the Sikh flag. For this they were arrested. This follows the arrest of 35 Sikhs in January 2005, when they made speeches and raised the Khalistani flag at a Republic Day event. Some of the leaders were held for 50 days without trial.

MASR also co-sponsored with the Punjab Human Rights Organization an investigation of the March 2000 massacre of 35 Sikhs in the village of Chithisinghpora in Indian Kashmir on the eve of the visit of President Clinton to India. It concluded that Indian forces carried out the massacre. The apparent intent was to make use of the presence of the world press to blame Muslims for massacre and vilify the resistance to the occupation of the state by India. A separate investigation conducted by the International Human Rights Organization came to the same conclusion. So did reporter Barry Bearak of the New York Times magazine.

Recently in the state of Uttaranchal Pradesh, Sikh farmers were forced out of their farms, which were bulldozed, and they were thrown out of the state. They received no compensation and have nowhere to go to find roof over their heads or livelihood for their families. The truth is that discrimination against and oppression of minority faiths is so widespread that it draws little attention within or outside India. Although outsiders are allowed to buy land in the Punjab, Sikhs cannot buy land in neighbouring Rajasthan and Himachal Pradesh. This discriminatory policy prevents Sikh farmers from making a living. It has impoverished them forcing many to migrate overseas.

About 50,000 Sikhs were ruthlessly killed by the Punjab Police and their bodies were secretly disposed of to hide the crime. Young Sikhs were abducted, tortured and killed in Police custody. Their bodies were then declared ''unidentified'' and cremated incinerating all proof of the Indian State's barbarity. Countless bodies were consigned to the canals which abound in the Punjab. The secret cremation policy was exposed by human-rights activist Jaswant Singh Khalra who was arrested for publishing his report and was murdered while in police custody.

Narinder Singh, a spokesman for the Golden Temple, the seat of the Sikh religion, was interviewed in August 1997 by National Public Radio. He told his interviewer, ''The Indian government, all the time they boast that they are secular, that they are democratic. But they have nothing to do with a democracy, nothing to do with secularism. They just kill Sikhs to please the majority,''

The Indian government has murdered over 300,000 Muslims in Kashmir. They have sent over 700,000 troops to suppress the people of Kashmir.

On February 27, 2002, a fire on a train in Godhra in Gujarat killed fifty-eight passengers, among them fifteen children. This gave rise to massacres in which 2,000 to 5,000 Muslims were murdered. According to a policeman in Gujarat who was quoted in an Indian newspaper, the government pre-planned the massacre. In an eerie parallel to the Delhi massacre of Sikhs in November 1984, the police were kept from intervening.

In a 70-page report on the massacre, Human Rights Watch reported that not a single person has been convicted in these massacres. More than one hundred Muslims have been charged under India's much-criticized Prevention of Terrorism Act (POTA) for their alleged involvement in the train massacre in Godhra. No Hindus have been charged under POTA in connection with the violence against Muslims.

In Lunawade village in Panchmahal district of Kashmir, during the last week of December 2005, a mass grave was discovered. It contained the bodies of at least 26 victims of the Indian government's pogrom against the Muslims. Their crime? The Kashmiri people were promised a referendum on their status in 1948, but that vote has never been held. In 1989, when all hope of that promise being fulfilled had evaporated, violent resistance began that is being ruthlessly crushed resorting to pogroms and genocide that has led to 100,000 resistance fighters being killed by the Indian military.

The Sikhs were promised their own sovereign state by the leaders of the Congress Party (which rules India today) in exchange for their active support to the freedom movement led by it. The Sikhs have continued to press that the promise be kept. Their representatives did not sign and endorse the Indian constitution for it did not fulfill that promise. Instead of respecting ''the glow of freedom'' that Nehru and Patel promised to the Sikhs, the government declared them a ''criminal class'' as soon as the ink was dry on the constitution. It is because of betrayal of such promises that currently there are 17 freedom movements going on within India's borders.

Some Members of the U.S. Congress have called for sanctions against India and for an end to American aid. Some have also endorsed self-determination for the peoples seeking freedom from India through a plebiscite on independence. The Indian government's negotiations with the freedom fighters in predominantly Christian Nagaland have taken a turn for the worse lately, as the ceasefire there has been called off. Former Home Minister L.K. Advani said that once Kashmir achieves freedom. it will cause India to break apart. The truth is India can only survive if it conceded the right of self-determination to those areas where peoples have been betrayed. India must fulfill its promises to the people of Punjab, Khalistan (the Sikh homeland), predominantly Christian Nagaland, predominatly Muslim Kashmir, and the tribal peoples of Assam.

India clearly has a problem with its untouchables who are a majority in many states of India. It has failed to assimilate or integrate them. Since they do not belong to a single race, caste or religion, they are increasingly drawn towards Christian egalitarianism to throw off the yoke of slavery imposed by the caste system. I believe that those who ignore the oppression of the low castes and foreign faiths in India and declare India a 'natural ally' and the friendship of the 'biggest democracy' a state objective of the U.S., do not understand India at all. They help perpetuate systematic oppression and humiliation of a vast segment of humanity—700 million people—who have nothing, not even hope for anything. Even if India continues to make rapid economic rise as it is doing, this segment of humanity would be completely bypassed.

CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION ACT

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. BACHUS. Mr. Speaker, I thank the leadership, Chairman POMBO, Subcommittee Chairman GILCHREST and Ranking Member PALLONE for allowing the House to consider this legislation. The bill before us today, H.R. 4947, represents a 2nd major step by this Congress in protecting and preserving one of the most biologically diverse areas of the United States.

In 2000, I introduced the legislation that created the Cahaba River National Wildlife Refuge. That bill passed this Congress and was signed into law. Since that time, each year the Appropriations Committee has dedicated funding for land acquisition. The initial 3,500 acres authorized in that bill have been completely purchased by the U.S. Fish and Wildlife Service.

The strong support of local elected officials and property owners, coupled with that of many environmental organizations such as The Nature Conservancy, The Cahaba River Society, and The Land Trust has fostered plans to expand the existing boundaries of The Cahaba River National Wildlife Refuge.

Alabama is the 5th most biologically diverse State in the country, but it also has the unfortunate distinction of being the most extinction-prone State in the continental United States, with at least 98 species extinct. The Cahaba River basin alone supports 69 rare and imperiled species. The river is recognized nationally for its unique biological diversity; the Cahaba Shiner, a federally endangered species is just one of more than 131 species of fish that call the Cahaba home. That is more species of fresh water fish than inhabit the entire State of California. The Cahaba's wealth of fish species is greater than any other river of its size in North America.

The Cahaba River also harbors the world's largest population of the imperiled shoals lily, known locally as the ''Cahaba Lily.'' Recently a population of Cahaba pebble-snails was discovered in the refuge. Once thought to be extinct, this marked the first time this species had been seen since the 1960s, an accomplishment that can be attributed to the protection offered by the Cahaba's designation as a Wildlife Refuge.

The proposed expansion of the Cahaba River National Wildlife Refuge would:

Increase direct protection of the banks of the mainstem Cahaba River from the current 3.5 miles to approximately 8 miles, thereby giving additional protection to additional large populations of the globally imperiled shoals spider lily (aka Cahaba lily), and many other rare species.

Provide large enough areas of forest to support viable breeding populations of declining Neotropical migratory birds, both in the longleaf pine forests (e.g. Northern Bobwhite Quail, Brown-headed Nuthatch) and in hardwood forests (e.g. Swainson's Warbler, Louisiana Waterthrush, Acadian Flycatcher).

Provide significant increase in public access to the Cahaba River for canoeing, fishing and other riverine recreational activities.

Provide a significant increase in acreage available to the public for hunting, hiking, birding and other outdoor wildlife-based activities (Alabama has only about 3 percent public land, less than most other States in the Nation).

Provide a significant boost in revenue to Bibb County, one of the poorest counties in the Nation. Due to low prevailing property tax rates, the revenue to the County coffers from the Federal Refuge Revenue Sharing Program (payments in lieu of taxes) have averaged about $6 per acre per year (versus a yield of about $1 per acre per year as privately owned timberland).

H.R. 4947 authorizes the U.S. Fish and Wildlife Service to purchase up to an additional 3,600 acres of land and waters. This would double the number of protected acres of the Cahaba, all of which will be purchased from willing sellers. Protecting the land upstream from the original refuge will add to the buffer zone needed to shield this critical habitat and watershed.

The bill before us will help protect one of the greatest natural treasures in my State of Alabama and I urge a ''yes'' vote.

JUMPSTART'S READ FOR THE RECORD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. WILSON of South Carolina. Mr. Speaker, literacy development begins at the early stages of a child's life and is the building block to future success. If we as a nation want to enhance our competitive edge in the global marketplace, we must ensure that our children have the basic reading skills to become successful in the classroom and later in the workplace.

On August 24, 2006, people around the country will participate in Jumpstart's ''Read for the Record.'' This unique event will attempt to set the world record for the number of children reading a single book, or being read to, and at the same time allow people of all ages to work together in overcoming the school readiness issues facing our country.

This reading experience will use one of the best known child motivational stories ever produced—The Little Engine That Could. In honor of this day, a special edition of the story was created to include proven reading techniques to help our children grasp core reading foundations. This custom edition was funded solely by a private company dedicated to reading excellence.

Mrs. Laura Bush is the Honorary Chair of Jumpstart's ''Read for the Record'' project. As a former teacher, Mrs. Bush understands the need for strong reading development.

Demonstrating this project's importance, NBC's Today Show will host a special segment to cover proven reading techniques. Matt Lauer will then read this classic book to children.

I would like to thank Principal Mary Ellen Parks Shell Point Elementary School in Beaufort, South Carolina, for inviting me on August 24th to read to a group of kindergarten students. As an award-winning school dedicated in closing the achievement gap in learning, I am extremely encouraged that the faculty and staff at Shell Point are totally committed to early childhood development through enhanced reading skills.

Jumpstart's ''Read for the Record'' will raise the necessary awareness and emphasize the importance of early learning in every family. Participation in this event will support the goal that every child can read at grade level by the end of 3rd grade. For more information on how you too can foster stronger reading skills in our children, please visit www.readfortherecord.org.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ORTIZ. Mr. Speaker, due to travel delays, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as follows: Rollcall No. 394, ''Yes''; rollcall No. 395, ''Yes''; rollcall No. 396, ''Yes.''

