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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. WAMP).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 26, 2006.

I hereby appoint the Honorable ZACH WAMP 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.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

TURKISH PENAL CODE—ELIF SHAFAK'S TRIAL

Mr. PALLONE. Mr. Speaker, last week Turkey put renowned novelist Elif Shafak on trial for charges that she insulted Turkishness because the character in her latest book refers to the deaths of 1.5 million Armenians in 1915 as genocide. Nine months pregnant, Shafak was forced to defend herself, or, more specifically, a fictional character in her book, to prevent going to jail.

Although Shafak was acquitted, Turkey continues to use forms of intimidation to deny its citizens their right to freedom of expression. It lobbies for its so-called rightful role in the international community, yet it does not live up to democratic principles and standards.

Mr. Speaker, in 1915 a systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire against Armenians occurred. Over the following 8 years, over 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile. To this day the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place in the name of Turkish nationalism.

When it comes to facing the judgment of history about the Armenian genocide, Turkey has chosen to trample on the rights of its citizens to maintain its lies. The trial of Ms. Shafak is a perfect example of the depths the Turkish authorities will go in order to deny the Armenian genocide. Their refusal simply has no limits.

Article 301 of the Turkish penal code was used against Shafak. It is the same law that was used against another author, Orhan Pamuk, in 2005. It states that any person who, quote, insults the republic can be jailed for between 6 months to 3 years.

Mr. Speaker, more than 60 similar cases have been brought against writers and artists in Turkey. The law is being used to silence political voices in the country. In this instance, it disturbingly was used to charge a made-up character in a book.

Mr. Speaker, I am extremely pleased that the European Parliament's Foreign Affairs Committee, on September 4, insisted Turkey make substantial changes in many areas before the nation could ever be accepted as a member of the European Union. On September 4, that Foreign Affairs Committee of the European Parliament announced that Turkey had failed to align its laws with the European Union standards, and in particular, it noted Turkey's lack of recognition of the Armenian genocide, its illegal occupation of the northern third of Cyprus, religious inequality and its oppressive penal code. But Turkish authorities continue to deny their citizens the freedoms that Americans and other democracies across the world value so greatly. Without them, a true democracy does not exist.

Until Turkey can guarantee key principles of a democracy, it should not be allowed to join the European Union. In addition, Turkey needs to abide by international law in its dealings with its neighbors. Turkey continues the illegal blockade of Armenia. It refuses entrance of goods from Cyprus to its ports.

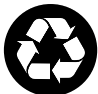
Mr. Speaker, the Turkish Prime Minister is expected to visit with President Bush sometime in early October, in the next few weeks. In light of these latest events, in light of the report of the Foreign Affairs Committee of the European Parliament, I would encourage the Bush administration to insist that Turkey clean up its act, both with regard to suppression of the rights of its own citizens, and illegal and aggressive acts against its neighboring countries.

HONORING CHAIRMAN HENRY J. HYDE

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I am delighted to take this opportunity to reflect on the awe-inspiring career of Chairman HENRY J. HYDE. It is difficult to imagine this House without

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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HENRY's wisdom, his leadership and his wit. Chairman HYDE has led our International Relations Committee and the House Judiciary Committee, prior to his current chairmanship, with grace and fairness.

Vice President CHENEY summed up the essence of HENRY HYDE very well when he recently noted, as a committee chairman and in all of his dealings, HENRY HYDE has been the soul of fairness and balance. If you had any kind of trouble in your life, you would want someone like HENRY to plead your case, and you would want someone like HENRY to decide your case. He understands people. He knows that we live in an imperfect world, and he greets his fellow man with an openness, a generosity of spirit, and an easy manner that draws others to him.

HENRY is remarkable, not only for the formidable body of legislation that he has championed in his very long career, but also for the life of service and dedication that he continues to lead.

Born and raised in the Windy City, Chairman HYDE enlisted in the U.S. Navy at the age of 18 and served with distinction during World War II, eventually rising to the rank of commander before his retirement from the Naval Reserve in 1968. He attended Duke and Notre Dame before coming to the town that would eventually become his second home, earning a bachelor's from Georgetown in 1947. It is not difficult to picture HENRY in his undergraduate years musing to himself, ''I'll be back.''

HENRY and Jeanne were married soon thereafter. Then they returned to the great State of Illinois, settling in Chicago. HENRY earned a law degree from Loyola in 1949. He started life in office in 1966, and has forged ever upward ever since, rising through the Illinois State House and becoming majority leader before his election to represent the Sixth District of Illinois in Congress in 1974.

In the 32 years since joining this House, HENRY has made an indelible mark on the history of this institution and on the consciousness of our Nation. The eloquence of his speech, the elegance of his bearing, and the eternity of his convictions have won him a place as one of our Nation's most treasured legislators. HENRY has been lauded in a great many ways, but writer David Horowitz memorably and accurately called him a Gibraltar of conviction, an avatar of grace.

September 11, 2001 was, as many have noted, a day that forever changed our destiny and our thinking. With his usual sense of clarity and his eloquence, HENRY HYDE assessed the grave threats we now face from extremists, noting on the 1-year anniversary of the attacks, ''Our enemies have no aim except destruction, nothing to offer but a forced march back to a bleak and dismal past. Theirs is a world without light.''

Indeed, HENRY has shed light on many of the important issues facing our Nation and, indeed, the world. His stewardship of the Committee on International Relations has been one of principle and grace. He has sought to shed light on the furthest reach of earth, promoting democracy wherever it was absent, and promoting human rights wherever they were lacking. His efforts to fight AIDS around the world have inspired a generation of legislators on both sides of the aisle.

HENRY's endeavors in the domestic sphere have been no less ambitious. His efforts to protect life, to safeguard Old Glory, and defending victims of sexual abuse have greatly resounded with the American people.

How fortunate we are to have been blessed with the awesome presence of a man of such stunning conviction. Serving with Chairman HYDE has been a remarkable privilege. I could not have hoped for a more caring and able mentor or a friend of more steadfast loyalty and kindness. There is hardly a soul in this Chamber who has not been touched by his graceful leadership and his righteous conviction.

Mr. Speaker, we are grateful for the great example that HENRY HYDE represents to our Chamber, our Nation, and to the world. We are so grateful to HENRY HYDE for many decades of guidance and inspiration. It is difficult to express how much he will be missed by all of us.

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 10 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. PRICE of Georgia) at 10 a.m.

PRAYER

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

Lord God, always giving voice to prophets and strength to martyrs, in times of greatest need Your people have turned to You with greater persistence. In the most critical times, You did not bring their mere expressions of need to reality; instead, You took action Yourself to prove You live beyond their imagining and that You are the Lord of all the nations.

Look with mercy and fondness upon Your people today and this government by the people in the House of Representatives as we hear the words once spoken through Ezekiel as Your living word today:

''The nations shall know that I am the Lord, says the Lord God, when in their sight I prove my holiness through you.''

Lord, show us what such holiness means for us in this era of history. Let us humble ourselves before You, that we may draw closer to You and learn how we can show Your holiness to the world.

Ever more attentive to the words of Your mouth and the breath of life You breathe within us, may we respond to Your holy inspirations, now and 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 Arkansas (Mr. SNYDER) come forward and lead the House in the Pledge of Allegiance.

Mr. SNYDER 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.

''PRESS ONE FOR ENGLISH''

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

Mr. POE. Mr. Speaker, why must I press ''1'' on my phone for English? Why are voting ballots in numerous languages? Why are street signs in foreign language like Vietnamese? Why do we educate illegals in their native tongue? Why can't some clerks in stores or fast food restaurants speak English?

Mr. Speaker, one of the qualities that make a nation a nation is a common language. Our ancestors decided that the American national language would be English. German was the second choice. But, in our day, we don't want to hurt people's feelings that are not from around here, and we make the unwise choice to communicate with them in their language, not the American language.

If people come to America, they need, like the people before them, to learn to speak English. Failure to do so makes us not a nation but many nations within a nation.

The national language is English. Several national languages are divisive and detrimental and destructive of our culture and our civilization. Mr. Speaker, I am tired of pressing ''1'' for English.

And that's just the way it is.

THE BARBARIC PRACTICE OF GAME BIRD AND ILLEGAL DOG FIGHTING

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

Mr. BLUMENAUER. Mr. Speaker, for the last 5 years I have been working with a bipartisan group of my colleagues to make it illegal to continue the barbaric practice of game bird and illegal dog fighting.

Unfortunately, these practices continue because the purveyors of them have settled on the tactic of having minimal sanctions, not having meaningful penalties in our statutes. Unfortunately, this takes on new urgency because it is not just the fighting and the violence and the illegal betting and other criminal activities. We are now finding, for instance, that viruses like bird flu can be spread through this vile trade.

Mr. Speaker, it is time for the House Republican leadership to stand up to the dark, shadowy forces that allow these evil practices to continue. Allow the bill that has been cosponsored, bipartisan, 324 cosponsors, to be voted on, on a suspension calendar. In fact, it won't even take the 40 minutes we normally allocate, because I am quite confident that we don't find any of the apologists for this barbaric trade who would be willing to stand up in public to defend what they protect in the back rooms of Congress.

HEALTH INSURANCE FOR LIFE ACT (H.R. 5740)

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

Mrs. KELLY. Mr. Speaker, I rise to urge the passage of legislation that I am cosponsoring with the gentlewoman from Ohio (Ms. PRYCE).

The Health Insurance for Life Act provides extended health care coverage to individuals and families who need COBRA when they are in between jobs or waiting for their health insurance to begin at a new job.

Suburban families like those living in the Hudson Valley in New York encounter a job change an average of seven times. Workers need assurances that their health insurance remains as transferable and uncomplicated as possible when job changes occur.

COBRA provides the safety net that parents and children need to maintain affordable health insurance, but under current law there are time limitations on how long families can use COBRA. H.R. 5740 removes COBRA's time limits and ensures that families in need of extended COBRA coverage cannot be charged unreasonable premiums.

This Congress must continue developing new ways to protect the underinsured and uninsured in New York and throughout our country. Passage of our bill ensures that time is on the side of families and children who rely on COBRA for their health insurance.

PROPERLY PREPARING OUR MILITARY

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

Mr. SNYDER. Personnel in our military, Mr. Speaker, must be properly equipped and trained in order to be ready for the unforeseen wars of the future. Even General Schoomaker, the Chief of Staff of the Army, though readiness levels are classified, has publicly expressed concern regarding the unacceptable readiness levels of our U.S.-based units. Not enough equipment, not enough money, not enough time for proper training for our wonderful troops.

We can do better, Mr. Speaker. America must do better so we can be the safe, secure country we want to be.

PRESERVING THE CIA PROGRAM

(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 week we will consider legislation to authorize military tribunals for the prosecution of suspected terrorists and clarify Common Article 3 of the Geneva Convention.

Strenuous interrogation is vital in our efforts to win the global war on terrorism. The CIA program has produced intelligence that has saved countless lives. KSM, the mastermind of 9/11, was arrested as a result of information developed from the program.

The clarification of Common Article 3 will preserve the CIA interrogation program. As a JAG officer for 28 years, I support providing definitions. We do not want to leave our men and women vulnerable to prosecution under vague international law.

I commend Chairman DUNCAN HUNTER for reaching a good bargain with President Bush and the Senate. I look forward to voting in favor of the Military Commissions Act and advancing our efforts to win the global war on terrorism to protect American families.

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

IT'S TIME THE DO-NOTHING CONGRESS ACTUALLY DO SOMETHING FOR THE AMERICAN PEOPLE

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

Mr. CLEAVER. Mr. Speaker, yesterday, when I landed here in Washington, I received a phone call almost immediately from my brother-in-law in St. Louis who said somewhat jokingly, ''I sure hope you will do something for America this week.'' And all I could think about was, ''I do, too.'' Because, unfortunately, we are not doing much for America.

We should not leave this town this week without passing legislation to implement the 9/11 Commission's recommendations so we can make our Nation safer. Congress shouldn't leave without raising the minimum wage for 6.6 million Americans who haven't seen a raise in 9 years. We shouldn't leave without rolling back the $12 billion in tax breaks that were showered on big oil companies last year.

The history books are not going to be kind to this Congress. With a 25 percent approval rating, it seems to me that one way to raise it would be to do something.

NATIONAL SEAFOOD MONTH

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, in 1990, Congress designated October as National Seafood Month. This month-long celebration highlights the importance of seafood as part of a healthy diet. National Seafood Month also honors and celebrates the many contributions of the seafood and fishing industries and recognizes the multiple ways in which industry professionals serve our Nation's economy and continues to spur economic growth.

The First Congressional District of South Carolina, which I represent, has over 75 percent of the South Carolina coastline. Many of my constituents are hardworking shrimpers and fishermen, and I appreciate all the hard work to supply us with good quality seafood.

As the popularity of seafood continues to grow, National Seafood Month offers a unique way to remind consumers of the way the industry helps meet the needs in providing healthy and delicious seafood products year round. Creating a greater awareness among consumers is essential in the efforts to spread the positive message that seafood is a delicious and nutritious source of protein in the American diet.

I urge all of my colleagues to join me in cosponsoring House Resolution 479 which supports the goals and ideals of National Seafood Month.

IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, the President says he looks to the generals on how to prosecute the war in Iraq. Yesterday, two generals from the Army and a Marine colonel who had all served in Iraq called for the resignation of the Secretary of Defense, Mr. Rumsfeld.