HONORING TIM FRIEDMAN

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise this evening to join my colleagues in paying tribute to Tim Friedman on the occasion of his retirement from the House after 30 years of faithful service. Tim is a native of Lackawanna, NY, a suburb of Buffalo. He arrived in Washington in 1976 and started his career in the House of Representatives on July 19, 1976 under the patronage of the Hon. Dan Rostenkowski.

He worked as a Doorkeeper under the Hon. James T. Molloy from 1976 to 1982. In 1982 he transferred to the office of the House Sergeant at Arms. Tim was appointed as Assistant Manager of the House Democratic Cloakroom in 1985 by the Hon. Thomas P. O'Neill, Speaker of the House.

Tim married Colleen Early in 2003. They are avid golfers and are building a home in Wallace, NC. I hope they have a splendid retirement in Down East, NC.

HONORING TIM FRIEDMAN

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. HOYER. Mr. Speaker, today I rise to honor Tim Friedman, a great friend a great public servant. Next month, Tim will officially retire from the House of Representatives following 30 years of outstanding public service.

Tim grew up in Lackawanna, New York, and came to Washington, DC in 1976. That year, he began his distinguished career with the U.S. House of Representatives under the former Chairman of the Ways and Means Committee, Dan Rostenkowski. Tim served as a Doorkeeper in the Democratic Cloakroom for the Honorable James T. Molloy from 1976 until 1982, when he began working for the Honorable Jack Russ. In 1985, Speaker Thomas P. ''Tip'' O'Neill appointed Tim as the Assistant Manager of the House Democratic Cloakroom.

In 2003, Tim married his wife, Colleen Early. Tim and Colleen are dedicated golfers and are building a home in Wallace, North Carolina.

Mr. Speaker, it is a little-known fact outside of Washington that the Democratic and Republican Cloakrooms are vital to Congress' functioning. Dealing with Members of Congress on a daily basis is not an easy task, but Tim has kept our members running on schedule, kept us fed, and kept us smiling for years now, and he will be sorely missed.

I am grateful to Tim for his tremendous service to the House of Representatives, and I wish Tim and Colleen the best of luck in his well-deserved retirement.

TRIBUTE TO GAYLA GRAHAM HEGGEMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the life of a wonderful lady, Gayla Graham Heggeman, who passed away June 27, 2006, in a tragic car accident.

An accomplished businesswoman, Gayla was a tremendous asset to Alabama and was adored by many friends and family members. Among other things, Gayla co-owned C&G Boat Works and Graham Gulf Incorporated with her brother Janson Graham. The two, along with their mother, also owned Silver King, a 142-acre golf club. Their businesses spanned across much of lower Alabama achieving not only financial success for the family but providing several contributions to the entire area.

To all who loved her, Gayla was a trusted friend and confidant. Moreover, few things were more important to her than her family and friends. Not surprisingly, Gayla garnered a tremendous amount of respect throughout the southern Alabama community.

Gayla is survived by her mother, Sybil Graham-Radford, her stepfather, Harry Radford, and her brother, Janson. In addition, countless friends, business acquaintances, and fellow community members mourn her passing. Mr. Speaker, I ask you to join with me in recognizing the many achievements of Gayla's life.

BOOK ON INDIAN FREEDOM STRUGGLE HONORED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. TOWNS. Mr. Speaker, I was interested to note that the London Institute of South Asia recently held an event to honor Professor Gurtej Singh for his interesting book Tandev of the Centaur. It expounds the theory that the Indian freedom movement was an act of collaboration with the colonialists.

As Professor Gurtej Singh says ''As a part of my narration [for the book], I found myself suggesting a theory indicating the spurious nature of India's struggle for freedom. I am aware that it renders the main activities of the Congress Party and its leaders to an exercise in collaboration. But I am in good company in coming to that conclusion. Michael Edwards, in his The Myth of the Mahatma, has clearly shown that the British really feared the 'Western style revolutionaries' whom Gandhi effectively neutralized. The Administration considered Gandhi as an ally of the British as a neutralizer of rebellion.''

Professor Gurtej Singh has written previously about the false nature of Indian secularism. His book, Chakravyuh: Web of Indian Secularism, exposes the truth that behind its mask of secularism, India is a repressive, theocratic state where minority rights are not respected.

Mr. Speaker, this is unacceptable. We must take strong action to protect the freedom that is the birthright of all people. Self-determination is the essence of democracy. That is why we should put the Congress on record in support of self-determination for the Sikhs of Punjab, Khalistan, the Muslim people of Kashmir, the Christians of Nagalim, and all the peoples of South Asia. We should also stop our aid and trade with India until basic human rights are respected. India is not a friendly country and it has a long record of anti-American activity. Now it wants to be our partner in fighting terrorism, while it practices terrorism and tyranny against its own people. America should not stand for that.

SEMINAR AND LISA BOOK AWARD—2006

LONDON, June 26, 2006.—London Institute of South Asia (lisa) Seminar on the subject of Separate Electorate was held in London on June, 24, 2006 with Dr. Gurmit Singh Aulakh, President Council of Khalistan, in the chair. Separate Electorate was introduced by the British in India in 1905 to give fair representation to all of India's many faiths and castes. Separate Electoral rolls for them provided for effective local government for decades. However, when the same was proposed under the Communal Award in 1932 for state assemblies, the high castes—who constituted only 15 per cent of India's population—saw their dominant position threatened. The Congress party started a campaign against the proposal alleging that the British were playing a game of ''divide and rule''. The Muslims under the leadership of Mr. Jinnah accepted ''Separate Electorate'' but Mr. Gandhi was able to persuade the leader of the Untouchables, Dr. Ambedkar, by starting a ''fast unto death'', to reject the British offer. By a deal signed with the Congress Party (Poona Pact of 1932) the Untouchables accepted Joint Electorate with the Hindus. Mr. Gandhi claimed that India was a Hindu country. With perpetual majority assured, the Hindu leadership of the Congress Party set upon the task of denying all the faith and caste identities and their fair share in power.

In the states where the Muslims were in majority, Joint Electorate suited them better but they took a principled stand for the sake of the minorities. Separate Electorate and the Muslim majority states in the East and the West being grouped into regions were the two Muslim demands. If those had been accepted there would have no partition in 1947 and all the faiths and castes would have had their fair share in power. But that meant the Hindus would have got only 15% in contrast with the Muslims who were 25% of the population and the Bahujan (i.e. native majority who are Untouchables) would have been the largest group in the parliament. The Hindus preferred partition over accepting Separate Electorate to give fair share in power to all faiths and castes. The irony is they have the temerity to blame the Muslims and Mr. Jinnah for the partition and continue to do so. The fact is that the Hindu leaders of the Congress Party forced the partition by rejecting every fair formula for sharing power. After having tricked the Untouchables into accepting Joint Electorate with them, they hoped to rule over India in perpetuity.

The Seminar was addressed by Mr. V.T. Rajshekar, Editor of Dalit Voice, Bangalore,

who explained how the dominance of the Brahmin has been challenged by Bahujan. He said that by his thesis that the best way to fight discrimination is to strengthen the caste identity, has helped the castes to consolidate their vote banks to help their own kin to win elections. The result is that the Bahujan parties have won power in several states in India. The rejection of the fair system of Separate Electorate has backfired on the Brahmin. He is looking for new ways to restore its grip over power. The new method is to embrace Communism. They have organized Communist parties and groups all over India. They have captured power in West Bengal and Kerala through elections but in most other areas they operate as terrorist groups under the title of Naxalites or Maoists. The landlords in much of rural India are Thakurs—a caste one level below the Brahmin—and the farm labour is from Untouchable castes. The humiliation of the caste system piled upon exploitation by forced or unpaid labour makes rural India a hell hole. In this charged environment, the Brahmin cadres have started their Naxalite Movement. Given a gun the irate labourers shoot and kill the land lord and end up in prison or on the gallows; the Brahmin secures confirmation as ''revolutionary leader''. The Brahmin schemes are so complex and diabolical that it is hard to fathom the truth. But the low castes in India are waking up, says Mr. Rajshekar. They can now act wisely and devise a new polity that recognizes rather than denies the multiplicity of India's faiths, castes and states to give them their due and obtain internal harmony and peace with all the neighbours.

Three more papers were read at the Seminar. Brigadier ® Usman Khalid, Director of Lisa, said that the system of Separate Electorate is necessary for India to give justice to minority faiths (like in Pakistan)—Muslims, Christians, Buddhists, Parsis and Jains. But the decision is for the majority to make. They may prefer to extend the protection of Separate Electorate to the top 5% high castes instead. As for the Sikhs in the Punjab, the Muslims in Jammu and Kashmir, and the tribal peoples of Assam, they are separate nations who have struggled for freedom for many decades; they should be allowed to exercise their right of self-determination. Professor Gurtej Singh, explained how ''reservation'' of seats in education and employment has not provided justice to the oppressed low castes but has made them subject of hate further isolating them. He proposed that reservation should be extended to all faith communities and all castes.

Dr. Aulakh in his presidential address at the end exposed the truth about India, which practises the worst form of apartheid under minority rule. The Brahmin keeps inventing new gimmicks and tricks to maintain his hold over power. He made a powerful case for a sovereign state for the Sikh nation in the Punjab which has been endorsed by the resolutions of Sarbat Khalsa and reinforced by the massacre of the Sikhs in the Punjab and other parts of India in the wake of the assault and desecration of Durbar Sahib in 1984. He supported the struggle for freedom of the people of Jammu and Kashmir, of Nagas and other peoples of Assam.

The seminar was followed by a ceremony for ''Lisa Book Award'' given every year to a book by an author from South Asia that has made a difference. The award in 2006 was given to ''Tandev of the Centaur—Sikhs and Indian Secularism'' by Professor Gurtej Singh. It was presented to him by the winner of the same award last year—Mr. V.T. Rajshekar. The citation read:

''This book shows that the 'freedom struggle' of India was in fact a struggle for succession to hegemony. The British had repeatedly said they were preparing India for self rule and would leave once the job was done. The Muslims took notice and declared that the Brahmin not the British were their main adversary. Since the Muslims were concentrated on the periphery and were sparse in numbers in the rest of India, they wanted autonomous Muslim majority regions and Separate Electorate. This would have protected the rights of all faiths and castes. They demanded Pakistan after failing in every attempt to get their due share in power by constitutional guarantees prior to Independence. The effort of the Hindu leadership was to try and build a majority around the idea of 'Secularism' and 'Joint Electorate'. Under the Poona Pact of 1932, the Bahujan compromised their identity when they agreed to be included on the electoral rolls with the Hindus.