The President has repeatedly claimed he listens to the military. Well, General John Batiste told an oversight hearing that Rumsfeld and others in the Bush White House ''did not tell the American people the truth for fear of losing support for the war in Iraq.''

The generals have spoken, Mr. President. Your Defense Secretary misled us into combat with disastrous consequences. Rumsfeld has failed our soldiers and the American people. He just

ordered another 4,000 into Iraq, into the cauldron of violence that his incompetence has created.

The generals have spoken, Mr. Speaker. Tell the President to listen to us. Will you? Somebody has got to talk to the President. He doesn't seem to listen to Members of Congress. The generals have now spoken. What is he waiting for? Perhaps it is the election.

DEMOCRATS OUT OF TOUCH

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

Ms. FOXX. Mr. Speaker, I rise today to deliver a message: The Democrats have no direction when it comes to the war on terror and national security. Just this week, the minority leader said, and I quote, ''5 years after 9/11 Osama bin Laden is still free, and not a single terrorist who planned 9/11 has been caught and brought to justice.''

In reality, currently, the U.S. has in captivity Khalid Shaikh Mohammad, the mastermind behind 9/11; Mustafa Ahmad as-Hawsawi, a financier of the 9/11 attacks; and Ramzi-Bin al-Shibh, who served as a facilitator between the 9/11 hijackers in the U.S. and the al Qaeda leadership in Pakistan and Afghanistan.

Another baffling statement was made recently by the Senate minority leader referring to the national security bills the House has passed to make our Nation safer and secure our porous borders. The Senate minority leader openly said that the Republican Congress is spending time on issues that are not relevant to the American people.

Mr. Speaker, the statements of the respected minority leaders lead me to believe that not only are the Democrats out of touch with the majority of Americans, but it appears as if they are now completely out of touch with reality.

□ 1015

SPY AGENCIES SAY IRAQ WAR WORSENS TERRORISM THREAT

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

Ms. SOLIS. Mr. Speaker, the headlines in the New York Times says it all, ''Spy Agencies Say Iraq War Worsens Terrorism Threat.''

The top secret terrorism document was completed in April, after receiving final approval from all 16 national intelligence departments. The report concludes that rather than being in retreat, Islamic radicalism has spread across the globe. According to an American intelligence official, the report says that the Iraq war has made the overall terrorism problem worse and attacks continue to increase, with 2,700 soldiers killed and 17,000 injured.

And yet, over the last month President Bush told the American people that our Nations and its allies are safer than they ever were.

Mr. Speaker, it is time for the President to be honest with the American public. He needs to tell the truth, and we need to make sure that those folks that are preparing to vote in November don't believe all of these lies and scare tactics being used by the Republican Party.

NATIONAL DEFENSE

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

Mrs. MILLER of Michigan. Mr. Speaker, when I decided to run for Congress, I made a conscious decision to do so, and I took my oath of office very seriously, just as every Member before me and every Member in the future will as well.

I knew that the first and foremost responsibility of the Federal Government was to provide for the national defense. It is actually in the preamble of our Constitution. America is a peace-loving Nation. And yet we find ourselves in a war with an enemy who hides in the shadows and preys on the innocent, terrorists who have murdered innocent citizens and are enemies of freedom and liberty and democracy.

Mr. Speaker, election day is coming to our Nation, and as Americans make their decisions, national security and the war on terror is on every voter's mind. So I ask them to consider what the Democratic minority leader said in a recent interview about the upcoming elections when asked about the importance of national security. She said, ''This is what I guess campaigns will be about. It shouldn't be about national security.''

Mr. Speaker, Americans are dying and the Democratic minority leader doesn't think national security should be an issue. Think about that.

AMERICA IS NOT SAFER TODAY

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

Mr. PALLONE. Mr. Speaker, America is not safer today than it was before 9/11. The President can continue to deny this fact in speeches around the country, but his own intelligence agencies concluded that the world is not safer today, and the main reason is the ongoing war in Iraq.

This is not the only proof that we are less safe today than 5 years ago. A recent independent Council on Global Terrorism report assigned a grade of D-plus to our Nation's efforts in combating Islamic extremism. The council concluded that ''there is every sign that radicalization in the Muslim world is spreading rather than shrinking.''

Another report, this one by Foreign Policy Magazine, surveyed our Nation's top security experts from across the political spectrum and their conclusions that 84 percent said we are losing the war on terrorism and 87 percent said the war in Iraq had a negative impact on the war on terror.

Mr. Speaker, it is time that we get back to fighting the real war on terror. We need to begin redeploying our troops out of Iraq and refocusing our efforts in Afghanistan. How can we defeat the terrorists if we have seven times as many troops in Iraq as we do in Afghanistan?

NATIONAL SECURITY

(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, as we remember 9/11, it should renew our determination to see justice brought to those responsible and to protect our homeland against further attack.

This week, we will take up legislation on both of those points. Thanks to the hard work and dedication of our intelligence community, we have captured most of those responsible for murdering nearly 3,000 of our innocent civilians on 9/11.

This week, we will create a framework to bring these terrorists to justice. It will provide a system that is fair and firm and ensures that these terrorists are never again given the chance to do us harm.

We will also work to prevent further attacks on America by strengthening our surveillance capabilities on terrorist activities. In the war on terror, intelligence-gathering is crucial, and we must give our intelligence community the tools it needs to protect America.

Mr. Speaker, nothing is more urgent than strengthening our national security.

AMERICA'S ECONOMIC SITUATION

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

Mr. CARNAHAN. Mr. Speaker, President Bush and congressional Republicans are out of touch with the economic conditions faced by millions of working Americans today. If they would only take time to talk with any working Americans, they would hear that most fear they are losing their piece of the American Dream. Most Americans are not asking for much. They want to keep their heads above water without going into debt so they can provide a better future for their children.

Unfortunately, most Americans believe the American Dream is getting harder to reach, and many fear their children will be worse off in the future. Working Americans are justifiably skeptical about today's economy. While overall productivity is up,

monthly paychecks are stagnant, forcing most families to stretch paychecks just to make ends meet.

This is not how our country is supposed to work. Unfortunately, Washington Republicans continue to ignore the needs of the middle class. Democrats have a proud history of fighting for working families and will take our country in a new direction, one where their needs are addressed, not ignored.

HONORING VIVIAN MOEGLEIN

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

Mr. BOOZMAN. Mr. Speaker, I rise today to express my sincerest appreciation and thanks to Vivian Moeglein whose tenure as my legislative director comes to an end this Friday. Vivian will be leaving my office at the end of this week after serving the Third District of Arkansas for 10 years.

Her passion for the legislative process, devotion to the people of Arkansas, and her cheerful personality have made her a pleasure to work with, and I am fortunate to have had her on my staff.

Vivian began her service here on Capitol Hill as an intern for Congressman Asa Hutchinson while completing her undergraduate degree at the University of Maryland. Since that time, she has worked her way through the ranks as a staff assistant, office manager, legislative correspondent, legislative assistant, and finally as legislative director.

I was fortunate enough to keep her on the staff when I entered Congress in 2001 in a special election when she carefully steered me through the learning process each new Member of Congress must master.

Mr. Speaker, my staff and I will miss Vivian greatly, as will the Third Congressional District of Arkansas. We are extremely grateful for her tireless efforts on behalf of Arkansas and wish her the best of luck in all of her future endeavors.

WE NEED TO CHANGE COURSE IN IRAQ

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

Mr. FILNER. Mr. Speaker, a famous law of nature says that when you have dug yourself into a deep hole, the first thing to do is stop digging. That hole is Iraq. According to our own intelligence agents, the war in Iraq is actually fueling more terror worldwide, undermining the global war on terror. And yet this administration refuses to stop digging.

Conditions for our own troops are getting worse and worse. They are merely serving as referees in a civil war between Sunnis and Shias in which over 100 Iraqis die every day.

And our Army Chief of Staff, who I refer to as the Carl Sagan of the budget, says we need billions and billions and billion of more dollars if we are going to keep the Army going in Iraq and elsewhere.

Last week, General Abizaid was asked if we were winning the war in Iraq; he said we would be if we had unlimited time and unlimited resources.

Yet in the face of all of this mismanagement, all of the death and destruction, our President has the nerve to say when history looks at Iraq, it will see a mere comma. A mere comma. What about the deaths of 2,700 of our bravest men and women, Mr. President? How about the injuries of 20,000 of our finest troops? It is time to stop digging and bring the troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to the President.

NO CONGRESSIONAL ACCOMPLISHMENTS THIS YEAR

(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, at the end of this week the Republican leadership is sending us home. They are going to spend the next 4 weeks trying to convince the American people that we have actually accomplished something this year. It is going to be a tough sell.

This is the most do-nothing Congress in American history. Back in 1948, President Harry Truman dubbed the Congress of that year the ‘‘do-nothing Congress’’ after it met for only 101 days. At the end of this week, this Congress will have only met for a total of 79 days. That is 22 days less than the do-nothing Congress of 1948. This is the do-less-than-nothing Congress.

And over those 79 days, House Republicans have not passed one piece of meaningful legislation into law. They have been putting on a lot of shows over the last few weeks trying to convince the American people they are actually accomplishing something. Don’t believe them.

Here is the record. We are days away from a new fiscal year, Congress has not yet passed a budget. Republicans have been saying all year that immigration and border security are their top priority, but we leave this week without a law on either issue. It is no wonder the American people are fed up with Congress. It is time for a change.

IRAQ WAR CREATING MORE TERRORISTS, NOT LESS

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

Ms. LEE. Mr. Speaker, for 5 weeks President Bush has been telling the American people that they are safer now than they were before 9/11 even though all 16 of his intelligence agencies were telling him that simply was not the case.

The Bush administration’s own spy agencies say we are less safe today, and they put the blame on the President’s decision to invade Iraq.

If President Bush and Republicans here in Congress are serious on winning the global war on terror, they would not ignore this classified report and would finally join us in coming up with a new strategy for Iraq.

It is clear that staying the course is simply not working. We have lost nearly 2,700 troops and spent upwards of $320 billion. And yet there are still no positive developments on the ground. In fact, things seem to be getting worse as more than 100 Iraqis are now being killed every day.

Mr. Speaker, the war in Iraq and the occupation is making our Nation less safe. It is time that we redeploy our troops out of Iraq so we can finally achieve some form of national security. I mean real national security and real peace.

FAMILIES FACE RISING COSTS WITH FALLING WAGES

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

Mr. PAYNE. Mr. Speaker, at the end of last week Forbes Magazine released their annual list of the 400 richest Americans. For the first time ever, this list was comprised entirely of billionaires. Not one millionaire made the list. 400 billionaires.

These are the types of people who benefited from the massive tax cuts pushed by President Bush and his Republican rubber-stamp allies here in this Congress.

The giveaway to the wealthiest Americans stands in stark contrast to the plight of millions of working people in my home State of New Jersey and throughout the Nation who have actually seen their wages fall by over $3,000 over the past 6 years if you take inflation into account.

How are working Americans supposed to realize the American Dream when their wages remain stagnant, when all of their monthly bills are steadily rising? Over the past 6 years, the cost of health care has risen by 71 percent and the tuition of public colleges has gone up 57 percent. We must stop this. Let’s stop benefiting the billionaires.

REMEMBERING LEO DIEHL

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

Mr. FRANK of Massachusetts. Mr. Speaker, there is a cliche of the unsung

hero. Cliches can be tiresome, but generally they have to be true to become a cliche. One such unsung hero in the history of this House recently died. His name was Leo Diehl.

Tip O'Neill was a great Speaker, and we have seen before and since that it is not as easy to be a successful Speaker as it may look. One reason Tip was so good at his job was the friendship and partnership he had with Leo Diehl.

Leo Diehl was a man of integrity, vision and intelligence. He had lost the use of much of his body, but his brain worked, and his eyes and ears and mouth. Because of the great friendship with Leo Diehl, because he could so clearly rely on a man of such strength of character and wisdom, that was one of the reasons that Tip O'Neill's speakership, as he was free to acknowledge, was so successful.

Leo Diehl recently died at the age of 92. He was a great figure in the history of this House, and I think it is appropriate that those of us particularly who served under Tip O'Neill's speakership with Leo Diehl mourn him today.

REMEMBERING LEO DIEHL

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

Mr. McGOVERN. Mr. Speaker, I want to join with my colleague from Massachusetts, Congressman BARNEY FRANK, in paying tribute to a great man, Leo Diehl, who recently died.

He served as Tip O'Neill's right-hand man and was a great counselor not only to Tip, but to so many people who served in this Congress during those years. Those of us who were members of congressional staff remember him with great fondness and great respect.

The great people who serve in this institution are not just the people who get elected, but often those who serve those who are elected. Leo Diehl was a wonderful man. The world has lost a great person.

□ 1030

PRESIDENT BUSH MISREPRESENTS IRAQ'S IMPACT ON THE OVERALL GLOBAL WAR ON TERROR

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

Ms. WATSON. Mr. Speaker, it is nice to see that we really and finally are hearing the truth from the Bush administration about the Iraq war and its impact on the overall global war on terror. The problem is we didn't hear it from the President himself. No. It comes from a top secret intelligence document that I am sure the President hoped never saw the light of day.

For the better part of a month now, President Bush has been trying to persuade the American people that we are safer today than we were before 9/11. This national intelligence report contradicts the President's statements and says that the war in Iraq has actually made our fight against terrorism even more difficult.

So the question is, why would the President go out and say we are safer if his intelligence agencies refute these claims? Either President Bush has not personally read the top secret report or he is not leveling with the American people about the real worldwide threat we continue to face and how Iraq has made those threats even worse.

PROVIDING FOR CONSIDERATION OF H.R. 2679, VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1038 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1038

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 1038 is a closed rule. It allows 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute as reported by the Committee on the Judiciary shall be considered as adopted. H. Res. 1038 also provides for one motion to recommit with or without instructions.

Mr. Speaker, as you and many others may have noticed, if you look up from the front podium, in the center of the molding above the gallery is a sculpture of Moses, the man who freed the slaves in Egypt and introduced God's law to man. Moses is at the forefront of all of the great legal scholars depicted in this Chamber because of his responsibilities as both a religious leader and the custodian of God's law.

The Ten Commandments are the foundation of common law and the "rights endowed by our Creator." However, in recent decades, the Ten Commandments, religious symbols, and religious liberties in general have been under attack. More specifically, they have been under attack by the same interests that claim to represent civil liberties and free speech.

On July 19, 2005, a month after the Supreme Court ruled on the two Kentucky Ten Commandments cases, United States District Court Judge William O'Kelley ruled in my home State of Georgia that the courthouse in Barrow County, my daughter-in-law's home, had to remove a framed poster of the Ten Commandments and awarded the American Civil Liberties Union, the ACLU, $150,000.

Mr. Speaker, small counties like Barrow cannot afford these costly lawsuits; and my daughter-in-law's parents, Emory and Pat House of Winder, Georgia, experienced an increase in their taxes to help pay for these court costs and the legal fees.

This past July, we had a debate over legislation to preserve the Mount Soledad Veterans Memorial in San Diego, California, from having to remove a cross. Mr. Speaker, one can only wonder how those Korean War veterans, many of whom gave their lives for this country, might have felt had that cross been removed from their memorial cemetery. Thankfully, Mr. HUNTER's legislation passed and was signed into law, but I am stunned at how far our society has fallen when people are compelled to sue a major city to have a cross removed from, of all places, a memorial cemetery.

Mr. Speaker, we cannot continue to allow frivolous and, frankly, unwarranted lawsuits to stifle the beliefs and self-determination of our great communities. This is a textbook example of an issue that needs to be addressed by this Congress.

I have always believed that one man's rights end where another man's rights begin, and we need to draw the line to clarify our first amendment and ensure impartiality for legal challenges.

The rule we are debating today would allow for the consideration of H.R. 2679, the Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Act of 2006. I want to thank Mr. HOSTETTLER for sponsoring this legislation and Chairman SENSENBRENNER for the opportunity to discourage frivolous obstruction to our constitutional rights of religious expression.

The Public Expression of Religion Act would prevent Federal courts from

awarding monetary relief to parties claiming violations based on the constitutionally prohibited ''establishment of religion.'' In addition, H.R. 2679 would prevent plaintiffs who have won such claims from being awarded attorneys' fees and so-called court expenses.

However, what is more concerning is when a defendant decides, a city or county like Barrow and Winder, Georgia, to settle without challenging the frivolous accusations not because they could not win but because they cannot match the challenger's legal war chest. H.R. 2679 will ensure that each party in an Establishment Clause lawsuit shoulders its own costs.

Mr. Speaker, beyond the issue of religious expression, this is an issue about lawsuit reform. We need to move away from this current sue-or-be-sued society, which offers little to no repercussions for those seeking financial gain or the advancement of some personal or political agenda.

As many of my colleagues know, before being elected to this Congress, I had a career as an OB/GYN physician. Most of my patients thought I was a successful, good doctor, but I was in constant fear of medical liability lawsuits, like many of my colleagues, and struggled to make these exorbitant malpractice insurance payments. As a result, one of my primary objectives as a retired doctor now and Member of Congress is to help pass medical malpractice reform and, as a direct result, reduce the cost of health care. What we have with the Establishment Clause litigation is very similar, because the multiple lawsuits tie up our court system and they affect everybody.

Mr. Speaker, the United States Constitution is a revolutionary and sacred document on many levels. Our Founding Fathers had great foresight when they designed our government. The first amendment is an absolute right and should not be misinterpreted to allow these attacks on our freedom of religion. The attack on our religious heritage is just as wrong as denying a person the freedom to worship. The Constitution guarantees freedom of religion, not freedom from religion. And it is my hope that with the passage of this legislation we can prevent future Barrow County rulings and preserve our Nation's heritage.

I ask my colleagues to support this rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes, and I yield myself 5 minutes.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, the political season is upon us. There is just 1 week left before we adjourn for the midterm elections. And what does that mean? It means we will shove important issues to the side and move the sound bite and wedge issues to the forefront. It means that this Congress will become a place where trivial issues are debated passionately and important ones not at all. The legislation before us is not needed, will not be enacted by the Senate, and, quite frankly, is a waste of our time.

The so-called Public Expression of Religion Act, which should really be called the ''cheap political expression act,'' is simply another wedge issue brought to the floor by the Republican leadership that will be used as a political tool in the November elections. The bill bars the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the first amendment. In other words, the Public Expression of Religion Act will prevent lawyers from being paid for representing people who believe that their religious freedoms have been violated.

Now, there is a legal separation of church and State in this country, and we have a court system designed to mediate any dispute over the law, including legal disputes over the separation of church and State. We have an independent judiciary, and they deserve to do the job the framers intended them to do.

But this bill does not allow them to do the job the framers empowered them to do. If this bill is enacted, attorneys will stop representing people who feel that their rights are infringed upon because they won't be compensated for doing their jobs.

The fact, Mr. Speaker, is that there are some on the other side of the aisle who don't like some of the decisions the courts have handed down in regards to the display of certain religious symbols; and since they cannot win in court based on rights guaranteed in the Constitution of the United States, my good friends on the other side of the aisle are now attempting to rig the process in their favor.

Now, there are decisions the courts hand down that I do not agree with, and I can think of a few that the Supreme Court has handed down that I don't agree with. But I do not run to the floor of this House with legislation overturning those decisions. Mr. Speaker, this is a slippery slope that will ultimately cause real legal problems if this bill is ever enacted into law.

Mr. Speaker, my colleague on the Rules Committee, Mr. HASTINGS of Florida, said it best during yesterday's hearing on this rule. He said, ''I don't understand what's broken.'' Well, let me tell you, Mr. Speaker, what is really broken. The way we treat people who need the most help in this country is broken. The way we protect our homeland is broken. The independent 9/11 Commission has given us D's and F's in terms of implementing their recommendations to protect the people of this country. It is a broken process.

And the way we are perceived around the world is broken. We have never, ever been held in such low esteem. The way the people of this country view the United States Congress is broken. We have never had lower ratings than we do right now, because people are fed up with the things that are being brought to this floor.

Instead of addressing the more important and pressing issues, we are forced by the Republican leadership to debate and vote on a bill restricting attorneys' fees.

Where, Mr. Speaker, is a clean bill increasing the minimum wage? The Federal minimum wage is stuck at $5.15 an hour, and 9 years ago was the last time we raised the Federal minimum wage. Yet this Congress has given itself nine pay increases. Where is the legislation implementing the rest of the 9/11 Commission's recommendations? Where is the Labor-HHS-Education appropriations bill?

Mr. Speaker, we shouldn't adjourn before we consider these bills; and bringing up another bill, attacking lawyers for doing their job, does nothing to address these problems.

I urge my colleagues to reject this partisan political legislation, this legislation that is not needed, and instead demand that the leadership of this House bring to the floor meaningful legislation. I would also urge my colleagues to defeat this rule. It is another closed rule. Democracy is dead in this House of Representatives. I cannot remember the last time we had an open rule. There is no reason why this should be a closed rule.

Mr. Speaker, I will insert in the RECORD a number of letters from individuals and organizations that are opposed to this legislation.

First, a letter signed by a number of religious and civil rights organizations, including the American-Arab Anti-Discrimination Committee, the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League, the Baptist Joint Committee, People for the American Way, the Interfaith Alliance, Unitarian Universalist Association of Congregations, and a whole range of other organizations opposed to this.

I would also like to insert in the RECORD a letter opposing this legislation signed by the leaders of the Leadership Conference on Civil Rights.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
September 18, 2006.

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we urge you to oppose the ''Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006'' (H.R. 2679). H.R. 2679 would bar attorney's fees to parties who prevail in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. It would also make injunctive and declaratory relief the only remedies available in such cases.

H.R. 2679 is unprecedented. It would, for the first time, single out one area of constitutional protections under the Bill of Rights and prevent its full enforcement. It would greatly undermine the ability of citizens to challenge Establishment Clause violations, as legal fees often total tens or even hundreds of thousands of dollars, making it difficult to impossible for most citizens to pursue their rights without the possibility of recovering attorney's fees. In addition, because a prevailing party would not even be able to recoup court costs, it would prevent most attorneys from even taking cases on a pro bono basis.

By deterring attorneys from taking Establishment Clause cases, H.R. 2679 would leave many parties whose rights have been violated without legal representation. As such, it would effectively insulate serious constitutional violations from judicial review. It would become far easier for government officials to engage in illegal religious coercion of public school students or in blatant discrimination against particular religions.

If the rights guaranteed under the U.S. Constitution are to be meaningful, every American must have full and equal access to the federal courts to enforce them. The ability to recover attorney's fees in successful cases has long been an essential component of this enforcement, as Congress has recognized in the past. As such, we strongly urge you to oppose H.R. 2679.

Thank you for your consideration. If you have any questions, please contact Rob Randhava, LCCR Counsel, at 202–466–6058 or randhava@civilrights.org.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

OPPOSE H.R. 2679, THE ''PUBLIC EXPRESSION OF RELIGION ACT''

SEPTEMBER 22, 2006.

DEAR REPRESENTATIVE: We write to urge you to oppose the ''Public Expression of Religion Act of 2005'' (H.R. 2679). This bill would bar the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. This bill would limit the longstanding remedies available under 42 U.S.C. 1988 (which provides for attorneys fees and costs in successful cases involving constitutional and civil rights violations) in cases brought under the Establishment Clause. If this bill were to become law, the only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive and declaratory relief. As a result, Congress would single out one area of constitutional protections under the Bill of Rights and prevent its full enforcement.

Religious expression is not threatened by the enforcement of the Establishment Clause, but is protected by it. The Establishment Clause promotes religious freedom for all by protecting against government sponsorship of religion. While the signers of this letter may differ on the exact parameters of the Establishment Clause or even on the outcome of particular cases, we all believe that the Establishment Clause together with the Free Exercise Clause, protects religious freedom. The purpose of this bill, however, is to make it more difficult for citizens to challenge violations of religious freedom. But with legal fees often totaling tens—if not hundreds—of thousands of dollars, few citizens can afford to do so. Most attorneys cannot afford to take cases, even on a pro bono basis, if they are barred from recouping their fees and out-of-pocket costs if they ultimately prevail. The elimination of attorney's fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution, thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review.

This bill raises serious constitutional questions and would set a dangerous precedent for the vindication of all civil and constitutional rights. If the right to attorney's fees is taken away from plaintiffs who prove violations of the Establishment Clause, other fundamental rights are likely to be targeted in the future. What will happen when rights under the Free Exercise Clause are targeted? Can we imagine a day when citizens cannot enforce their longstanding free speech rights, or bring a case under the constitution to challenge the government's use of eminent domain to take their property, simply because they cannot hire an attorney to represent them? Surely, these and other fundamental rights might not be far behind once Congress opens the door to picking and choosing which constitutional rights it wants to protect and which ones it wants to disfavor.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorney's fees in successful cases is an essential component for the enforcement of these rights, as Congress has long recognized. We urge you to protect the longstanding ability of Americans to recoup their costs and fees when faced with basic constitutional violations and urge you in the strongest terms to oppose H.R. 2679.

Sincerely,

ADA Watch/National Coalition for Disability Rights,
Alliance for Justice,
American-Arab Anti-Discrimination Committee (ADC),
American Civil Liberties Union,
American Humanist Association,
American Jewish Committee,
American Jewish Congress,
Americans for Democratic Action,
Americans United for Separation of Church and State,
Anti-Defamation League,
Asian American Justice Center,
Asian Law Caucus,
Asian Pacific American Legal Center,
Baptist Joint Committee,
Bazelon Center for Mental Health Law,
Equal Justice Society,
Gay & Lesbian Advocates & Defenders,
Human Rights Campaign,
Japanese American Citizens League,
Jewish Council for Public Affairs (JCPA),
Lawyers' Committee for Civil Rights Under Law,
Legal Momentum,
Mexican American Legal Defense and Educational Fund (MALDEF),
National Association for the Advancement of Colored People (NAACP),
National Center for Lesbian Rights,
National Council of Jewish Women,
National Employment Lawyers Association,
National Gay and Lesbian Task Force,
National Lawyers Guild,
National Partnership for Women & Families,
National Senior Citizens Law Center,
National Women's Law Center,
National Workrights Institute,
People For the American Way,
Public Justice Center,
Secular Coalition for America,
Sikh American Legal Defense and Education Fund (SALDEF),
The Impact Fund,
The Interfaith Alliance,
The Puerto Rican Legal Defense and Education Fund,
The Urban League,
Union for Reform Judaism,
Unitarian Universalist Association of Congregations.

□ 1045

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the gentleman from Georgia said the Constitution is a sacred document. I agree. And that is exactly why I passionately oppose this ill-advised legislation, because it does a disservice to the Constitution by making it more difficult to enforce the first amendment to the Constitution, which is dedicated to protecting our first freedom in America, religious freedom.