''The Sikhs believed that the British would not leave until thrown out and thus played into the hands of the Hindus to become the vanguard of the armed struggle against the British making thus making the most sacrifices. The Sikhs were promised their separate state; that was a false promise they call 'Raj Neeti'. All those who trusted M.K. Gandhi and relied on Congress 'promises' now feel betrayed. The book reveals that India is founded on a polity of paranoia; it is united only in fear and hate. The Hindu leaders feared the Muslim and wanted the partition even more than the Muslims. After the Muslim majority left and went to Pakistan the Sikhs are seen by them as a threat. The wanton use of force against them for a decade in the wake of the assault on Durbar Sahib in 1984, the Sikh Nation virtually stands expelled from the Indian Union. A sovereign Sikh state is only a matter of time. This has become inevitable due to the clarity of vision of scholar leaders like Sirdar Gurtej Singh.

PAYING TRIBUTE TO JOHN EULER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor John Euler, a Vietnam veteran, retired U.S. marine, and tireless public servant.

After retiring as the Deputy Director of the Torts Branch, Civil Division of the Department of Justice, John thought he was finished working for the Federal Government. However, in January of 2004, John's sense of duty compelled him to volunteer for 6 months in Iraq as Director of International Counsel. His 26 years of experience with the Department of Justice and his extensive legal career gave him all the tools necessary to help the new Iraqi Government build a new legal system from the ground up. John faced many challenges in Iraq, including the fact that all legal records were destroyed by war. Despite the difficult task, John helped the Iraqi Government to build an entirely new court system and to defend itself in over 70 international cases. His service has helped the Iraqis to live in a society operating under the rule of law, a protection that many Americans take for granted.

John's strong passion for civil service has again called him to Iraq. He is currently serving as the Deputy Legal Counsel for the U.S. Department of State. In this new position, John advises the United States Embassy in Iraq on issues relating to the new Iraqi Government. His experience in creating the Iraqi legal system makes his counsel invaluable to the embassy's team.

Mr. Speaker, I am proud to honor John Euler for his extensive service to the United States and for his dedication to the rebuilding of the Iraqi Government. His bravery and support during these trying times serve as a model for us all. I thank him for his perseverance and his service.

IN RECOGNITION OF THE OPPORTUNITY CENTER-EASTER SEAL

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully request the House's attention today to recognize the mission of the Opportunity Center-Easter Seal located in Anniston, AL. On September 6, 2006, the Opportunity Center will reach a 50-year milestone for having served people with disabilities in and around Calhoun County.

The Opportunity Center acts as a rehabilitation, training and employment facility designed to aid disabled people to achieve their highest potential. The mission is important, and should be commended for helping rehabilitate those who have been disabled from birth and those who have become disabled. The Opportunity Center-Easter Seal seeks to help those with barriers to employment maximize their employment potential, an important resource for many across East Alabama.

Mr. Speaker, this is indeed a proud achievement for the Opportunity Center. I congratulate those who built and have maintained this fine facility, and thank the House for its attention to this important matter today.

HONORING TIM FRIEDMAN

SPEECH OF

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. RAHALL. Mr. Speaker, I rise today to honor the career contributions of Mr. Tim Friedman, Assistant Manager of the House Democratic Cloakroom and a public servant of the highest degree. For 30 years, Mr. Friedman has served our country in some capacity within the walls of Congress and he has served these years with dignity and decorum.

As Mr. Friedman prepares to retire, I congratulate him and wish him the best. He has certainly earned the opportunity to kick up his heels, enjoy some time with his wife, and play a few rounds of golf. But as a Member of Congress, I must say that it is sad to see him go. For 20 years, he has been a fixture in the Cloakroom—an institution as significant as the Cloakroom itself.

Mr. Friedman will be missed, but his work ethic will continue on, through his co-workers who admire him, through the many pages who have looked to him for guidance over the years and through the Democratic Members of Congress themselves.

I thank Mr. Friedman for his service and his commitment to the Democratic Cloakroom.

The qualities he embodies—loyalty, trustworthiness, reliability—are getting harder and harder to find nowadays. May God bless this admirable man and his family as he begins this next chapter.

DESIGNATING THE NEGRO LEAGUES BASEBALL MUSEUM IN KANSAS CITY, MISSOURI, AS AMERICA'S NATIONAL NEGRO LEAGUES BASEBALL MUSEUM

SPEECH OF

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. GRAVES. Mr. Speaker, I rise today to speak about Senate Concurrent Resolution 60, a resolution sponsored by my friend Senator TALENT, and agreed to by this body yesterday, that designates the Negro Leagues Baseball Museum in Kansas City as America's National Negro Leagues Baseball Museum. It was my pleasure to work with Chairman POMBO and the Resources Committee to bring this important resolution to the floor, and I thank the Chairman for his help and friendship.

Those of us familiar with the Negro Leagues Baseball Museum already think of it as America's museum, but the passage of this resolution makes that distinction official.

The Negro Leagues Baseball Museum was founded in 1990, and for its first four years of existence operated out of a one room office in the historic 18th and Vine District of Kansas City. Today it is a 10,000 square foot Museum, filled with historic memorabilia, sculptures, photographs, and other exhibits that pay tribute to some of baseball's greatest pioneers.

It is fitting that the Negro Leagues Baseball Museum is in Kansas City, Missouri, Mr. Speaker, because the Negro Leagues were officially organized in Kansas City during a meeting in 1920. Kansas City was also the home of the Negro Leagues' longest-running franchise—the Kansas City Monarchs—which sent more Negro Leagues players to Major League Baseball than any other Negro Leagues franchise.

From 1920 until the closure of the last teams in the early 1960s, countless greats excelled at America's pastime in the Negro Leagues, including Satchel Paige, Josh Gibson, James ''Cool Papa'' Bell, Ernie Banks, Hank Aaron, Jackie Robinson, and of course Mr. Speaker, John Jordan ''Buck'' O'Neil.

Mr. O'Neil is the current Chairman of the Board of the Negro Leagues Baseball Museum, and continues to work tirelessly at age 94. He has enjoyed an unparalleled career as a player, scout, manager, coach, and ambassador for baseball since 1937, and Buck O'Neil also selflessly interrupted his stellar professional baseball career to serve our country during World War II in the United States Navy.

It is ironic that this resolution came before the House for consideration a few days before Hall of Fame weekend in Cooperstown, New York. Several Negro Leagues players will be inducted into the Hall of Fame this weekend, but Buck O'Neil is tragically not among them. Mr. Speaker, I can think of no one more qualified for induction into the Hall of Fame than Buck O'Neil, but sadly that will not happen this weekend.

So, we must console ourselves in the knowledge that Buck O'Neil's passion—the Negro Leagues Baseball Museum—is granted official recognition by our nation with yesterday's passage of this concurrent resolution. I thank my colleagues for supporting this important measure, and I urge them to come to Kansas City and visit America's National Negro Leagues Baseball Museum.

STEM CELL RESEARCH ENHANCEMENT ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to offer a personal explanation as to why I voted in favor of overriding the Presidential veto of H.R. 810, the Stem Cell Research Enhancement Act.

On August 9, 2001, President Bush announced that he would only allow federal funding for experiments involving stem cells already derived from embryos but not for research that would cause the destruction of further embryos. I am pleased that the President did not issue a full ban on federal funding of stem cell research, but I am very concerned that this restriction does not offer researchers the quality and diversity they will need to conduct full and complete research on these diseases. In fact, the National Institutes of Health recently reported that under current federal policy only about 19 stem cell lines are available to researchers, some of which are contaminated or otherwise unusable.

On May 24, 2005, the House passed H.R. 810, the Stem Cell Research Enhancement Act of 2005, which expands the current federal policy on embryonic stem cell research by allowing federal funding on stem cell lines derived after August 9, 2001. In addition, the House also passed H.R. 2520, legislation to establish a National Cord Blood Stem Cell Inventory and authorize $15 million annually to collect 150,000 high quality cord blood stem cell units for research or transplantation. I voted in favor of both measures. Therefore, I voted today to override the President's veto of H.R. 810 because I believe the potential to improve lives with stem cell research is too great to dismiss. The bipartisan support for this measure is also indicative of the importance of stem cell research.

Recent scientific research has suggested that embryonic stem cells hold immense potential to successfully treat many serious medical conditions including diabetes, Parkinson's Disease and cancer. Scientists believe the knowledge obtained from additional human embryonic stem cell studies could lead to the development of techniques to generate cells that would replace damaged tissues for a variety of conditions. H.R. 810 required that these cells would be acquired, using stringent guidelines established by the National Institutes of Health, NIH, from fertility clinic embryos, already in existence, that would otherwise be discarded. Why waste such biological material when the potential human health and scientific benefits of stem cell research are staggering in their promise?

Federal support of stem cell research will allow American scientists to harness this groundbreaking technology to potentially save many lives and improve the quality of others. In addition, the oversight which will come with broad federal support will result in better and more ethically controlled research in the field than if funding was from private sources alone.

''GOING TO HAVE TO SELL MY HOUSE . . . OR DIE'': DISASTROUS CONSEQUENCES OF MEDICARE PART D

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. FILNER. Mr. Speaker, Medicare Part D continues to bring problems for our Nation's seniors. As more and more reach the ''doughnut hole,'' seniors are confronted with dramatic, no-win choices. I offer my colleagues a recent article in the San Diego Union-Tribune—''Going to Have to Sell My House . . . or Die.'' It's past time to start over with the prescription drug benefit!

[From the San Diego Union-Tribune, July 16, 2006]

GOING TO HAVE TO SELL MY HOUSE ... OR DIE

(By Keith Darcé)

Frank Harrison says he's facing a choice between his health and his house.

When the Spring Valley retiree hit a coverage cap in his federal prescription drug plan in early June, his monthly medicine costs skyrocketed from about $250 to about $1,800, largely because of two expensive immune suppression drugs that he has taken since a kidney transplant six years ago.

The 62-year-old former computer company operations manager, whose main income comes from Social Security disability benefits, stopped taking one of the drugs, which cost about $575 a month, so that he could keep paying his $750 mortgage payment.

''What it boils down to pretty soon is that I'm going to have to sell my house. It's either that or die,'' he said.