I am glad to join with faith-based groups, such as the Baptist Joint Committee, the Interfaith Alliance, along with the American Jewish Committee, in strong opposition to this bill. Why? Because this bill would make it more difficult for ordinary Americans to denied their religious freedom against intrusion by government. For over two centuries, the first amendment of our Bill of Rights has protect religious freedom for all Americans.

Listen with me to the words of Thomas Jefferson written in his 1802 letter to the Danbury Baptists: ''I contemplate with sovereign reverence,'' sovereign reverence, ''that Act of the whole American people which declared that their legislature should,'' and here he quotes the Constitution, ''make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state.''

Today's amendment would not just chip away, it would chisel away, the wall of separation of church and state. It would knock down the fundamental part of that wall that was designed to keep government out of our houses of worship and out of our own private religious faith.

Today's amendment is a wolf in sheep's clothing. Time for maximum political sound bites, I understand that, just prior to an election. This bill claims to protect the public expression of religion, but it does not do that. What it does is protect the power of government to step on the individual rights of every American citizen when it comes to the exercise of their religious freedom, and it allows the government to inhibit the individual's right to exercise his or her views of faith by using government power to force someone's religion on someone else.

The truth is, this bill undermines the enforcement of the establishment clause of the first amendment, which was designed exactly to protect Americans from government intrusion into our faith. Now, Mr. Madison and Mr. Jefferson knew that government intrusion into religion is the greatest single threat to religious freedom.

And that is why they embedded into our Bill of Rights the fundamental principle that government should not use its power to promote anyone's religion upon anyone else. The principle of church-state separation has been a magnificent bulwark for over 200 years against government intrusion into our houses of worship and our private faith.

Unfortunately, this bill would make it more difficult for citizens to protect that religious freedom by using our judicial system to enforce the first amendment to the Constitution. In fact, this bill would go so far as to say, even if a plaintiff, in defense of religious freedom in the first amendment to the Bill of Rights, even if that plaintiff wins the case before the United States Supreme Court, that party would not be reimbursed for their legal fees.

Let me remind my friends of faith that should, for example, someone not put a 2½ ton monument of the Ten Commandments in an Alabama courthouse, but put a 2½ ton monument to Buddha in an Alabama or a Georgia or a Texas courthouse, this bill would prohibit people of the Christian faith, for example, from filing a lawsuit and then recovering damages if the Supreme Court said, yes, it was wrong for that county judge to put a 2½ ton statue of Buddha in that Alabama courthouse.

This bill does not protect public expression of religion, as its title suggests. To the contrary, this bill should be called, let's not enforce the first amendment to the Constitution, because that is exactly what this legislation does. It makes it harder, if not impossible, for many citizens to stop the intervention of government into our religious faith and our lives.

By making it easier for government to step on the first amendment religious rights of all Americans, this bill does damage to what Jefferson called, with reverence, the wall of separation between church and state.

Mr. Speaker, I believe America's greatest single contribution to the world from our experiment in democracy is our system of protecting religious freedom through the separation of church and state. Our system, built upon the sacred foundation of the first amendment, has resulted in a Nation with more religious freedom, vitality and tolerance than any nation in the world. How ironic and sad it is that while we are preaching democracy and church-state separation to the Iraqis, right here today in the cradle of America's democracy some would try to tear down the wall of separation between church and state.

If anyone thinks government is a friend of religious freedom, then vote for this dangerous, ill-advised legislation during the middle of campaign season. However, I would challenge any Member, Mr. Speaker, to show me one nation, show me one nation in the history of the world where government endorsement and involvement in religion has resulted in more religious freedom than we have in America.

I would be glad to yield any time for any Member who can show me one nation where that has been the case. Aside from the clear lessons of history that have shown just the contrary, that government is a danger to religious freedom, one only has to look at the Middle East today to find out the danger we have when we allow government to use its power and its money to force religion or anyone's religious views on any other citizen.

Church-state separation does not mean keeping people of faith out of government, but it does. And it should, and I pray it always will mean keeping government out of our faith. That is what the establishment clause of the first amendment is all about. That is why that principle was written into our Bill of Rights. And not only the Bill of Rights, but the first 16 words of the first amendment thereof. That is how important Mr. Madison thought, and the Founding Fathers thought, this principle of church separation was to our Republic.

Mr. Speaker, if I must choose today between standing on the side of campaign sound bite politics, or standing with Mr. Madison, Mr. Jefferson and the Bill of Rights, I will proudly stand with our Founding Fathers and our Constitution.

Religious freedom is a gift from God. And our Bill of Rights has been a magnificent steward of that precious gift for over two centuries. Let us not tamper with that divine gift in election season. Vote "no" on this bill.

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

Mr. Speaker, the previous speaker talking about the rights of people to sue, and that this bill would discourage that right because we are taking away the ability to recover monetary damages or legal fees and court costs, the American Civil Liberties Union probably files most of these lawsuits on behalf of plaintiffs. They have said very clearly that their motivation is not fees, is not compensation. If there were no fees involved, they would continue to file these lawsuits even though in many cases of course there are tremendous legal fees and court costs awarded, monetary damages.

I want to just, Mr. Speaker, in response to the previous speaker, list a few examples of what I am talking about. I mentioned already in my home State of Georgia, Barrow County of the $150,000 cost. And that small struggling county elected to defend themselves. And that is what it ended up costing them.

Another example. The ACLU received $950,000 in a settlement with the city of San Diego in a case involving the San Diego Boy Scouts. The ACLU received $121,000 in Kentucky in a case to remove a Ten Commandments monument outside of the capitol.

The ACLU and two other groups received nearly $550,000 in an Alabama case to remove the Ten Commandments from a courthouse. I could go on and on and on. But in regard to rights, this case as we will hear, I am sure, from the author of the legislation as we discuss the bill, is not about removing anybody's rights under the establishment clause, not at all.

But we are talking about the rights of these small counties and cities, which represent a lot of people, and their ability to defend themselves when they have not violated the Constitution at all. The Constitution calls for a separation of church and state and a freedom from the imposition of a state religion, but it does not call for the total elimination of religion and the removal of a cross from a veterans cemetery in San Diego.

Mr. Speaker, if we continue down this line, pretty soon Moses will be removed from this Chamber based on the same argument. So I say to my friend from the other side that we need a balancing of rights. That is what this is all about. Let's level the playing field. We are not eliminating anybody's constitutional rights under the establishment clause.

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

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would just like to point out to my friend from Georgia that this legislation, that if one reads it, says that even if a party has prevailed in the United States Supreme Court in an enforcement of the first 16 words of the Bill of Rights, that that party would be denied legal fees.

That is why I say this should be entitled, "let's not enforce the Bill of Rights legislation." And again, groups such as the Baptist Joint Committee strongly oppose this. Why? Because what if that courthouse in Alabama had had a judge that put a 2½ ton statue of Buddha in there. Would one not give the citizens of that community the right to respond?

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

Mr. Speaker, let me read a line from a letter that was sent to all Members of Congress from the Baptist Joint Committee for Religious Freedom.

They write: "The protections of the first amendment, however, are not self-enforcing. If someone is forced to sue the government to enjoy their constitutional rights, justice and fundamental fairness dictate that they be able to recover the legal fees expended to do so."

BAPTIST JOINT COMMITTEE FOR RELIGIOUS LIBERTY,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: The Baptist Joint Committee for Religious Liberty (BJC) urges you to vote NO on H.R. 2679, the so-called "Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006." The bill recently passed out of the Judiciary Committee and could be on the floor as early as this week. The BJC is a 70-year-old education and advocacy organization dedicated

to the principle that religion must be freely exercised, neither advanced nor inhibited by government. Our mission stems from the historic commitment of Baptists to protect religious freedom for all.

We oppose this legislation that seeks to limit access to the federal courts for individuals seeking the enforcement of the Establishment Clause. To prohibit the recovery of attorney's fees and limit the remedy available to injunctive and declaratory relief would essentially shut the courthouse door to many who seek to defend our first freedom. Enforcement of the First Amendment is essential for the defense of religious freedom. The protections of the First Amendment, however, are not self-enforcing. If someone is forced to sue the government to enjoy their constitutional rights, justice and fundamental fairness dictate they be able to recover the legal fees expended to do so.

Despite the claims of the bill's sponsor, this legislation does not promote the expression of religion. Instead, the bill undermines fundamental constitutional protections that have provided for a great deal of religious expression in the public square. The Establishment Clause exists to protect the freedom of conscience and to guard against government promotion of religion, leaving religion free to flourish on its own merits. This point was well-stated by former Supreme Court Justice Sandra Day O'Connor in her concurring opinion in McCreary County, Kentucky v. ACLU (2005). She noted, ''Voluntary religious belief and expression may be threatened when government takes the mantle of religion upon itself as when government directly interferes with private religious practices.''

Governmental entities should be encouraged to uphold constitutional values, not invited to ignore them. Yet, passage of H.R. 2679 would encourage elected officials to violate the Establishment Clause whenever they find it politically advantageous to do so. By limiting the remedies for a successful plaintiff, this measure would remove the threat that exists to ensure compliance with the Establishment Clause.

We urge you to oppose H.R. 2679. The bill is an assault on an essential constitutional freedom. If passed, it would greatly harm religious freedom and set a dangerous precedent for other constitutional protections.

Sincerely,

K HOLLYN HOLLMAN,
General Counsel.

Mr. Speaker, before I yield to our next speaker, the gentleman from Georgia in his opening remarks, you know, talked about our veterans in the context of rationalizing a vote in favor of this bill. So let me just talk for a second about our veterans.

One of the things that is particularly frustrating to so many of us on this side is that here we are, about to adjourn on Friday or Saturday, and we have not done what we promised to do for our veterans.

The Democratic leader, NANCY PELOSI, and almost every Democrat has sent a letter to President Bush complaining about his administration's record of underfunding the VA by at least $9 billion over the last 6 years. And the budgets that he has submitted this year reduce veterans funding by $10 billion over the next 5 years.

If we want to honor our veterans, then we should be debating and we should be enacting legislation to fund the VA, to give them the health care benefits and the protections that they are entitled to, to making sure that we have a military construction bill that is adequately funded so the families of our veterans and our soldiers do not have to live in substandard housing.

□ 1100

It is frustrating. I mean, it takes my breath away that you waste the time of the Members of this House on something like this and you turn your back on the fact that we are underfunding programs to benefit our veterans.

You want to talk about veterans. Let us talk about veterans. And, Mr. Speaker, I submit for the RECORD at this point the letter that our Democratic leader and every Democrat has signed to the President complaining about his horrendous record in supporting our veterans.

200 HOUSE DEMOCRATS URGE PRESIDENT BUSH TO PROVIDE NECESSARY FUNDING FOR VETERANS' HEALTH CARE

WASHINGTON, DC.—House Democratic Leader NANCY PELOSI and 199 House Democrats sent the following letter to President Bush today urging him to provide the necessary funding for veterans' health care in his FY2008 budget.

Below is the text of the letter:

SEPTEMBER 25, 2006.

Hon. GEORGE W. BUSH, The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As your administration continues to formulate its FY 2008 budget submission, we write to request that you provide the necessary funding for the Department of Veterans' Affairs (VA) health care system and related benefits programs. Unfortunately, we believe it is necessary to express our serious concern in this matter due to your administration's record of underfunding the VA by at least $9 billion over the last 6 years. We are particularly concerned about veterans funding next year and in the future as your budget submission this year reduced veterans' funding by $10 billion over the next 5 years.

Providing for our military veterans and their families is a continuing cost of war and should be an important component of our national defense policy. Indeed, President George Washington recognized this point, saying, ''[t]he willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.'' Mr. President, the time is right for your administration to change course and fully fund the VA, cease efforts to shift the costs of health care onto the backs of veterans, and finally recognize and implement the concept of 'shared sacrifice' with respect to the federal budget.

The wars in Iraq and Afghanistan along with the aging of our World War II, Korea and Vietnam War veterans have increased demand for VA services. However, year after year you request inadequate funding for veterans' health care. Each year your budget submission includes proposals to increase veterans' co-payments and fees, essentially taxing certain veterans for their health care. Each year your VA budget fails to request what is needed and relies on accounting gimmicks such as ''management efficiencies'' and inaccurate health care projections. Such efforts are transparent as the true consequences of your administration's budget flaws are being realized by current and future veterans. Indeed, recently VA officials themselves acknowledged that greater funding was needed to care for our servicemembers returning from Iraq and Afghanistan suffering from mental health disorders and traumatic brain injuries.

Mr. President, during your tenure, health care waiting lines have increased, appointments and medical procedures delayed, more than 250,000 veterans have been turned away from entering the VA health care system, and disability and education claims backlogs have grown to unreasonable rates. Moreover, Congress has been forced to add billions of dollars in supplemental VA funding due to embarrassing funding shortfalls.

What we request of you and your administration is simple—provide funding in your FY 2008 budget submission to ensure that our servicemembers returning from Iraq and Afghanistan and the heroes from our previous conflicts receive the care and benefits they have earned and deserve.

Without question, Mr. President, the federal budget is a reflection of national policies and ultimately a reflection of our moral priorities. Please join us in working to provide the necessary resources in the fiscal year 2008 budget to fully fund the VA and to take care of our veterans and their families.

Sincerely,

NANCY PELOSI,
House Democratic Leader.
LANE EVANS,
Ranking Member, Veterans Affairs Committee.
198 HOUSE DEMOCRATS.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from Texas has been an eloquent, true conservative on the question of the entanglement of religion and government, because he expresses what every religious leader ought to share, the distrust of government if it seeks to intervene in religious matters.

Religion needs no protection from government in this country. Yes, there are times when you may need protection if there are people trying to interfere physically with your right to worship, but in a free society like ours, religion flourishes independently. It does not need the government's stamp of approval. What theology says is that for religion to be freely practiced, the government has to say it is okay, the government has to put forward a symbol.

So my friend from Texas has expressed a true conservative vision, but he did not fully describe how flawed this bill is. I guess he could not fully understand the reasoning. He said that, even if you win to decide attorney's fees. No, only if you win. Let me read from the bill.

''Notwithstanding any other provision of law, a court shall not award reasonable fees and expenses of attorneys to the prevailing party on a claim of injury consisting of the violation of a prohibition against the establishment of religion brought against the United States.''

Now, this is not the most actually honest piece of legislation I have ever seen. They describe some of what they are talking about: a veterans memorial, not a veterans cemetery. By the

way, there is no prohibition anyone has ever thought of the families of any veterans to put any religious symbol he or she wants on that grave, except there was an effort to block a victim who wanted to put the symbol on, but they prevailed as, of course, they have to under this theory not just of this bill but of freedom of religion.

But it says the Boy Scouts, a Federal building containing religious words, but it also says this bill shall include but not be limited to these examples. In other words, the examples are there because they kind of add a little spice to the bill because, understand what this bill would purport to do.

Any violation of the Establishment Clause, any activity by a State or a Federal agency to establish a religion, to favor a particular religion, this is not limited to signs in the cemetery. It says any violation of the Establishment Clause, if you win you do not get your attorney's fees.

Now, the gentleman from Georgia correctly said this bill does not take away rights. I understand that. I also understand that there is a lot of frustration on that side of the aisle that they cannot. They would like to take away the rights. This goes as far as they can diminishing them.

The gentleman says, well, the ACLU will be able to do it. Has he become an agent of the ACLU, Mr. Speaker? Is he interested in giving the ACLU a monopoly on bringing these lawsuits? I am not. Whether or not the ACLU is bringing the lawsuit is not determinative. What about the right of an average citizen who might disagree with the ACLU and who would not be able to pay the attorney's fees? And, again, it only applies if you win.

Now, I know people on the other side have had a phrase that they like in tort law called ''loser pays.'' That may be controversial, but this one is a lulu. This is winner pays. Bring a lawsuit based on a blatant violation of the Establishment Clause, not limited to the examples here. It is what the language says. Bring a lawsuit against a State or a city or a county or the Federal Government that favors a particular religion, that says we are going to teach this particular religion's tenets in the school and win the lawsuit and get no money.

Well, now, obviously that is because they do not trust the courts. They think the courts cannot be given the freedom to do this. The United States Supreme Court consists of nine members, seven of them appointed by Republicans. Six, because I know they do not count Gerald Ford, Mr. Speaker. He is kind of suspiciously liberal by Congress Republican standards. But Ronald Reagan, George Bush and George Bush have appointed six of the nine justices.

Now, what this bills say is if the appointees of George Bush, George Bush and Ronald Reagan decide that there has been a clear-cut violation of the Establishment Clause, the person who brought the lawsuit cannot get legal fees. It is probably right that the ACLU would not be retarded, but, as I said, I agree with the ACLU on many issues. I am not interested in promoting them a monopoly over litigation in the United States.

I want to address this notion, too, well, you have freedom of religion, not freedom from religion. That is a fundamental misunderstanding of the Constitution and history. People who came to this country, some of them were objecting to being forced to profess other religions or support other religions. Religious freedom means that your religious practice, whether it exists or does not exist, is none of the government's business. The notion that your right not to be religious does not exist is appalling to me.

The gentleman from Georgia said you have freedom of religion, not from religion. Agnostics, atheists, people whose religion you may not think worthy, they do not have freedom in this country? What kind of a distortion of the principle of freedom is that?

The notion that you do not have freedom from religion means, literally, I guess, that you can be told, okay, look, you have got to pick a religion, pick one; you cannot have none whatsoever. That is not the American Constitution.

What we have here is not going to pass, we understand that, and I have to say I do not fully agree with my colleagues when they lament the fact that we are wasting time. Because given the penchant of the majority for atrocious legislation, I would rather have them waste their time than use it on something that might become law. Because when they do make laws, they make bad ones. So wasting time is better.

Although I do find it very offensive that in defense of constitutional principles we once again have a closed rule. Democracy to them is a spectator sport. They want to look at it somewhere else, they want to watch it in other countries, but not practice it on the floor of the House. A closed rule on a fundamental matter of constitutional principle is an abomination.

Mr. GINGREY. Mr. Speaker, I yield 8 minutes to the gentleman from Indiana (Mr. HOSTETTLER), the author of the bill.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, I was not intending to speak on the rule. I will be speaking a little later on the bill itself, as I am the original sponsor of the bill and have been since the 105th Congress, but I felt it necessary to clarify the discussion somewhat in that, as I have heard the discussion, it has focused on some issues that the bill does not cover, as well as does not discuss some of the issues that the bill is attempting to remedy.

First of all, the words from the gentleman from Texas suggested that this bill had to do with the first 16 words of the first amendment. That is not true. The first 16 words to the first amendment say the following: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

It has been concluded that there are essentially two clauses to that portion of the first amendment. First is the so-called Establishment Clause and the second is the Free Exercise Clause. This bill addresses the issue of the Establishment Clause and the attorney's fees awarded as a result of cases brought regarding Establishment Clauses. It has nothing whatsoever to do with the Free Exercise Clause, the last portion of the gentleman from Texas' 16 words to the first amendment.

So with regard to free exercise cases, the Attorney's Fees Award Act of 1976 will still apply, and attorneys's fees will still be awarded with no alteration of the laws as a result of passage of this bill.

Secondly, the suggestion was that somehow Mr. Madison left the Constitution sterile with regard to the discussion of religion. Mr. Madison, who many claim to be the chief architect of the Constitution, I believe probably even including my friends from Texas and Massachusetts, included in the signatory clause two dates of reference for the United States Constitution's approval by the constitutional convention. When he said, ''Done in convention by unanimous consent of the States present the 17th day of September in the year of our Lord, one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the 12th.''

So James Madison, chief architect of the Constitution, as well as the rest of the delegates who signed the Constitution, gave two dates of reference that every schoolchild should know, every public schoolchild, private schoolchild, home schoolchild should know, with regard to the discussion of the approval of the Constitution of the United States.

The delegates thought it was so important that these two dates be referenced that they ensconced them in the very wording of the Constitution. The first primary, most important, date of reference would be the 17th day of September, in the year of our Lord, one thousand seven hundred and eighty-seven. So the first date, the primary date of reference for the delegates of the constitutional convention as placed in the Constitution itself, was the birth of Jesus Christ.

The second important day, the secondary important day for the ratification of the United States Constitution was the day that was placed secondarily in the signatory clause, and that is the independence of the United States of America, the 12th. It had been since July 4, 1776, a little over 11 years since that celebration, and so

they were in the 12th year of the independence of the United States, the Declaration of Independence being effectively the birth certificate of the United States of America.

So there would be those on the other side, first of all, that would suggest that this bill has something to do with the free exercise of religion. It has nothing to do with the free exercise of religion. And some that would suggest that the Framers of the Constitution and the Founders of this country would somehow sterilize government from the very mention of religion.

Now, if someone today in the State of Virginia where Mr. Madison come from and Jefferson would suggest erecting a monument to the individual whose birth is the primary date of reference for the delegates for the approval of the United States Constitution to be later sent to the States for ratification would raise a life-size monument to that one individual, they would be sued by the ACLU. They would be sued by the ACLU, and the ACLU would come to those people and say, we are going to sue you, just like they did educators in the State of Indiana. And they would say, we are going to sue you and we are going to win, and when we win you will not only have to pay your attorney's fees but you will have to pay our attorney's fees, too, as a result of the Attorney's Fees Award Act of 1976 by erecting a monument to the individual's whose birth is celebrated in the United States Constitution.

Now, that case could go to court, but it probably would not. Because those county officials, those officials would have this sword of Damocles hanging over their head, meaning we are going to take you to court, and when we win, you will have to pay our attorney's fees as well.

The Public Expression of Religion Act would simply say let that case go to court, do not allow that sword of Damocles, that notion of intimidation to continue and let the case go to court.

The gentleman from Massachusetts says that we cannot trust the courts as conservatives. We do trust the courts, which is exactly what the Public Expression of Religion Act allows. It allows these cases to go to court. Whereas in many cases they do not go to court, and the gentleman from Georgia and others have given examples. They will go to court and will allow the cases to go to court, but that is exactly what the other side does not want to have happen because let us give recent experience.

In 2005, the United States Supreme Court came down with two decisions, the same day, on the first amendment to the Constitution, the Establishment Clause, and in those two decisions, they said that the Ten Commandments posted on public property, public property paid for and maintained with government dollars, was constitutional in the State of Texas. Then they said, on the same day, in a different case, they said the public display of the Ten Commandments on government-funded, government-maintained property in Kentucky was unconstitutional. Constitutional in Texas, unconstitutional in Kentucky. I think the Ten Commandments were pretty well the same. They are pretty well the same wherever you read them, but in Texas it was constitutional, and in Kentucky it was unconstitutional.

What the other side does not want to have happen is for these cases to actually go to court. Because if they go to court, it is likely with the new makeup of the United States Supreme Court that had those two cases come out of that Supreme Court, the Texas case would have probably been a 6–3 majority in favor of maintaining the Ten Commandments in Texas and a 5–4 majority in maintaining the Ten Commandments in the State of Kentucky.

This is an issue of allowing the cases to go to court and not to have the threat or intimidation by the ACLU and their minions to hang over all of these heads.

□ 1115

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, I would ask the gentleman, he says he is not for keeping these things from going to court. Am I incorrect, I had thought that the gentleman from Indiana, when we were on the committee together, before I took leave and on the floor, had supported legislation in the area of church and state taking jurisdiction away from the courts.

Would the gentleman reconcile for me his support of legislation that would remove jurisdiction from the Federal courts, in many cases, with his support for letting the cases go to court?

Mr. HOSTETTLER. Taking back my time, because in both cases the United States Constitution grants Congress the exclusive explicit authority to do those things, and that is why I am saying this is the exclusive authority of the United States Congress. We have that authority. We do not have to be in one particular area allowing the court to consider cases. In other cases, we can allow the cases to go to court. That is what the legislative process is about.

And the gentleman has heralded the idea of democracy and the legislative process. Today, we continue to exercise that.

Mr. McGOVERN. Mr. Speaker, I yield the gentleman from Massachusetts (Mr. FRANK) 3 minutes.

Mr. FRANK of Massachusetts. Well, Mr. Speaker, the gentleman from Indiana did not reconcile the position. He said, we are Congress, and if we want to take these cases away, we can. I understand that, but that is not consistent with saying they ought to go to court.

Secondly, there are two parts to this bill. One says you should not have monetary damages. That is relevant to his argument about intimidation. But the other section says if you bring a claim based on a violation of the establishment clause, no matter how blatant, if a county or city or any other government entity formally prefers one religion over others, one denomination over others, and provides funding for that, if you bring a lawsuit challenging that and you win, you don't get attorneys fees.

And the answer again is, well, the ACLU can do it. Again, I am not letting only the ACLU be involved here. And that has nothing to do with intimidation of the county. The question is, and, again, it is only if you win. Let me read what it says: ''No court shall not award reasonable fees and expenses to the prevailing party on the claim of injury consisting of the violation of a prohibition of the establishment clause.''

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. And I can understand that concern, but let me remind you that the awards act came in 1976. In 1962, the United States Supreme Court struck down the notion of school prayer without the attorneys fees award act. In 1963, the Supreme Court struck down Bible reading in public schools, without the attorneys fees award act. This bill will simply allow the cases to actually continue to go to court.

Mr. FRANK of Massachusetts. That is just nonsense, Mr. Speaker. Absolute nonsense.

There is nothing that keeps the county or the city from defending because the other side will get attorneys fees. The gentleman is trying to collapse a couple of things. The threat of monetary damages arguably would keep you from going to court, but a denial of attorneys fees to an individual plaintiff who does not happen to have an organization, that is not the fact that the other side may get attorneys fees if they win.

And, remember, the gentleman suggested that people were being deterred from bringing lawsuits that they could win, or defending lawsuits they could win by the threat of what would be the expense. But in this case, you only get the fees if you win. This only denies successful plaintiffs the fees.

So that is what this bill does. It has nothing to do with keeping it from going to court. It is trying to discourage things from going to court. I guess what they say is, you can't bring such a lawsuit unless you get the ACLU. If you are an individual that has a different theory about this, and you don't have the money for an attorney, you can't go to court. And the gentleman said, well, that is whatever happened before the 1976 act. Singling out one class of cases for the denial of attorneys fees when every other one gets them does seem to me an odd way to

run a constitution. This right and that right.

And, by the way, no one should think that if this ever became law, which, of course, no one thinks it will, that it would stop here. There would be other unfavored rights where a minority would be at risk, where you would be denied legal fees. So let's not collapse two issues. This has no deterrent effect, the part about attorneys fees. It is an effort on the other side to keep people out of court in case they might win.

Mr. GINGREY. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Indiana for the purpose of clarification and response to the gentleman from Massachusetts.