Harrison is among the 3.4 million seniors and disabled Americans who have begun to fall into a gap in Medicare Part D coverage. They must pay the full price for drugs after they've spent $2,250 in co-payments and until their out-of-pocket costs reach $5,100 for the year.

Those in the so-called ''doughnut hole'' are likely to cut back on medicines to save money even if doing so jeopardizes their health, according to some research.

''Some are being caught totally unaware,'' said Jennifer Duncan, who manages the San Diego Health Insurance Counseling and Advocacy Program.

HICAP, which assists Medicare beneficiaries, has fielded calls in recent weeks from about 20 Part D enrollees who've either hit the coverage gap or are nearing it. Medicare is the government's health insurance program for those 65 and older and the disabled.

The gap is the latest headache to confront those who thought that signing up for a Part D plan would lower their costs for expensive medications. Early glitches blocked some from getting prescriptions because their names didn't appear in the computer systems of the private companies selected to operate the plans. Others tried to buy drugs only to learn at the pharmacy counter that the medicines weren't covered by their plans.

Still, several surveys have indicated that most participants are satisfied with the Part D program and have saved money during its first six months.

Congress created the Part D gap when lawmakers created the drug insurance program in 2003. The measure was added to reduce the program's overall cost. Lawmakers reasoned that only a tiny portion of Part D participants would reach the gap and most would be without coverage only for a short period.

Many of the 22.7 million people in the program will avoid the coverage gap, according to a recent report by accounting and consulting firm PriceWaterhouseCoopers. They have private supplemental insurance, are enrolled in a higher-priced Part D plan that doesn't cap benefits, have incomes low enough to qualify for exemptions or simply won't purchase enough drugs to reach the cap before calculations start over on Jan. 1.

Those falling into the gap are largely middle-class seniors who aren't poor enough to qualify for MediCal—the federal health insurance for the poor known as Medicaid outside California—or they are wealthy enough to afford higher-priced Part D plans that have no coverage caps.

People who fall into the doughnut hole don't pay the full retail price for drugs, said Peter Ashkenaz, spokesman for the Centers for Medicare and Medicaid Services in Washington, D.C. They pay the discounted price paid by their Part D plan operator—about 20 percent below retail prices, he said. ''I think people tend to forget that piece of it.''

But halfway through the first year of the prescription drug program, the San Diego HICAP is fielding calls from frightened seniors whose benefits are about to run out, Duncan said.

'' 'Doughnut hole' is a lousy term. It's more like an abyss,'' she said. ''It's a soft, funny way for saying you may not be able to pay your rent or eat this month because you're going to have to pay for all of your medicines.''

One recent call was from a paraplegic who takes high doses of the pain-killer morphine that cost $1,500 a month. Another caller takes $10,000 worth of medicine each month to prevent his body from rejecting a transplanted lung.

Even beneficiaries facing less dire circumstances could have trouble dealing with the gap.

An overwhelming majority of Medicare recipients suffer from chronic diseases, such as hypertension and diabetes, said Kenneth Thorpe, chairman of the Health Policy and Management Department at Emory University in Atlanta.

More often than not, they also are being treated and medicated for multiple conditions, he said. ''These are very expensive patients.''

When their drug coverage runs out, even temporarily, they are likely to stop taking some or all of their medications, Thorpe said.

That's what Kaiser Permanente researcher John Hsu found when he studied about 200,000 Medicare beneficiaries in 2003 who participated in a more limited government prescription drug program that predated Part D. The results, published in the June 1 edition of The New England Journal of Medicine, found that people whose drug benefits were capped at $1,000 a year had higher rates of emergency room visits, hospitalization and death than those with unlimited coverage.

Hsu attributed the increases to people ending drug treatments once the insurance cap was reached. The cost for additional medical care offset the lower drug cost savings created by the cap, he reported.

When Harrison's coverage ended in early June, the maker of one of his immune suppression drugs put him on a program that delivered the medication for free. But he wasn't offered the same deal from the maker of the other medication, and his $1,300 monthly income is too high for him to qualify for the doughnut hole exemption available through Medi-Cal. He's hoping his doctors will provide an answer—perhaps an alternative drug available at a discount or for free from a manufacturer—when he goes in for a check-up in a few weeks.

Wendel Ott, 74, of San Diego, doesn't expect to hit the cap until September, but already he's considering cutting back on his eight medications.

''It's going to cost me a tremendous amount of money for the last part of the year,'' said Ott, who takes medicines for high blood pressure, an enlarged prostate and chronic bronchitis. ''Let's face it, I'm not wealthy.''

While many people were aware they might face a gap in coverage when they signed up for a Part D plan, it's clear some haven't prepared for it, said Michael Negrete, vice president of clinical programs for the California Pharmacists Association.

''Most people haven't saved money to deal with the doughnut hole,'' he said.

Once in the gap, people create a new problem for themselves if they try to save money by purchasing cheaper drugs outside their Part D program, Negrete said.

''When they get drugs outside of Part D, that doesn't go to the credit they need to get out of the (gap),'' he said. ''If they are getting their medicines from Canada or from a discount drug service, they will never get out of the doughnut hole.''

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. UDALL of Colorado. Mr. Speaker, I was unavoidably detained in Colorado and not present for three recorded votes on Monday, July 24, 2006.

Had I been present, I would have voted as follows:

Rollcall 394, on the motion to suspend the rules and pass S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps—I would have voted ''yes.''

Rollcall 395, on the motion to suspend the rules and pass S. 203, the Soda Ash Royalty Reduction Act—I would have voted ''yes.''

Rollcall 396, on the motion to suspend the rules and pass H.R. 5534, to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels—I would have voted ''yes.''

TRIBUTE TO JOHN B. DEAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge John B. Dean, Chief of Police of the Waterford Police Department, upon his retirement from a distinguished career in public service.

From a young age, Chief Dean dedicated his life to protecting the citizens of Michigan. At age 15, he enrolled as a cadet in the Waterford Police Department before enlisting in the United States Marine Corps. Following his military service, Chief Dean first joined the Detroit Police Department before returning to Waterford in 1975, where he continued his career in law enforcement. Over the next three decades, Chief Dean advanced through the ranks of the Waterford Police Department, eventually serving as a Patrol Officer, Undercover Officer, Patrol Sergeant, Detective Sergeant, Youth Liaison Officer, Patrol Lieutenant, and Detective Bureau Commander. In January of 2000, he was promoted to Chief of Police.

A Central Michigan University alumnus and graduate of the F.B.I. National Academy, Chief Dean also served on the Police and Fire Pension Board of Waterford Township, Board of Directors of the Boy Scouts of America, Board of Directors of the Oakland County Chiefs of Police, the State Police Advisory Board, and as Treasurer of the Michigan Association of Public Employee Retirement Systems. For his tireless service to the community, Chief Dean has been recognized with the Officer of the Year Award; the Medal for Bravery; the Meritorious Service Award; and was named Waterford Employee of the Year.

Mr. Speaker, for 31 years, Chief John B. Dean has unwaveringly upheld his oath to protect and defend the citizens of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, honor, and courage. Today, I ask my colleagues to join me in congratulating Chief Dean upon his retirement and recognizing his years of loyal service to our community and our country.

HONORING CORONER HUEY MACK, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to Huey Mack, Sr. for his accomplishments and dedication to Baldwin County, Alabama, where he served for many years as Baldwin County Coroner.

Huey Mack was born on December 20, 1937, in McCalla, Alabama, and is a native of Escambia County, He attended the University of Alabama and received a degree in mortuary science at the Gupton Jones Institute in Dallas, Texas, In 1982, he was appointed by Alabama Governor George Wallace to fill an unexpired term as Baldwin County Coroner. Huey Mack will retire in January 2007, from the position he has held for the past 28 years.

Among his many contributions, Huey Mack has played a crucial role in passing legislation that creates educational requirements for the office of coroner. He also served as Vice President of the Funeral Director Association, made significant contributions with his involvement with the Central Baldwin Chamber of Commerce, served as President of the Alabama Coroner's Association for 7 years, and is a member of the Rotary Club. Huey Mack and his wife, Jean, have two children, Linda and Huey, Jr. Huey Mack, Jr. was recently elected Sheriff of Baldwin County.

Mr. Speaker, I ask my colleagues to join with me in congratulating him on his many years of public service. I know his wife, his family and many friends join with me in praising his accomplishments and extending thanks for his service over the years to Baldwin County.

INTRODUCING THE MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM OF 2006

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to urge my colleagues to support the Minority Entrepreneurship & Innovation Pilot Program of 2006, a bill that I am introducing as a companion to S. 2586, sponsored by Senator John Kerry. This bill is designed to address our nation's growing economic disparities through the promotion of business development and entrepreneurship in minority communities.

Economic indicators show that today, the average income for African Americans is just 62 percent that of whites. More than 40 years after the last of the Jim Crow laws was repealed by the Civil Rights Act of 1964, the economic value of blacks is still nearly three-fifths that of whites—a statistic that clearly indicates that the vestiges of slavery are enduring.

This race-based ''wealth gap'' is simply unacceptable. And African Americans are not the only minority group suffering from this disparity. The average incomes of Native Americans and Latinos are similarly unbalanced, with those communities earning 65 and 74 percent of the income of whites respectively.

But the news is not all bad. The National Urban League, in its 2006 ''State of Black America Report,'' indicated that there may be a silver lining to this cloud. The prevalence of black-owned businesses has been on the upswing, revealing a difference of 2.5 to 1 (White Businesses to African-American Businesses), as compared with 3 to 1 a few years ago.

As many of my colleagues know, minority-owned businesses provide real opportunity for individuals, families and communities. By supporting their growth, we can begin to reverse the increasing ''wealth gap'' for good, leading to greater economic independence for minorities. This result will multiply itself and in the process lay the foundation for closing other socio-economic gaps—gaps that have created an environment for persistent economic failure in many of these communities.

That is why I am introducing the Minority Entrepreneurship and Innovation Pilot Program of 2006. This legislation would establish a $24 million, two-year pilot program to promote small business development in colleges and universities that serve African American, Native American and Latino communities.

Through $1 million grants, the institutions would provide students in highly-skilled fields such as engineering, manufacturing and science with the tools they need to start their own businesses. The bill would also allow institutions to establish Small Business Development Centers to provide counseling, capacity building and niche market development services.