Mr. HOSTETTLER. The gentleman from Massachusetts concluded his remarks by saying this is going to keep people out of the courts. In fact, the precedent is just the opposite. In 1962, in Engel v. Vitale, the United States Supreme Court said, 14 years before the attorneys fees award act was put into place, that the state sanctioning of prayer in public schools was unconstitutional. In 1963, 13 years before the attorneys fees award acts came into play, the United States Supreme Court held it was unconstitutional to have Bible reading in public schools.

This will not change anything from what happened before this law was created that we are amending today. The same things will happen. And this bill, most importantly, does not remove injunctive relief. If it is the desire of the plaintiff to stop an activity or to remove a monument or remove a display, this bill does nothing to stop that from taking place. The injunctive relief available in all of these cases continues to be available in establishment clause cases.

And, in fact, the court can say, remove the monument, stop the practice. This bill does not change that, and I want to make that clarification.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, I appreciate this eloquent defense of his bill that it doesn't do very much, but I do question that. And I understand your concern about monetary damages; but if the restriction on attorneys fees only for the party that wins in a case doesn't do anything, what is it in here for?

Mr. HOSTETTLER. And that is perfect, so the gentleman can support my bill. I appreciate that, which is why it does something very important, which is why the gentleman and his cohorts are opposing the bill, because they understand that by removing the chilling effect on these closed-door sessions with county commissioners, with schoolteachers, with mayors and the like, without that ability for the ACLU and others to go into these closed-door sessions and say, Mayor, we are going to sue you, we are going to win, and you are going to have to pay our attorneys fees, that without that chilling effect, these cases will go to court.

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I feel like I am in Dickens, the artful dodger is apparently about to leave.

I repeat the question: If banning attorneys fees from people who win a lawsuit based on a blatant violation of the establishment clause, which this bill does, doesn't do anything, what is it in there for? Is it just an expression of dislike for people who happen to enforce a part of the Constitution that people on the other side don't like? What is it in there for?

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. From the gentleman's perspective, because of the benign nature and virtual nonutilitarian nature of the bill, please support it.

Mr. FRANK of Massachusetts. Would the gentleman please answer the question? He asked me to yield. Why are you banning attorneys fees from people who win a lawsuit based on a blatant violation of the establishment clause? Why are you doing that?

Mr. HOSTETTLER. Because a blatant violation is determined by a court of law.

Mr. FRANK of Massachusetts. But the gentleman is for letting it go to court, I thought.

Mr. HOSTETTLER. We are letting them go to court. That is exactly right, we are going to let them go to court. A blatant violation is determined by a court of law and not by ACLU attorneys behind closed doors.

Mr. FRANK of Massachusetts. And only under this bill, if you bring a lawsuit and you win, and the court decides that you are correct and there was a blatant violation of the establishment clause, you don't get your attorneys fees, and I still don't understand why.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, let us be clear, there is nothing benign about this bill. This bill makes it more difficult to enforce the first amendment to the Constitution and the very words thereof designed to protect religious freedom of every measurement.

I want to thank my colleague from Indiana, who is leaving at the moment, for clarifying the point that this bill now is only intended to make it more difficult to enforce the first 10 words of the Bill of Rights rather than make it more difficult to enforce the first 16 words of the Bill of Rights.

But let me express a very heartfelt difference of opinion. When the gentleman said this bill has nothing to do with the free exercise of religion, nothing could be further from the truth. That is why Mr. Jefferson and Mr. Madison and our Founding Fathers built in, embedded, into the foundation of the Constitution the principle that we want to keep government out of our houses of worship and out of our personal faith.

The greatest single threat to the free exercise of religion is government. And if the gentleman doesn't believe that, then I would suggest he denies history.

Mr. HOSTETTLER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I will be glad to yield to the gentleman if he can name me one nation anywhere in the world today that has more religious freedom than the United States of America because it allows government intervention into houses of worship and peoples private religious affairs. Can the gentleman name one nation?

Mr. HOSTETTLER. I cannot name one. Will the gentleman yield for a discussion?

Mr. EDWARDS. I didn't think you could.

Mr. HOSTETTLER. First of all, Mr. Jefferson was in France during the approval process of the Bill of Rights.

Mr. EDWARDS. Let me take back my time, because that is misleading. Mr. Jefferson and Mr. Madison debated for 10 years in the Virginia legislature the principle of church-state separation, and it was absolutely the core idea behind the 16 words of the Bill of Rights. So while he was in France, to suggest that Mr. Jefferson didn't endorse this principle is wholly wrong, evidence of which is Mr. Jefferson's letter to the Danbury Baptists in 1802 where he didn't just endorse this principle, he said he considers it with ''sovereign reverence.''

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Historically, I know the gentleman from Indiana previously had a location issue on Mr. Jefferson, but he was in France during the debate on the Constitution. You said he was in France during the debate on the Bill of Rights. I don't think that is accurate. I know there were slow boats then, but I think he had gotten back by that time.

Mr. HOSTETTLER. He was not in France during the ratification by the States of the Bill of Rights, but he was in France during the approval by the Congress of the Bill of Rights, which took place 2 years prior.

Mr. EDWARDS. Taking back my time, if the gentleman is trying to suggest that Thomas Jefferson didn't endorse the principle of church-state separation, I would remind my colleague it was Thomas Jefferson who was the first American to use the term ''wall of separation between church and state.''

I would reiterate my key points.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. History gets misused and used as a tool, but I think one

thing is very clear. The people who are pushing this, had they been contemporaries of Thomas Jefferson wouldn't have been great fans of his.

Mr. McGOVERN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Massachusetts has 1½ minutes remaining.

Mr. McGOVERN. I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I think it does disservice to the importance of this issue of religious freedom that out of 435 Members of the House, we are debating it in 1 hour, something Mr. Madison and Mr. Jefferson spent 10 years debating in the Virginia legislature. We are debating this in 1 hour, with 4 or 5 Members of the House on this floor. I think that, frankly, in my book, is a sacrilege.

There is no greater principle in American democracy than religious freedom. It is the first freedom upon which all other freedoms are built. If one thinks government involvement in religion protects religious freedom, then I would suggest you vote for this ill-advised and dangerous piece of legislation. If one agrees with our Founding Fathers, with the Bill of Rights, the first 16 words thereof, with Mr. Madison and Mr. Jefferson, that the greatest threat to religious freedom in this world is government intrusion into religion, I would suggest you vote ''no'' on this legislation.

This legislation is a direct effort to make it more difficult to enforce the Bill of Rights, and that is wrong. That is why we should vote ''no.''

Mr. GINGREY. Mr. Speaker, I have no other requests for time, and I reserve my time for the purpose of closing.

Mr. McGOVERN. Mr. Speaker, let me thank the gentleman from Massachusetts and the gentleman from Texas for making clear what this bill is trying to do, which is to undermine the Constitution. It is frightening to see what could potentially happen should the other side gain seats in the next election.

I also think it is frustrating and I think it is offensive that we all know this bill is going nowhere and that we are taking our time up debating this when we should be debating ways to improve the quality of life for our veterans and raising the minimum wage and a whole bunch of other things.

One final thing. We have heard the word democracy mentioned several times over there. All the rules in this Congress that have been reported out by the Rules Committee, with the exception of appropriations bills, have been closed, with the exception of one bill. It is about time we had a little democracy in this House of Representatives.

If you respect the Constitution and you respect this institution, we need to have a different process.

Mr. GINGREY. Mr. Speaker, in closing, I want to once again thank Mr. HOSTETTLER for sponsoring the Public Expression of Religion Act and Chairman SENSENBRENNER for bringing this legislation to the floor.

Mr. Speaker, the principles of life, liberty, and property make up the foundation of our constitutional Republic. Under liberty, we are guaranteed the freedom to worship as we please, a freedom that should be protected and not taken for granted. The freedom of religion is one of the positive social institutions in our country, and we should encourage this constitutional protection throughout the world.

□ 1130

Almost every State in the Union has chosen to acknowledge God within its State constitutions. However, too often today, overzealous courts have infringed upon an individual's right to worship. Courts have attempted to ban holiday decorations reflecting religious traditions such as Christmas carols or Hanukkah songs from school events. Federal courts have demanded the removal of the Ten Commandments from courthouses across our country, sought to remove the words ''in God we trust'' from our currency, as well as remove emblems from State seals, flags and logos.

As I stated earlier, these attacks on our religious heritage are frivolous and unwarranted. For every decision a court makes, there are countless out-of-court settlements and even more pending lawsuits aimed at removing anything that acknowledges a divine authority.

The debate over religious freedom is old and contentious, but it should be fair. When organizations like the ACLU are rewarded, rewarded, for filing lawsuits, it is not a fair debate. Congress needs to close that loophole, to restore impartiality to our system of justice, and it needs to act on preventing frivolous lawsuits. H.R. 2679, the Public Expression of Religion Act, will help protect the freedom of religion, restore impartiality and reduce lawsuits.

So, Mr. Speaker, I ask my colleagues to support this rule and support the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. 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.

PROVIDING FOR CONSIDERATION OF S. 403, CHILD CUSTODY PROTECTION ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1039 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1039

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House 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. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 1039 is a closed rule which allows one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides that the amendment in the nature of a substitute printed in the Rules Committee report shall be considered as adopted. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, before we begin debate on the rule for S. 403, the Child Custody Protection Act, I want to refresh the memories of some of my colleagues and offer historical context to Members who were not here in early 2005.

Last year, on April 27, I sponsored and managed a rule to consider H.R. 748, the Child Interstate Abortion Notification Act. This rule passed by a vote of 234–192, including the support of eight Democrats. Two Democratic amendments were considered and failed by a recorded vote. No Republican amendments were considered to H.R. 748, and the legislation passed by a vote of 270–157, which included the support of 54 Democrats.

Mr. Speaker, I once again rise in support of the Child Interstate Abortion Notification Act. However, this time we will consider the legislation passed by our colleagues in the Senate. S. 403 passed the Senate by a vote of 65–34 two months ago, and it is a very close facsimile to H.R. 748. Indeed, it is almost identical to the House bill.

So, as I begin my remarks, I would like to recognize and thank Representative ILEANA ROS-LEHTINEN for her dedication and leadership not only on

the House version of this legislation but also on the overall issue of protecting children.

Likewise, I would like to offer a special thank you to Senator JOHN ENSIGN of Nevada for sponsoring today's legislation and both the Senate and House leadership for their willingness to address this vital issue.

Mr. Speaker, like the debate we had in April of 2005, I anticipate that the opponents of this bill will demagogue it as an assault on a woman's so-called right to choose. Despite this allegation, S. 403 has nothing to do with Supreme Court imposed rights but simply ensures that no minor is deprived of protection by her parents under the laws of her State.

S. 403 is a common sense bill that will prohibit the transportation of a minor under age 18 across a State line to obtain an abortion when the child's home State requires parental consent. This bill makes an exception in those rare cases in which the abortion is medically necessary to save the life of the minor.

In addition, the Child Custody Protection Act affirms the responsibility of a physician prior to performing an abortion on a minor from another State to make sure that they are acting in accordance with the law. In other words, this bill not only ensures the protection of minors, but it also clarifies the responsibility of the physician to make sure that he or she is not inappropriately performing an abortion on a minor without the legally mandated consent of her parent from her home State.

The Child Custody Protection Act also affirms the principles of Federalism and it prevents the circumvention and violation of laws passed by State legislatures. Thirty-four States, let me repeat, 34 States have passed parental notification laws. In fact, in my home State of Georgia, the legislature passed a new abortion notification law just last year in overwhelming and, I might add, bipartisan fashion. Now this legislative body has the responsibility to defend that Federalism and the integrity of State laws on interstate matters.

Mr. Speaker, I can address this issue wearing three different hats. As an OB/GYN physician who has delivered many babies over the course of a 31-year medical career; as a Member of Congress; and, most importantly, as a proud father.

I have four children, three of whom are grown women and two of them with children of their own. As a father, I have an obligation to defend my children and grandchildren against danger. As a Member of this body, of Congress, I have the same obligation to the children and grandchildren of every parent in this country. As a physician, I have the obligation under the Hippocratic Oath to, in the first place, do no harm.

The Child Custody Protection Act recognizes this fundamental bond between parents and a child, and it reaffirms the obligation of a parent to be involved and help make important decisions affecting both the life and health of a minor child.

In a society where children cannot be given aspirin at school without their parents' permission, I cannot comprehend how anyone could possibly believe that having an abortion is less traumatic than taking an aspirin. However, I understand that this is exactly what the opponents of this bill are saying through their opposition to S. 403.

During this debate I want to encourage my colleagues to remain focused on the matter at hand and remember that this legislation seeks to uphold the legislatively guaranteed rights of parents and their minor children.

I ask my colleagues, please support this rule and pass this much-needed underlying legislation.

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

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

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia, Dr. GINGREY, for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow the House to consider an amendment in the nature of a substitute to S. 403, the Child Custody Protection Act. It provides for only one hour of debate and, as usual, it is closed to any amendments.

I would appeal to my colleagues on both sides of the aisle as a matter of principle to vote against this rule. There is an addiction with this leadership to close processes, and it has to stop. This is not good for our democracy, this is not what this House of Representatives is about, and unless people on both sides of the aisle start coming together to vote no on these closed rules, you are going to see more and more closed rules. So let me begin by again urging all my colleagues to vote against this closed rule.

Mr. Speaker, the other side of the aisle would like us to believe that their bill only has in mind the needs of desperate and troubled teens. If that were genuinely the case, if they were indeed truly interested in children's welfare, then this House would have already passed legislation to provide America's young men and women with comprehensive pregnancy prevention and education.