A great legacy of the American Dream has been the opportunity for ordinary citizens to improve their livelihoods by starting their own business. The Minority Entrepreneurship and Innovation Pilot Program of 2006 would give minority communities a chance to share in this attainable dream.

I want to thank the original cosponsors who have joined with me in introducing this important bill, Representatives BENNIE THOMPSON, GRACE NAPOLITANO, SANFORD BISHOP, ALBERT WYNN, DEBBIE WASSERMAN SCHULTZ, BOBBY SCOTT, MAJOR OWENS, BENJAMIN CARDIN, AL GREEN, GREGORY MEEKS, BOBBY RUSH, JUANITA MILLENDER-MCDONALD, RAUL GRIJALVA, JOHN CONYERS, G.K. BUTTERFIELD, ALLEN BOYD, MIKE ROSS, DANNY DAVIS, STEPHANIE TUBBS JONES, LINDA SÁNCHEZ, ELEANOR HOLMES NORTON, CAROLYN KILPATRICK, JOE BACA, DAVID SCOTT, ALBERT WYNN, CHRIS VAN HOLLEN, HILDA SOLIS, DONALD PAYNE, BARBARA LEE, C.A. DUTCH RUPPERSBERGER, SAM FARR and JAMES CLYBURN.

I ask the rest of my colleagues to please join us in helping to reverse the ''wealth gap'' by supporting this legislation.

IN SUPPORT OF A MUTUALLY ACCEPTABLE SOLUTION TO THE FUTURE POLITICAL STATUS OF KOSOVO

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BURTON of Indiana. Mr. Speaker, for the first time in many years, two high-ranking delegations—one representing Serbia, the other the Serbian province of Kosovo—met in Vienna, Austria to discuss the future political status of Kosovo, which has been administered by the United Nations since 1999. The Vienna meeting was the first time that the Serbian President and Prime Minister met with their political counterparts from Kosovo.

Both sides presented and explained their position on Kosovo's future political status. The Serbian delegation presented a practical plan for the highest possible autonomy for Kosovo inside Serbia's borders, while Kosovo's leaders presented their plan for independence.

Although the parties reached no agreement, the Vienna meeting was very positive, and I believe it should be commended. It allowed both sides to present their platforms in a constructive and diplomatic manner, and provided the international community with strong assurances that events in the Balkans can be solved in a peaceful and civilized way.

Serbia proved once again that is ready to seek a final solution for Kosovo based on the tenets of territorial integrity, international law and regional stability. Serbia's position highlighted the necessity to broker a final agreement that will keep democracy and reform in Serbia intact.

An imposed solution for Kosovo would be a dangerous precedent and may serve as the fatal blow for the economic and political processes in Serbia. There is a slim but very real possibility that radical elements in Serbian politics would seize power in Belgrade if Kosovo is granted independence from the UN, without ironclad-guarantees for Kosovo's Serb population and the firm commitment to protect Serbian historical, cultural and religious sites in Kosovo.

Serbia is a new country with new leadership. It is a country led by reformers, like President Boris Tadic, who helped topple Slobodan Milosevic from power and had the fortitude to transfer him to the Hague Tribunal to answer for his crimes against humanity.

This new Serbia is a thriving, free market democracy, based on transparency, the rule of law and the protection of human rights. Serbia is a member of international organizations, and it is on the path toward membership in the European Union and North Atlantic Treaty Organization.

The Serbia of today is working with the United States to spread democracy and freedom and now the United States has the unique opportunity to stand with its democratic allies in Serbia, and to work to advance a mutually acceptable solution to the future political status of Kosovo; one which won't leave Serbia and its fragile democracy in tatters,

The mishandling of Kosovo's final political status might reverse these advances in Serbia and endanger a region just recovering from dictatorship, ethnic strife, isolation and war.

RECOGNIZING THE 10TH ANNIVERSARY OF WELFARE REFORM

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in recognition of the 10th anniversary of President Clinton's historic welfare reform initiative. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 fundamentally transformed our nation's welfare system and provided a clear direction for the future of this important program.

I am proud to have played an active role in the passage of this legislation during my time in the White House. If it were not for President Clinton's vision, welfare reform would never have gained the bipartisan support that was required. President Clinton vowed to end welfare as we know it and he succeeded in forming a system that both rewarded and required work.

In Illinois alone, 217,000 families worked their way off of TANF and into the workforce. President Clinton realized that the best job training was an actual job.

We also realized that jobs came along with new challenges for welfare recipients. Therefore we assisted recipients in finding child care and instituted transitional medical assistance for families leaving the welfare rolls.

The greatest accomplishment of welfare reform was connecting a generation of children with a culture of work. Many children who would have grown up in a household with non-working parents, have internalized the value of work and learned how to build a better future for themselves and their families.

Thanks to welfare reform, more than 3 million children rose above the poverty line between 1996 and 2000. Earnings of the poorest people in our country rose significantly.

However, some of the progress we made has been reversed. Between 2001 and 2005, 5 million Americans fell below the poverty line, including 1.5 million children.

Mr. Speaker, I commend those in Congress that worked to pass this legislation in 1996, and I look forward to working with them to ensure that what we accomplished in 1996 is not undone. I urge my colleagues to build on the success of the past with a commitment to ensuring the future success of welfare reform.

HIRE A VETERAN WEEK

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. REYES. Madam Speaker, I rise in strong support of H. Con. Res. 125, expressing Congressional support for ''Hire-A-Veteran Week,'' and encouraging the President to issue a proclamation calling upon employers to increase employment of men and women who have served honorably in the U.S. Armed Forces.

As a U.S. Army veteran and a member of the House Armed Services and Veterans' Affairs Committees, I know of the challenges awaiting our servicemembers when transitioning from military service to the civilian workforce. While this resolution will not solve the problems of unemployment within the veterans community, it is a strong message that we as Members of Congress should send to anyone in a position to hire qualified veterans.

Having military veterans in both my El Paso, TX and Washington, DC offices, I know of the exceptional training the Armed Forces provides our servicemembers, and wholeheartedly encourage any employer to consider hiring those veterans who have served our country.

Madam Speaker, I ask all my colleagues to join me in supporting our nation's veterans by voting in favor of H. Con. Res. 125.

INTRODUCING THE AMERICARE HEALTH INSURANCE ACT OF 2006

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. STARK. Mr. Speaker, it gives me great pleasure to introduce the AmeriCare Health Insurance Act of 2006. I am joined by the AFL-CIO, the American Academy of Pediatrics, the American Nurses Association, the Center for Medicare Advocacy, Consumers' Union, Families USA, SEIU, the Universal Health Care Action Network, and the National Association of Community Health Centers in supporting this common sense solution to achieve universal health insurance coverage.

In my tenure in the House, I have been involved in many discussions about how to reform our health system. These debates tend to occur every 10 to 15 years when health costs rise to a level that attracts our attention. Unfortunately, the minor tweaks and threats of reform we have made in the past have not resulted in lasting change. As a result, we are spending more—and getting less—than any industrialized nation.

If history is any guide, we are nearing yet another health reform discussion in this country. This time, we need to get it right. To that end I offer AmeriCare—a practical proposal to ensure that everyone has affordable health insurance.

AmeriCare is based on the principles that the U.S. health system should cover everyone, be affordable, and be meaningful.

Eighty percent of the people who file for bankruptcy because of medical bills have health insurance, but their benefits do not meet their needs. Policies that are unaffordable, that discourage people from seeking care, or that do not cover necessary benefits are empty solutions.

AmeriCare builds on what works—both employer coverage and Medicare—in an effort to dramatically expand coverage with minimal disruption to the current system. It addresses the broader issues in our health system overall, and provides an important marker for a renewed discussion on health reform.

For the past four decades since it was enacted, the stability and affordability of Medicare have helped millions of seniors and people with disabilities live longer, healthier lives. Because of Medicare, families have been able to save for their children's education rather than having to pay for their parents' health care.

Since the program began, Medicare's per capita costs have grown at a slower rate than private health insurance or the Federal Employees Health Benefits Program.

Providers, too, have benefited from Medicare. Without Medicare as a consistent payer, providers would not be able to offer the top quality care they deliver today. Indeed, uncompensated care for people who are uninsured or underinsured is pushing some providers toward the breaking point. Meaningful coverage for all makes good business sense for providers.

AmeriCare also recognizes the important role that job-based benefits play in our current health system. Under AmeriCare, people would continue to obtain health coverage through their employer—as most of us currently do—or they would be covered under the new AmeriCare system. Expanding insurance coverage to all will end the cost shifting that results from the high number of uninsured we have today. This could reduce premiums for job-based insurance by as much as $1,000 for family coverage, according to the Institute of Medicine.

Expanding coverage to all will also strengthen the economy and improve our competitiveness. General Motors recently admitted it spends more on health care than on steel; Starbucks spends more on health insurance than on coffee. The need to address health reform is more urgent than ever before.

AmeriCare is a sensible solution for our Nation's employers—many of whom are already meeting the challenge of providing coverage for their employees. I plan to reach out to the business community to begin a dialogue about how we might move forward with AmeriCare.

AmeriCare creates a new Title XXII in the Social Security Act. It uses Medicare's existing administrative infrastructure, but improves upon Medicare's benefits to address some of the current gaps in coverage, such as mental health parity, coverage for children, and family planning and pregnancy-related services for women. State Medicaid programs would remain responsible for long-term care, but AmeriCare would now cover low-income children, women, and others who currently receive non-long term care services under Medicaid.

AmeriCare is financed through premiums, paid 20 percent by individuals and families and 80 percent by employers, general revenues, and state funds. People with incomes under 200 percent of poverty would be fully subsidized, and premiums and cost-sharing would be phased in for those with incomes between 200–300 percent of poverty.

There is also a limitation on out-of-pocket spending to ensure that no one spends a disproportionate share of their income on health care. Employers could continue to offer their own coverage, so long as it is equivalent to AmeriCare. Payment of premiums would be reconciled at the annual tax filing in April.

Everyone in the room should be aware that there is an effort underway to reform our health system, but not in the way we would like. Republicans have been pursuing stealth reform for the past decade in their dogged determination to dismantle the employer-based system and force everyone into high deductible health plans, regardless of whether they open or benefit from a Health Savings Account.

Their rhetoric makes it sound like you ''own'' your health care. But what they really mean is that you are on your own. It's not just that you have to fend for yourself when purchasing health care, it's that for most people—especially the currently uninsured—the Health Savings Account is purely theoretical. Employers don't have to contribute to these accounts, and most don't.