As a father, I would like to think that we live in a world where incest, rape and unintended pregnancies did not occur. Sadly, Mr. Speaker, that is simply not the case. All too often, young women find themselves in difficult situations with few, if any, sympathetic people to turn to for advice.

Like all my House colleagues, I would hope that the first person to come to mind would be a parent. But, Mr. Speaker, every single Member of this Chamber knows that that is not always the case. Research shows that at least 60 percent of minors considering an abortion freely turn to and involve their parents. Those who do not, however, are often victims of violence and have multiple reasons for not doing so. Currently, 23 States have some type of parental involvement laws, including my own State of Massachusetts. Twenty-seven do not.

This bill pretends to open the lines of communication between parents and teens, but daily we are shown examples of parents who not only may not know what is best for their child but who may themselves be part of the problem.

I am reminded of Katherine Hancock Ragsdale, a Episcopal priest from Massachusetts who spoke before the Senate Judiciary Committee in 2004. She recounted a story of a young girl who became pregnant as a result of date rape. Afraid to tell her father, the girl went to her school nurse. The nurse agreed that it was in the girl's best interests not to tell her father for fear of the girl's safety.

While driving an hour into Boston, Reverend Hancock Ragsdale chatted with the girl, who divulged that she felt very guilty about becoming pregnant. Compassionate about these feelings of guilt, the Reverend spoke with the girl about the incident. She told the priest about ''a really cute boy'' from her school she had met and who had asked her out. He asked her to have sex and she refused. He asked her again and again. Then he pushed her down and forced himself on her. Since he did not threaten her with a weapon or cause any bodily harm, she did not know to call it rape. She blamed herself for not knowing he wasn't a nice guy and she blamed herself for getting pregnant.

Reverend Hancock Ragsdale offered solace and advice. In her most desperate hours, this girl was able find the comfort she so desperately needed. In addition to providing emotional support, the Reverend was able to help this girl fill out the mountains of paperwork and fill the necessary prescriptions. The advice and guidance a child would hope to receive from a parent was administered in this case by a trusted spiritual leader.

□ 1145

Mr. Speaker, the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, the American College of Physicians all, all agree that mandatory parental consent notification can be highly detrimental to young women.

Shouldn't we be inviting the experts in health care to help us in drafting and making these recommendations and protocol? Instead, we come to the House floor under a closed rule, stand on our soapboxes, and declare that we know what is best for every single child under every single circumstance in America.

Mr. Speaker, my friends on the other side of the aisle will claim that this

bill makes improvements to the Senate bill, that this bill provides protections for victims of incest, that this bill is somehow good policy. The truth is this bill weakens an already bad Senate bill.

While it is true that the Sensenbrenner amendment would preclude an incestuous parent from suing a person who accompanies a minor to a doctor out of State for abortion care, this bill still makes it a Federal crime for anyone other than a parent to accompany a teenaged incest survivor for abortion care out of State. In other words, grandma can go to jail for years just for taking her granddaughter across State lines to abort a pregnancy caused by the young girl's father, but the father can't sue the grandmother in court.

Who in this Chamber believes that a child should be forced to go forward with a pregnancy caused by her father or brother or her uncle or her stepfather? I wish I never had to think about such scenarios, but they occur all too frequently. And it would be foolish for us to compound the horror of this child by joining all the other adults who turned a blind eye to her desperate situation.

Yes, we should reduce the number of children having sex. Yes, we should reduce the number of unintended pregnancies. Yes, we should all work together to reduce the number of abortions. But this bill does not address these issues.

Mr. Speaker, there is a reason we are considering this bill one week before the House adjourns for the midterm elections: Politics. It is the political season, and anything that gets the juices flowing on the so-called hot button issues is fair game. But that is not the way we should be legislating. This isn't the first time the sensitive issue of abortion will be used for political purposes, and it won't be the last, and I urge my colleagues to reject politics as usual and defeat this closed rule.

Even if there are individuals in this House who are sympathetic in terms of supporting this bill, again, reject this rule. This habit of closing everything down, of basically locking out democracy has to end, and Members of both sides need to have the guts to stand up and vote ''no'' on these rules.

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

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank the gentleman for the opportunity to speak on behalf of the rule, supporting the rule, that would move this legislation to the floor.

We have been debating this issue for a number of years, since certainly before I came to Congress in 2001, and it is a very important issue. It is an issue of respect.

My colleagues and I, many of us, served in State legislatures before we came here; and we had the opportunity to move forward legislation that would require parental notification, parental consent before a minor girl could be subjected to the procedure called abortion.

Unfortunately, there are still some States that do not have such laws, though they are in the minority. My State of Pennsylvania is one that does have one of these laws, and the people in the Commonwealth are overwhelmingly supportive of it. Unfortunately, some neighboring States don't have these laws, and we have heard terrible stories in recent years of young girls as young as 12 brought across the border by often the perpetrator of a rape to be given an abortion, to hide the crime, to hide the relationship and, unfortunately, further providing further damage to that young girl.

What this bill would do is prevent this from happening. If a State has the requirement for parental notification or consent before a minor girl can have an abortion, then other States must respect the home State's law.

It only makes sense, Mr. Speaker, for government to respect the relationship between the parent and the child. It is most important for us to respect that relationship, because that is the relationship that will guide that girl into responsible adulthood. Currently, unfortunately, we allow many States to interject and interrupt and really disrespect that relationship.

This bill will remedy the problem. This remedy will make it a criminal offense to transport a child across the State lines for the purpose of having an abortion. In many of these cases, it has been an adult male who has exploited the teenager who then becomes pregnant and is, of course, pressuring her to get an abortion and sometimes is the one to transport her across the State lines.

The idea of doing so defies all logic. Critics argue that these young girls are in the worst possible situation, like rape or incest should be exempted from this law, that this is especially cruel to them. But these girls are in the worst situation of all, and it is certainly most important for us to protect these girls, because rape and incest could be hidden if we don't pass this bill.

Mr. Speaker, I rise today in support of the rule and in support of the bill, and I am sure my colleagues will do the same, especially now that the Senate has agreed to it.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York, the ranking member on the House Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding.

I have been standing on the floor of this House for years talking about this very issue. And thinking about what I have just heard: If a young girl 10 or 12 years old, as I understand it, was victimized by rape or incest, we should not help her to do something not to carry a child but to support her. I wish I had time to elaborate on that further. What kind of support do you give a 10-year-old pregnant girl? What do we do for her?

But I rise today in strong opposition to this bill, because, once again, we are playing politics with women's lives. We could be spending this week before adjournment working to help Americans in real ways by raising the minimum wage, for example, or making higher education more accessible, or reducing the national debt. But, instead of doing that, this Congress could think of nothing better to do than to meddle with one of the most private decisions that women have to make in their lives.

The Child Custody Protection Act is almost exactly the same as the bill we voted on earlier in the year, and I guess it was found to be such a crowd pleaser we would like an encore. That bill, like this one, was an invasion into the private lives of American families as well as an attack on the legal rights afforded to all women in this country. We do have legal rights as women.

Not only will this bill fail to enhance the health of young women in America, it will fail to reduce the number of abortions that take place each year. It will force vulnerable young women to seek out illegal and unsafe venues for terminating pregnancies, and most of us in my generation know women who had to do that.

Now, if we really wanted to reduce unwanted pregnancies, in Congress, we could pass the Prevention First Act which is just lying around in limbo here. It would reduce the abortions by expanding teen education about preventing pregnancy and approve their access to contraception.

And this bill is not going to do anything to promote healthy families. It will criminalize grandparents. Imagine sending Granny to jail. Other caregivers are also subject to great penalties, while letting the people who committed the real crime, the rapists, the person who committed incest, they go scot free, and they can even sue the girl.

In all the years that I have spent working on behalf of women's health, I have never seen a single drop of evidence that supports this supposed epidemic we are going to talk about here today. There is no evidence that young women are being transported in great numbers across State lines for abortions.

So why are we here? Why are we here? Because this is a crowd pleaser, as I said before. It is not about protecting young women. It is gaining political points. We have a duty in this body to maximize the freedom, the quality, and the rights of our citizens, the strands that form the fabric of our society. But to toss these fundamental rights away simply to score a few points at the polls is indefensible. We can do better. I urge all the Members to oppose this bill.

Mr. GINGREY. Mr. Speaker, at this time I am proud to yield 3 minutes to

the author of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of the rule on Senate bill 403, the Child Custody Protection Act. I would like to commend Chairman SENSENBRENNER for his continued leadership on this bill throughout the years, as well as Majority Mr. Leader BOEHNER for his help in bringing this crucial legislation to the floor this morning.

Abortion is perhaps one of the most life-altering, obviously, and life-threatening of procedures. It leaves lasting medical, emotional, and psychological consequences, especially for young girls.

The Child Custody Protection Act makes it a Federal offense to transport a minor girl across State lines in order to circumvent that State's abortion parental notification or consent laws.

This legislation has passed the House of Representatives once, twice, three times; and it passed the Senate this Congress by a bipartisan vote of 65–34.

In April of 2005, this Chamber overwhelmingly passed my bill, the Child Interstate Abortion Notification Act, CIANA. CIANA incorporates all of the provisions that were previously contained in the Child Custody Protection Act and requires that, in a State without a parental notification requirement, that abortion providers notify a parent. This important provision will be included in this legislation, and I urge my colleagues to support this provision and ensure that we pass a more comprehensive bill.

There are many rules and regulations in our society that work to ensure the safety of our Nation's youth through parental support, parental guidance. In most schools, an under-aged child is prohibited from attending a school field trip without first obtaining a signed permission slip from a parent or a legal guardian. I have signed many for my daughters. But the decision of whether or not to obtain an abortion, a life-changing, potentially fatal and serious medical procedure, that seems to be an exception to these rules.

As a mother of two young ladies, I want to know what is going on with my girls on something as significant and as medically life-altering as an abortion. This legislation closes a loophole that allows adults to help minors break State laws by obtaining an abortion without parental consent. It is amazing, Mr. Speaker, that such a bill would even be necessary, because transporting a minor across State lines without parental permission for any other reason but to have an abortion is already a crime.

Therefore, I ask my colleagues to join me once again in supporting this commonsense legislation and the substitute amendment to strengthen the bill to ensure that our precious children are protected and that the right of our parents are upheld.

Mr. MCGOVERN. Mr. Speaker, I just would like to respond by making a couple of points.

I have heard a number of people get up here and say they strongly support a rule. How can you strongly support a closed process? How can you not be in favor of allowing Members of this House, who have various concerns about this bill and different opinions about this bill and different opinions about how we can best deal with some of these very delicate issues, how can you be proud and strongly in support of a process that says that nobody has any right to come here and make any suggestions and offer any amendments? I find that appalling. I find it appalling.

And the fact of the matter is this bill amends the Senate bill. The Senate bill was a bad bill. This makes it even worse. And somehow to claim that what we are doing is trying to make the lives of troubled teenaged girls easier in dealing with horrible circumstances, I mean, does anybody believe that a young girl who is a victim of incest or a young girl who has been raped by her stepfather or her brother is going to feel that she can go to her mother? Maybe. But, in many cases, I don't believe that is what will happen. So you are taking a tragic situation and adding more tragedy to it.

So I find that puzzling, that we have people coming to the floor telling us how this is the right thing to do and that we should somehow praise this process that closes off any amendments and any real debate. This is a bad bill, and it is a bad process under which it is coming to the floor. I don't care what you believe on the issue of choice. The fact of the matter is this notion that these bills should come to the floor under closed rules I think is just wrong.

I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I want to let the gentleman from Massachusetts know I have no other requests for time, and I will reserve for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, let me close by once again urging all Members of this House, Democrats and Republicans, to vote ''no'' on this rule. Vote ''no'' on this rule regardless of what you believe about the underlying bill, because we have a broken process in this House of Representatives.

It is wrong for a bill like this or even the previous bill, bills that are controversial, to come to this floor under a closed process. It is wrong.

□ 1200

That has become a pattern in this House of Representatives. In this Congress, with the exception of appropriation bills, every bill that has come to this floor has been under a restricted process with the exception of one open rule.

What a horrendous record. That is not good for this democracy. That does not result in good legislation. It is an insult to all of the Members of this House, Democrat and Republican, who have good ideas who want to be able to legislate. That is what we are sent here for. If we want this to end, Members of both sides of the aisle need to stand up and have the guts to vote ''no'' on some of these closed rules.

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

Mr. GINGREY. Madam Speaker, as I close this debate, I want to respond to some of the points that my good friends on the other side of the aisle have stated. They stated their concern about situations where a minor has been raped or a minor has been abused by her own parent, indeed, a case of incest and what do you want to do about that. I want to make sure that our colleagues on the other side of the aisle, indeed, on both sides of the aisle understand that there are clear exceptions in this bill. And they are important. They are very important exceptions, and I don't argue with that point that is made.

Let me, Madam Speaker, enumerate a couple of those exceptions. It allows an out-of-state abortion to be performed without parental notification if it is done to save the life of the minor. And it allows an out-of-state abortion, and this is most important to that point, an out-of-state abortion to be performed where a physician is given documentation showing that the court in the minor's home State has waived parental notification requirements which certainly would be waived in those situations.

Madam Speaker, in closing, let me reemphasize the importance of Senate bill S. 403, the Child Custody Protection Act, as a safeguard of parental rights and protection for our minors. Almost 80 percent of Americans favor parental notification laws according to a poll conducted by the New York Times, yet current State laws can be circumvented and violated through the interstate transportation of minors. Allowing our children to be carted across State lines by nonguardians to get an abortion is absolutely immoral and fundamentally wrong.