The Republican agenda expands the class of people who are underinsured, putting both patients and providers at greater risk. More and more doctors and hospitals are being forced to act as bill collectors rather than care providers, and patients are saddled with debt and even bankruptcy because their insurance benefits are inadequate. For example, many high deductible policies do not cover maternity benefits. The situation will only get worse if we continue to allow high-deductible health plans to take hold.

Without the security of a universal health plan that covers everyone, each of us is at risk. For years we have accepted that people fall through the cracks in our health system. No parent should ever have to deny their child a lifesaving treatment because they cannot afford the cost. No family should ever lose a parent because their condition was treated too late.

We need a strong alternative vision for health reform. That is why I am putting AmeriCare forward today. This proposal promotes shared risk and responsibility, not individual risk and greater fragmentation. AmeriCare offers an alternative vision that is simple and straightforward, fair and manageable.

Our Nation is at a crossroads. Our legacy should be a future where our children are not saddled with debt, where they do not fear financial ruin due to an illness. Whether we build a healthy future for our children or not depends upon the decisions we make today. True compassion means offering real solutions, not empty promises.

Working together, applying common sense approaches that build on what works, we can ensure that no-one risks the loss of insurance coverage. All we need is the will to do it.

As we edge closer to our next discussion on health reform, we need to ask, is medical care a civic and social right like police and fire services, education, and environmental protection?

Or is health care "you're on your own?"

This decision must be made. I hope I can count on my colleagues and our endorsing organizations to advance a shared vision for health reform by adopting AmeriCare.

Attached is a short summary of AmeriCare. More can be found on my website at www.house.gov/stark.

AMERICARE HEALTH CARE ACT OF 2006—BILL SUMMARY

Overview: The AmeriCare Health Care Act (''AmeriCare'') is a practical proposal to ensure that everyone has health coverage in our country. It builds on what works in today's health care system to provide simple, affordable, reliable health insurance. People would continue to obtain health coverage through their employer or they would be covered under the new AmeriCare system, modeled on Medicare.

Using the administrative efficiencies within Medicare and building on the existing coverage people receive through their jobs today, we can create an affordable, efficient, and stable universal health care system in America—and guarantee access to medical innovation and the world's most advanced providers and facilities.

Benefits: All residents of the U.S. and its territories are eligible to receive benefits through AmeriCare. The practical AmeriCare benefits package is tailored to meet the needs of working people and their families, including: preventive services; physician services; hospital services; maternity coverage; prescription medications; mental health services; affordable cost sharing and a realistic limit on out-of-pocket costs.

AmeriCare provides additional benefits for children under age 24 and people with modest income. Supplemental benefits could be offered by employers or purchased through private insurance companies. It also improves Medicare's existing benefit structure to conform with AmeriCare, providing streamlined cost-sharing and lower drug prices—without a donut hole.

Financing: AmeriCare is financed through contributions from employers, individuals, and states, all of whom pay into our current health care system. Unlike today's system, however, AmeriCare will save billions of dollars by utilizing Medicare's highly efficient administrative infrastructure that operates on a 2% margin. Requiring the Secretary to negotiate with the pharmaceutical industry for reasonable prices and expanding the use of health information technology in the clinical setting will achieve additional savings. The efficiencies gained from these steps will keep AmeriCare's premiums affordable.

PERSONAL EXPLANATION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. ISRAEL. Mr. Speaker, on July 19, 2006, I mistakenly voted "no" on rollcall No. 384. I intended to vote in support of Mr. WATT's amendment to preserve the authority of the United States Supreme Court to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in 4 U.S.C. section 4, or its recitation.

A TRIBUTE TO DEBORAH MARICA CLEMONTS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise to pay tribute to Deborah Marica Clemonts one of my most deserving constituents who is being honored as Small Business Owner of the Year by the Roanoke Valley Chamber of Commerce.

Deborah Clemonts is a small business owner in Halifax County who owns a beauty shop, barber shop, restaurant and has held the food service contract for Halifax Community College and the local community Adult Day Care for the past 3 years. Many of the special events that I have held in my Weldon Congressional Office have been catered by Deborah so I know first hand of her impressive, conscientious, professional work.

With all of the activity associated with managing these businesses, Deborah still finds the time to dedicate to the youth of First Baptist Church in Weldon, North Carolina, where the dynamic Reverend Quientrell Burrell is the pastor. Deborah is responsible for all of the youth-related activities of the church which include the Youth Choir, Junior Usher Board and the First Baptist Church Praise Dancers. I have learned that any evening of the week you can see Deborah driving around in the First Baptist Church van picking up and dropping off children or taking them to the Pizza Hut treating them to a pizza before turning them back over to their parents. Deborah is compassionate about the community youth and is trying to do her part in assisting in their growth as grounded, productive citizens. Mr. Speaker, I have learned that the youth have a special affection for Deborah such that they often willingly confide in her and look to her for advice and counsel with many of the problems that they are forced to confront daily. Whenever there is an opportunity, Deborah hires some of the youth to assist her with restaurant-related activities and takes every opportunity to mentor them about work ethic, professionalism and the importance of putting their best foot forward.

Mr. Speaker, I know the Clemonts family well and I know that Deborah's father, Reverend James Clemonts would be so proud of this honor bestowed upon her by the Roanoke Valley Chamber of Commerce. I know that none of what Deborah has accomplished was easy. But in spite of the many obstacles, Deborah pressed on and I wish her continued success. Mr. Speaker, I ask my colleagues to join me in paying tribute to one of the pillars in the First Congressional District, Ms. Deborah Marica Clemonts.

HONORING FORMER MEMBER OF CONGRESS THOMAS J. MANTON

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to honor the legacy and accomplishments of our recently-passed colleague Thomas Manton.

Tom Manton's life epitomized the American dream. Born to Irish immigrants in 1932, he worked to put himself through college and law school and eventually rose to become one of the most influential politicians in New York City.

After attending Catholic school in Queens and Brooklyn, Tom enlisted in the Marine Corps, serving from 1951 to 1953. He went on to graduate from St. Johns University in 1958 and earned his law degree there in 1962. In addition to his service defending our country in the armed forces, Tom put his life on the line protecting the citizens of New York in the police force from 1955 to 1960.

After serving on the New York City Council from 1970 to 1984, Tom was elected to Congress. He served proudly and responsibly for seven terms in the House of Representatives, during which he also became Chair of the Queens Democratic Party.

In his work with the Queens Democrats, he brought those of all different racial and ethnic backgrounds into the political fold. Although he followed the tradition of Irish Catholic influence in New York City politics, he recruited candidates of all ethnic backgrounds to truly represent the diversity that exists throughout Queens on all levels of government.

It is a testament to the respect Tom Manton earned and to the counsel he provided that during the 1992 Presidential campaign, then Governor Bill Clinton visited the Queens Democratic Party Headquarters in Forest Hills to speak with Tom. Additionally, Tom advised Mayor Michael Bloomberg during his initial city-wide campaign in 2001.

On a personal note, I will miss the plain-spoken style of Tom Manton. When I first came to Congress in 1989, Tom provided me with a bevy of candid advice. During our time in Congress together, I considered him a close advisor, was honored to call him my colleague, and more importantly, always valued our friendship.

Mr. Speaker, I urge all of my colleagues to join me in paying respect to the family of Thomas Manton and offering condolences to all those who have benefited from his service to our country.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BECERRA. Mr. Speaker, on Monday, July 24, 2006, I was unable to cast my floor vote on rollcall Nos. 394, 395 and 396. The votes I missed included motions to suspend the rules and pass the Electronic Duck Stamp Act of 2005 (S. 1496), the National Heritage Areas Act of 2005 (S. 203) and a bill to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels (H.R. 5534).

Had I been present for the votes, I would have voted "aye" on rollcall Nos. 394, 395 and 396.

CONGRATULATING JOHN M. CHRISTENSEN, RACHEL L. HAMAKER, RYAN R. INGRAHAM, KATHERINE L. KING, DAVID M. MATHIEU, FREDERICK W. ROWELLL, CHRISTOPHER D. SAVELL, AND HOWARD R. WALKER FOR RECEIVING THE NATIONAL MERIT SCHOLARSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor John M. Christensen, Rachel L. Hamaker, Ryan R. Ingraham, Katherine L. King, David M. Mathieu, Frederick W. Rowell, Christopher D. Savell, and Howard R. Walker for recently being named recipients of the National Merit Scholarship.

These students, all from Alabama, were first named semifinalists by their outstanding performance on the Preliminary SAT/National Merit Scholarship Qualifying Test, an exam taken by approximately 1.3 million freshman, sophomore, and junior high school students. They then qualified for the National Merit Scholarship as a result of their high academic performance in rigorous college preparatory coursework, high scores on their college entrance exams, and the recommendation of their high school principal.

John M. Christensen is a graduate of Andalusia High School and plans to attend the University of Alabama in Tuscaloosa, Alabama.

Rachel L. Hamaker, a graduate of Alabama School of Mathematics and Science, will attend Hendrix College in Conway, Arkansas.

Ryan R. Ingraham graduated from St. Paul's Episcopal School in Mobile and will attend Vanderbilt University in Nashville, Tennessee.

Katherine L. King of Fairhope High School will attend Tulane University in New Orleans, Louisiana.

David M. Mathieu, a graduate of T. R. Miller High School in Brewton, will attend the University of Alabama in the fall.

Frederick W. Rowell of Murphy High School in Mobile will attend the University of Alabama.

Christopher D. Savell is a graduate of Murphy High School and will attend the University of Alabama.

Howard R. Walker graduated from VMS-Wright Preparatory School in Mobile and will attend the University of Alabama.

Mr. Speaker, I would like to offer my congratulations to John, Rachel, Ryan, Katie, David, Frederick, Chris, and Howard for their receipt of National Merit Scholarships for the 2005–2006 year and recognize their outstanding academic performance. I trust that my colleagues will join me in commending them on their diligence and commitment to excellence, and I trust we will hear many more good things from these outstanding young men and women in the months and years to come.

HONORING TIM FRIEDMAN

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in order to honor Mr. Tim Friedman on the occasion of his retirement.

Mr. Friedman, I wish many congratulations to you, and please accept my heartfelt thank you for your 30 years of service to the United States Congress.

Over the years, you have been a close witness to some of the greatest reforms, orations, and achievements in legislative history. We have looked to you for your advice and trusted you completely and unhesitatingly. You have been a confident of legislators, and your sagacity has no match.

I have enjoyed and appreciated your good humor, good judgment, and your leadership in the Democratic Cloakroom. Throughout the early mornings and late nights, your very presence contributed solidity and strength to the proceedings of the day.

Your service to your country will long be remembered by Members such as myself, and we will miss your compassion and your enthusiasm. Your hard work, dedication, and commitment are cherished.

You have earned the respect, the admiration, and the affection of all of us who have worked with you. As you move forward to your next success, I have no doubt that you will make your compatriots proud and continue to fulfill your commitment to public service.

All of my best wishes and blessings to you in your future endeavors.

Tuesday, July 25, 2006

Daily Digest

HIGHLIGHTS

Senate passed S. 403, Child Custody Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S8137–8210

Measures Introduced: Eleven bills were introduced, as follows: S. 3720–3730. **Page S8195**

Measures Reported:

H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute. (S. Rept. No. 109–292)

H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, with an amendment in the nature of a substitute. **Page S8195**

Measures Passed:

Child Custody Protection Act: By 65 yeas to 34 nays (Vote No. 216), Senate passed S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, after taking action on the following amendments proposed thereto: **Pages S8151–88**

Adopted:

By a unanimous vote of 98 yeas (Vote No. 215), Boxer/Ensign Amendment No. 4694, to punish parents who have committed incest. **Pages S8186–87**

Rejected:

By 48 yeas to 51 nays (Vote No. 214), Lautenberg Amendment No. 4689, to authorize grants to carry out programs to provide education on preventing teen pregnancies. **Pages S8153–64**

Nuclear Nonproliferation in North Korea: Senate passed S. 3728, to promote nuclear nonproliferation in North Korea. **Pages S8206–08**

Appalachian Regional Development Act Amendments: Senate passed S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965. **Pages S8208–09**

Condemning Murders of Journalists: Committee on Foreign Relations was discharged from the further consideration of S. Res. 526, condemning the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation, and the resolution was then agreed to. **Page S8209**

Gulf of Mexico Energy Security—Agreement: A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, at 9 a.m., on Wednesday, July 26, 2006, with the time until 10 a.m., equally divided between the Majority and Democratic Leaders, or their designees, and that at 10 a.m., Senate proceed to vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S8209**

Nominations Confirmed: Senate confirmed the following nomination:

By 67 yeas to 30 nays (Vote No. EX. 213), Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit. **Pages S8137–51, S8210**

Nominations Received: Senate received the following nominations:

Dianne I. Moss, of Colorado, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2007.

Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

Ronald A. Tschetter, of Minnesota, to be Director of the Peace Corps. **Page S8210**

Record Votes: Four record votes were taken today. (Total—216) Pages S8151, S8163–64, S8187

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:27 p.m., until 9 a.m., on Wednesday, July 26, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8209.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the F–22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007, after receiving testimony from Michael W. Wynne, Secretary of the Air Force; David M. Walker, Comptroller General of the United States; James I. Finley, Deputy Under Secretary of Defense for Acquisition and Technology; David B. Newman, Principal Analyst in Defense, Congressional Budget Office; Christopher Bolkcom, Specialist in National Defense, Congressional Research Service; J. Richard Nelson, Institute for Defense Analyses, Alexandria, Virginia; and Danielle Brian, Project on Government Oversight, Washington, D.C.

HEDGE FUNDS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the regulation of hedge funds, focusing on systematic market risks posed by hedge fund activity, and the investor protection issues that stem from the increasing exposure of retail investors to hedge fund investment opportunities, after receiving testimony from Christopher Cox, Chairman, United States Securities and Exchange Commission; Reuben Jeffery III, Chairman, United States Commodity Futures Trading Commission; and Randal K. Quarles, Under Secretary of the Treasury for Domestic Finance.

JOINT PLANNING AND DEVELOPMENT OFFICE

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded an oversight hearing to examine the Joint Planning and Development Office, which was created to plan for and coordinate, with Federal and non-Federal stakeholders, a transformation from the current air traffic control (ATC) system to the next generation air transportation system, after receiving testimony from Marion C. Blakey, Administrator, Federal Aviation Administration, and David A. Dobbs, Assistant Inspector General for Aviation and Special Program Audits, both of the Department of Transportation; Lisa J. Porter, Associate Administrator for Aeronautics Research, National Aeronautics and Space Administration; and Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office.

TAX JURISDICTION

Committee on Finance: Subcommittee on International Trade concluded a hearing to examine State jurisdiction to tax certain business activity, focusing on legislation that could provide uniformity, simplification, and fairness concerning the taxation of remote sales over the Internet, after receiving testimony from Senator Enzi; Iowa State Representative Christopher Rants, Des Moines; Daniel W. Noble, Wyoming Department of Revenue, and Gary Imig, Sierra Trading Post, Inc., both of Cheyenne, Wyoming; Dan R. Bucks, Montana Department of Revenue, Helena; George S. Isaacson, Brann and Isaacson, Lewiston, Maine, on behalf of the Direct Marketing Association; Robert Benham, Balliet's, L.L.C., Oklahoma City, Ohlahoma, on behalf of the National Retail Federation; and Douglas L. Lindholm, Council on State Taxation, and Michael F. Mundaca, Ernst and Young, both of Washington, D.C.

HEALTH CARE FOR CHILDREN

Committee on Finance: Subcommittee on Health Care concluded a hearing to examine the Children's Health Insurance Program (CHIP), which provides health care coverage for uninsured children, after receiving testimony from Senator Kennedy; Mark B. McClellan, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and Evelyne P. Baumrucker, Analyst in Social Legislation, Domestic Social Policy Division, and Chris L. Peterson, Specialist in Social Legislation, both of the Congressional Research Service, Library of Congress.

DOD SUPPLY CHAIN MANAGEMENT PLAN

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the Department of Defense Supply Chain Management Plan, focusing on the extent to which the supply chain management improvement plan is integrated with other Department of Defense logistics strategies, concepts, and plans, and if the Department has identified valid performance metrics and data to use in monitoring initiatives and measuring progress, after receiving testimony from Alan F. Estevez, Assistant Deputy Under Secretary of Defense for Supply Chain Integration; and William M. Solis, Director, Defense Capabilities Management, Government Accountability Office.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5874–5888; and 6 resolutions, H. Con. Res. 453; and H. Res. 942, 945–948 were introduced. **Pages H5853–54**

Additional Cosponsors: **Pages H5854–55**

Reports Filed: Reports were filed today as follows:

S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, with an amendment (H. Rept. 109–332, Pt. 2);

H.R. 5013, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies (H. Rept. 109–596);

Conference report on S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (H. Rept. 109–597);

H. Res. 946, waiving points of order against the conference report to accompany S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act (H. Rept. 109–598); and

H. Res. 947, providing for consideration of H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India (H. Rept. 109–599). **Page H5853**

Speaker: Read a letter from the Speaker wherein he appointed Representative Dent to act as Speaker pro tempore for today. **Page H5685**

Recess: The House recessed at 9:02 a.m. and reconvened at 10 a.m. **Page H5685**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improving Outcomes for Children Affected by Meth Act of 2006: S. 3525, amended, to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program; **Pages H5689–94**

Agreed to amend the title so as to read: "To amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes.". **Page H5694**

Amending section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries: H.R. 5865, to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries; **Pages H5694–96**

Amending the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security: H.R. 5852, to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, by a (2/3) yea-and-nay vote of 414 yeas to 2 nays, Roll No. 397; **Pages H5696–H5705, H5742–43**

Children's Safety and Violent Crime Reduction Act of 2006: H.R. 4472, with Senate amendments,

to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims—clearing the measure for the President;

Pages H5705–31

FHA Manufactured Housing Loan Modernization Act of 2006: H.R. 4804, amended, to modernize the manufactured housing loan insurance program under title I of the National Housing Act, by a (2/3) yea-and-nay vote of 412 yeas to 4 nays, Roll No. 398; **Pages H5731–34, H5743**

Expanding American Homeownership Act of 2006: H.R. 5121, amended, to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, by a (2/3) yea-and-nay vote of 415 yeas to 7 nays, Roll No. 400; **Pages H5734–42, H5813–14**

Export-Import Bank Reauthorization Act of 2006: H.R. 5068, amended, to reauthorize the operations of the Export-Import Bank, and to reform certain operations of the Bank; **Pages H5744–54**

Promoting Transparency in Financial Reporting Act of 2006: H.R. 5024, amended, to require annual oral testimony before the Financial Services Committee of the Chairperson or a designee of the Chairperson of the Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board, relating to their efforts to promote transparency in financial reporting; **Pages H5754–55**

Disaster Recovery Personal Protection Act of 2006: H.R. 5013, amended, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies, by a (2/3) yea-and-nay vote of 322 yeas to 99 nays, Roll No. 401;

Pages H5755–61, H5814–15

Amending the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007: H.R. 5187, to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; **Pages H5761–62**

Expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling: H. Con. Res. 145, to express the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling;

Pages H5762–63

Expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual: H. Con. Res. 235, to express the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; **Pages H5763–65**

Railroad Retirement Technical Improvement Act of 2006: H.R. 5074, to amend the Railroad Retirement Act of 1974 to provide for continued payment of railroad retirement annuities by the Department of the Treasury; **Pages H5765–66**

Commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States: H. Con. Res. 449, to commemorate the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States, by a (2/3) yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 402; and **Pages H5766–69, H5815**

Recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans: H. Con. Res. 384, to recognize and honor the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans, by a (2/3) yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 403.

Pages H5769–73, H5815–16

Pension Security and Transparency Act of 2005—Motion to Instruct Conferees: The House agreed to the George Miller of California motion to instruct conferees on H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, which was debated on Thursday, July 20th, by a yea-and-nay vote of 281 yeas to 139 nays, Roll No. 399. **Pages H5743–44, H5809–13**

Pension Security and Transparency Act of 2005—Motion to Instruct Conferees: Subsequently, the House began consideration of the George Miller of California motion to instruct conferees on H.R. 2830, to amend the Employee Retirement Income Security Act of 1974 and the Internal

Revenue Code of 1986 to reform the pension funding rules. Further consideration is expected to resume tomorrow, Wednesday, July 26th.

Pages H5809–13

Senate Messages: Messages received from the Senate today appear on page H5831.

Senate Referrals: S. 1950 was referred to the Committee on International Relations and S. 403, S. 3728, and S. 2832 were held at the desk. **Page H5852**

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of today and appear on pages H5742–43, H5743, H5743–44, H5813–14, H5814, H5815, H5815–16. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:59 p.m.

Committee Meetings

HORSE PROTECTION ACT AMENDMENTS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 503, To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption. Testimony was heard from Representatives Sweeney and Goodlatte; and public witnesses.

MEDICARE PHYSICIAN PAYMENT

Committee on Energy and Commerce: Subcommittee on Health held a hearing on How To Build a Payment System That Provides Quality, Efficient Care for Medicare Beneficiaries. Testimony was heard from Donald B. Marron, Acting Director, CBO; A. Bruce Steinwald, Director, Health Care, GAO; Mark Miller, Executive Director, Medicare Payment Advisory Commission; and a public witness.

Hearings continue July 27.

REAL ESTATE MARKET

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Changing Real Estate Market.'' Testimony was heard from J. Bruce McDonald, Deputy Assistant Attorney General, Antitrust Division, Department of Justice; Maureen K. Ohlhausen, Director, Office of Policy Planning, FTC; David G. Wood, Director, Financial Markets and Community Investment, GAO; and public witnesses.

TERRORISM THREATS AND THE INSURANCE MARKET

Committee on Financial Services: Subcommittee on Oversight and Investigations and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Committee on Homeland Security held a joint hearing entitled ''Terrorism Threats and the Insurance Market.'' Testimony was heard from public witnesses.

RE-EMPLOYING FEDERAL RETIREES

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled ''Retirees Returning to the Rescue: Re-employing Annuitants in Times of National Need.'' Testimony was heard from Nancy Kichak, Associate Director, Strategic Human Resources Policy Division, OPM; Patricia Bradshaw, Deputy Under Secretary, Civilian Personnel Policy, Department of Defense; Barbara Panther, Associate Deputy Assistant Secretary, Human Resources and Management, Department of Veterans Affairs; Ronald Sanders, Chief Human Capitol Officer, Office of the Director of National Intelligence; and public witnesses.

DOD EXCESS PROPERTY SECURITY RISKS

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''DOD Excess Property: Inventory Control Breakdowns Present a Security Risk.'' Testimony was heard from Gregory Kutz, Managing Director, Forensic Audits and Special Investigations, GAO; and from the following officials of the Department of Defense: Alan F. Estevez, Assistant Deputy Under Secretary (Supply Chain Integration); MG Bennie E. Williams, USA, Director, Logistics Operations, Defense Logistic Agency; and Paul Peters, Director, Defense Reutilization and Marketing Service.

STOPPING ILLEGAL IMMIGRATION

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled ''Is the Federal Government Doing All It Can To Stem the Tide of Illegal Immigration.'' Testimony was heard from Martin H. Gerry, Deputy Commissioner, Social Security for Disability and Income Support Programs, SSA; Al Robinson, Acting Administrator, Wage and Hour Administration, Employment Standards Administration, Department of Labor; the following officials of the Department of Homeland Security: Janis Sposato, Associate Director, National Security and Records Verification Directorate, U.S. Citizenship and Immigration Service; and Matthew Allen, Deputy Assistant Director, U.S. Immigration and Customs Enforcement; and K. Steven Burgess, Director, Examinations Small Business/Self Employed Division, IRS, Department of the Treasury.

CENTRAL ASIAN ENERGY AND SECURITY ISSUES

Committee on International Relations: Subcommittee on Middle East and Central Asia held a hearing on Assessing Energy and Security Issues in Central Asia. Testimony was heard from Steven R. Mann, Principal Deputy Assistant Secretary, Bureau of South and Central Asian Affairs, Department of State; Lana Ekimoff, Director, Office of Russian and Eurasian Affairs, Department of Energy; and public witnesses.

ADMINISTRATIVE PROCEDURE ACT ANNIVERSARY

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing entitled ''The 60th Anniversary of the Administrative Procedure Act: Where Do We Go From Here?'' Testimony was heard from public witnesses.

NATIONAL PARK SERVICE MANAGEMENT POLICIES

Committee on Resources: Subcommittee on National Parks held an oversight hearing entitled ''The Recently Released Final Draft of the National Park Service Management Policies.'' Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior.

CONFERENCE REPORT—VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1988 to improve the Act, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman McKeon (CA).

UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by the amendment printed in part A of the Rules Committee report accompanying the resolution, shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. The rule makes in order only those further amendments printed in part B of the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hyde, Representatives Fortenberry, Upton, Lantos, Berman, Lee, Markey, Woolsey, and Jackson-Lee of Texas.

SCIENTIFIC AND TECHNICAL ASSESSMENT

Committee on Science: Held a hearing on Scientific and Technical Assessment and Advice for the U.S. Congress. Testimony was heard from Representative Holt; and public witnesses.

IRS REGULATORY FLEXIBILITY ACT COMPLIANCE

Committee on Small Business: Held a hearing on the Failure To Comply With the Regulatory Flexibility Act: IRS Endangering Small Businesses Yet Again. Testimony was heard from Donald L. Korb, Chief Counsel, IRS, Department of the Treasury; Thomas M. Sullivan, Chief Counsel, Advocacy, SBA; and public witnesses.

RAIL SAFETY HUMAN FACTORS

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Human Factors Issues in Rail Safety. Testimony was heard from Joseph Boardman, Administrator, Federal Railroad Administration, Department of Transportation; Robert Chipkevich, Director, Office of Rail, Pipeline and Hazardous Materials Investigations, National Transportation Safety Board; and public witnesses.

CUSTOMS BUDGET AUTHORIZATIONS

Committee on Ways and Means: Subcommittee on Trade held a hearing on Customs Budget Authorizations and Other Customs Issues. Testimony was heard from the following officials of the Department

of Homeland Security: W. Ralph Basham, Commissioner, U.S. Customs and Border Protection; and Julie Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 814)*

H.R. 42, to ensure that the right of an individual to display the flag of the United States on residential property not be abridged. Signed on July 24, 2006. (Public Law 109–243)

S.J. Res. 40, authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure. Signed on July 25, 2006. (Public Law 109–244)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 26, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the nominations of Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture, and Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs, and to be a Member of the Board of Directors of the Commodity Credit Corporation, 9:30 a.m., SR–328A.

Committee on Finance: Subcommittee on Taxation and IRS Oversight, to hold hearings to examine the size and sources of the tax gap, 2 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nomination of Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine a progress report on protecting and enforcing intellectual property rights here and abroad, focusing on the Administration's Strategy Targeting Organized Piracy (STOP!) and the extent to which it has been effective in educating businesses about the issues related to conducting business in the global economy, the progress made since the appointment of the IP Coordinator last July, and explore if the STOP! initiative has identified effective human capital and strategic plans to build on the existing program, and if it has the necessary resources required to complete its mission, 3:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the current and future status of the Foreign Intelligence Surveillance Act which prescribes procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power, 9 a.m., SD–226.

Select Committee on Intelligence: to hold a closed meeting regarding intelligence matters, 10 a.m., SH–219.

House

Committee on Armed Services, hearing on standards of military commissions and tribunals, 1 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on plutonium disposition and the U.S. Mixed Oxide Fuel Facility, 3 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on Examining Views on English as the Official Language, 12:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H. R. 4583, Wool Suit Fabric Labeling Fairness and International Standards Conforming Act; H.R. 1078, Social Security Number Protection Act of 2005; H.R. 5863, To authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act; and H.R. 503, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Silicosis Story: Mass Tort Screening and the Public Health, 2 p.m., 2322 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 5503, FHA Multifamily Loan Limit Adjustment Act of 2006; H.R. 5851, Hawaiian Ownership Opportunity Act; and H.R. 5637, Nonadmitted and Reinsurance Reform Act of 2006, 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Prescription Drug Abuse: What is Being Done to Address this New Drug Epidemic,'' 9:30 a.m., 2154 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, hearing entitled ''Implementing FOIA—Does the Administration's Executive Order Improve Processing?'' 2 p.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science and Technology, hearing entitled ''Emergency Care Crisis: A Nation Unprepared for Public Health Disasters,'' 2 p.m., 210 Cannon.

Committee on International Relations, Subcommittee on Western Hemisphere, hearing on Immigration: Responding to a Regional Crisis, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 1704, Second Chance Act of 2005; and to mark up the following bills: H.R. 2679, Public Expression of Religion

Act of 2005; H.R. 5092, Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006; H.R. 5005, Firearms Corrections and Improvements Act; H.R. 1384, Firearm Commerce Modernization Act; and H.R. 1415, NICS Improvement Act of 2005; and to consider the following: Establishing a Special Investigative Task Force of the Committee for the consideration of H. Res. 916, Impeaching Manuel L, Real, judge of the United States District Court for the Central District of California, for high crimes and misdemeanors; and to authorize the issuance of a subpoena to Elaine L. Chao, Secretary of Labor, 10 a.m., 2141 Rayburn.

Committee on Resources, to mark up H.R. 4893, To amend section 20 of the Indian Gaming Regulatory Act to restrict off-reservation gaming, 10 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 5766, Government Efficiency Act of 2006; and H.R. 4157, Health Information Technology Promotion Act of 2005, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing on proposed amendments to and reauthorization of the National Dam Safety Program Act, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, hearing on Impacts of Border Security and Immigration on Ways and Means Programs, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Intelligence Community Acquisition Reform, 12:30 p.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Wednesday, July 26

Senate Chamber

Program for Wednesday: Senate will resume consideration of the motion to proceed to consideration of S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 10 a.m.

(At 11 a.m., Senate will meet with the House of Representative in the House Chamber to receive an address from His Excellency Nuri al-Maliki, the Prime Minister of the Republic of Iraq.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 26

House Chamber

Program for Wednesday: After convening at 10 a.m. and recessing immediately thereafter, the House will reconvene at approximately 10:40 a.m. in Joint Meeting with the Senate for the purpose of receiving His Excellency Dr. Nouri Al-Maliki, Prime Minister of Iraq. Later, consideration of suspensions as follows: (1) H.R. 2730—United States-Israel Energy Cooperation Act; (2) H.R. 5611—Fuel Consumption Education Act; and (3) H. Res. 844—Congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine. Consideration of H.R. 5682—United States and India Nuclear Cooperation Promotion Act of 2006 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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