I would challenge my colleagues on the other side of the aisle, and we can talk about process all day long, you have a right, but to vote against this rule and this bill is just beyond my imagination.

With over 30 States already requiring some type of parental notification, Congress cannot turn a blind eye to those who would violate the law and endanger our children.

Madam Speaker, this Congress has an obligation and a moral duty to children and to their parents to make sure State laws are upheld to prevent nonguardians from making medical decisions for our children.

Frankly, Madam Speaker, our Nation's parents and children deserve better, and this bill will ensure that they get the care and consideration that they need. Again, I would like to thank

the sponsors of this legislation, Ms. ROS-LEHTINEN in the House and Mr. ENSIGN in the Senate; and I want to thank all of my colleagues who support efforts to preserve the authority of parents to oversee the well-being of their own children.

Madam Speaker, I encourage my colleagues to vote ''yes'' on this rule and ''yes'' on the underlying bill.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam 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 questions previously postponed.

Votes will be taken in the following order: adoption of House Resolution 1038, by the yeas and nays; adoption of House Resolution 1039, by the yeas and nays; motion to suspend on H.R. 5092, by the yeas and nays; motion to suspend on H.R. 4772, 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.

PROVIDING FOR CONSIDERATION OF H.R. 2679, VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1038, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 229, nays 177, not voting 26, as follows:

[Roll No. 474]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Beauprez
Brown (OH)
Castle
Culberson
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Kirk
Lewis (GA)
Meehan
Millender-McDonald
Moran (VA)
Myrick
Neal (MA)
Ney
Oxley
Platts
Strickland
Weldon (PA)

□ 1237

Messrs. KILDEE, RANGEL, BUTTERFIELD and SPRATT changed their vote from ''yea'' to ''nay.''

Messrs. SULLIVAN, CRAMER, BOREN and MCINTYRE changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 474, I was delayed in traffic. Had I been present, I would have voted ''nay.''

PROVIDING FOR CONSIDERATION OF S. 403, CHILD CUSTODY PROTECTION ACT

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 1039, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 157, not voting 26, as follows:

[Roll No. 475]

YEAS—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
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 Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
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
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—157

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (CA)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Beauprez
Blunt
Brown (OH)
Castle
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hall
Hinojosa
Istook
Jefferson
Kirk
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Platts
Strickland
Weldon (PA)

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.

□ 1248

Mr. SIMMONS changed his vote from ''yea'' to ''nay.''

Mr. RAHALL and Ms. KAPTUR changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, on rollcall Nos. 474 and 475, I was unavoidably detained. Had I been present, I would have voted "yea."

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (BATFE) MODERNIZATION AND REFORM ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5092, 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5092, 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 277, nays 131, not voting 24, as follows:

[Roll No. 476]

YEAS—277

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—131

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Ferguson
Filner
Fossella
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—24

Beauprez
Bonner
Brown (OH)
Castle
Cuellar
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Strickland
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1257

Mr. MEEK of Florida changed his vote from ''nay'' to ''yea.''

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:

Mr. CUELLAR. Madam Speaker, on rollcall No. 476, had I been present, I would have voted "yea."

Mr. BONNER. Mr. Speaker, on Tuesday, September 26, 2006, I was absent for a vote. Had I been present, I would have voted "yea" on rollcall No. 476.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4772, 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4772, 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 234, nays 172, not voting 26, as follows:

[Roll No. 477]

YEAS—234

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
DeFazio
Delahunt
DeLauro
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Ferguson
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Price (NC)
Rahall
Rangel
Regula
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Beauprez
Brown (OH)
Castle
Cleaver
Davis (FL)
Davis (IL)
DeGette
Dicks
Evans
Fattah
Ford
Green (WI)
Hinojosa
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Myrick
Neal (MA)
Ney
Oxley
Shays
Strickland
Thomas
Weldon (PA)

□ 1306

Mr. GUTIERREZ changed his vote from ''yea'' to ''nay.''

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHAYS. Madam Speaker, on rollcall No. 477, I would have voted "no," like I did in the 106th Congress, but I was unavoidably detained.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote No. 474, on agreeing to the resolution H. Res. 1038—Providing for consid-

eration of the bill 2679, to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, I would have voted "aye."

Rollcall vote No. 475, on agreeing to the resolution H. Res. 1039—Providing for consideration of 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, I would have voted "aye."

Rollcall vote No. 476, on Motion to suspend the rules and pass H.R. 5092—The Bureau of Alcohol, Tobacco, firearms, and Explosives (BATFE) Modernization and Reform Act of 2006, I would have voted "aye."

Rollcall vote No. 477, on Motion to suspend the rules and pass H.R. 4772—The Private Property Rights Implementation Act of 2006, I would have voted "aye."

PRIVILEGED MOTION TO RESOLVE THE HOUSE INTO SECRET SESSION

Ms. PELOSI. Madam Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion calling for a secret session on the reported intelligence assessment that the war in Iraq is hindering our global efforts against terrorism.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to clause 9 of rule XVII of the rules of the House of Representatives, Ms. PELOSI moves that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider communications which she believes should be kept secret for the present.

The SPEAKER pro tempore. The question is on the nondebatable motion offered by the gentlewoman from California (Ms. PELOSI).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PELOSI. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 171, nays 217, not voting 44, as follows:

[Roll No. 478]

YEAS—171

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NAYS—217

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—44

Abercrombie
Aderholt
Beauprez
Berman
Brady (TX)
Brown (OH)
Case
Castle
Cleaver
Costa
Crowley
Davis (FL)
Davis (IL)
DeGette
Evans
Fattah
Ford
Fortenberry
Gonzalez
Green (WI)
Harris
Hinojosa
Hooley
Istook
Jefferson
Lewis (GA)
Linder
McCollum (MN)
McKinney
Meehan
Melancon
Millender-McDonald
Moore (KS)
Moran (VA)
Neal (MA)
Ney
Oxley
Rangel
Stark
Strickland
Thomas
Weldon (PA)
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1335

Mrs. JOHNSON of Connecticut, Messrs. PEARCE, McHENRY, PETRI, FRELINGHUYSEN, and MARSHALL changed their vote from "yea" to "nay."

Mr. DICKS changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FORTENBERRY. Madam Speaker, on Tuesday, September 26, 2006, I was unavoidably detained and thus I missed rollcall vote No. 478. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. WELDON of Pennsylvania. Madam Speaker, I was unable to record my votes during the last series of votes.

On rollcall vote No. 474, had I been present, I would have voted "yea."

On rollcall vote No. 475, had I been present, I would have voted "yea."

On rollcall vote No. 476, had I been present, I would have voted "yea."

On rollcall vote No. 477, had I been present, I would have voted "nay."

On rollcall vote No. 478, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Madam Speaker, I was absent from Washington on Tuesday, September 26, 2006. As a result, I was not recorded for rollcall vote Nos. 474, 475, 476, 477 and 478. Had I been present, I would

have voted "aye" on rollcall Nos. 474, 475, 476, and 477. I would have voted "no" on rollcall No. 478.

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.

OPEN SPACE AND FARMLAND PRESERVATION ACT

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5313) to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes.

The Clerk read as follows:

H.R. 5313

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 ''Open Space and Farmland Preservation Act''.

SEC. 2. ADDITIONAL TITLE-HOLDING OPTION UNDER FARMLAND PROTECTION PROGRAM.

(a) ADDITIONAL TITLE-HOLDING OPTION; RESERVATION OF FUNDS.—Section 1238I of the Farm Security Act of 1985 (16 U.S.C. 3838i) is amended by adding at the end the following new subsection:

''(d) OPTION FOR TITLE TO BE HELD BY ELIGIBLE ENTITY.—

''(1) RESERVATION OF FUNDS; PURPOSE.—Of the funds made available under section 1241(a)(4) for a fiscal year to carry out this section, the Secretary shall reserve not less than 15 percent to make grants to support cooperative efforts by an eligible State agency, a county, and one or more other eligible entities to purchase conservation easements and other interests in eligible land under subsection (a), the title to which will be held by an eligible entity rather than the United States.

''(2) COST SHARING.—Notwithstanding subsection (c)(1), the share of the cost of purchasing a conservation easement or other interest in eligible land borne by the United States under this subsection shall not exceed 25 percent. The State agency involved in the purchase shall contribute 25 percent of the purchase price, the county involved in the purchase shall contribute 25 percent of the purchase price, and the other eligible entities involved in the purchase shall contribute 25 percent of the purchase price.

''(3) PROHIBITION ON USE OF GRANT FUNDS.—Federal funds made available under this subsection may not be used by grant recipients for administrative purposes.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, urban sprawl continues to threaten the Nation's farmland. Social and economic changes over the past three decades have influenced the rate at which land is converted to nonagricultural uses. Population growth, demographic changes, preferences for larger lots, expansion of transportation systems, and economic prosperity have contributed to increases in agricultural land conversion rates.

The amount of farmland lost to development is not the only significant concern. Another cause for concern is the quality and pattern of farmland being converted. In most States, prime farmland is being converted at two to four times the rate of other, less-productive agricultural land.

There continues to be an important national interest in the protection of farmland. Land use devoted to agriculture provides an important contribution to meeting the Nation's food and fiber needs, environmental quality, protection of the Nation's historical and archeological resources and scenic beauty.

The farmland protection program is administered by NRCS and provides funds to State, tribal, and local governments and nongovernmental organizations to help them purchase conservation easements from willing sellers to limit conversion of farmland to nonagricultural uses.

The farmland protection program has received funding applications for 300 percent more dollars than the program was appropriated. The result in fiscal year 2005 was $262 million in unfunded projects. There simply weren't enough Federal dollars to match the number of applications to preserve farmland.

H.R. 5313, the Open Space and Farmland Preservation Challenge Grant Act, was introduced to aid in reducing the number of unfunded projects. Currently, the farmland protection program provides up to a 50 percent Federal match on these easement projects. By lowering the Federal match on a small portion of farmland protection program funding, we believe that less Federal funds can be used to protect more land.

The bill before us today, H.R. 5313, amends the Farm Security Act of 1985 to set aside 15 percent of farmland protection funds for cost-share grants, 25 percent maximum Federal share, to support eligible State agencies, county, and one or more eligible entities, local government or private entities, to purchase conservation easements.

This bill allows Federal dollars to go further by lowering the Federal match fund to a maximum of 25 percent and allowing other entities to make up the other 75 percent. States where the State, county, and local grassroots effort is strong can make better use of increasingly limited dollars. For example, Pennsylvania, which has great grassroots efforts to protect farmland, had the most unfunded easement applications, 65 for fiscal year 2005, which accounted for 6,200 acres not being able to be put into this program. By being able to use these reserved funds, more acres, with help from more groups, can be protected.

There is no new spending authorized in this bill. It simply creates a set-aside out of existing Federal farmland protection dollars. Any funds not used will go back into the general disbursement of farmland protection funds.

Madam Speaker, obviously, it is in this country's best interests to protect some of its great farmland. This program is immensely popular in many States, proven by the numbers of applications for the program each year. States like Connecticut, with $14 million in projects that could not be funded; Maryland had $17 million; Michigan, $22 million; New Hampshire, $15 million; Ohio, $12 million; and Pennsylvania, $20 million. This bill gives States that have tremendous grassroots organizations the ability to protect more farmland with less Federal money.

I would like to thank the ranking member of the committee, Congressman PETERSON, for working with us on this matter, as well as Congressman GERLACH, who introduced the measure, and Congressman TIM HOLDEN, a member of the committee, from Pennsylvania, who has legislation addressing this issue.

Madam Speaker, I reserve the balance of my time

Mr. PETERSON of Minnesota. Madam Speaker, the farmland protection program is an important program that helps farmers preserve their land for the future and to combat urban sprawl.

The program works with State and local groups to purchase conservation easements to ensure farmland is kept continually in agricultural use for future generations.

I want to thank the chairman for recognizing the importance of preserving open space and hope that we can continue to work together to strengthen the Federal program in the next farm bill.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. GERLACH) 3 minutes.

Mr. GERLACH. Madam Speaker, I rise in support of H.R. 5313, the Open Space and Farmland Preservation Act, a bill I introduced to strengthen the Federal Farm and Ranch Lands Protection Program.

Under the bill, 15 percent of the funds made available for the program would be reserved in order to make challenge

grants available to preserve the most threatened farmland, farmland in States, counties, municipalities, or private entities all agree are vital to preserve.

Simply put, if a State contributes 25 percent, a county contributes 25 percent, and a municipality or private entity contributes 25 percent towards the preservation of eligible farmland, the effort would then be eligible for a 25 percent Federal match.

I know that every, State, county, and municipality's commitment to farmland preservation is different, but it is my hope that creating this challenge grant will encourage more efforts at these levels of government.

States like Pennsylvania and Pennsylvania's counties and municipalities have invested heavily in preserving farmland. The challenge grant created through H.R. 5313 would only help to encourage other States in more local municipalities to follow this example and compete for Federal dollars available through the challenge grant.

I also believe that this challenge grant will steer Federal resources towards those projects already getting wide support from counties, States, and municipalities, or private organizations. This ensures that the increasingly limited Federal resources are being used to preserve the most threatened farmland.

This is an important measure that will help preserve farmland and open space in suburban and exurban communities. For residents of these areas like my constituents in Pennsylvania's Sixth Congressional District, preservation of open space and farmland is a quality of life issue that can not be overlooked.

I want to thank Chairman GOODLATTE and his staff for their efforts in bringing this bill to the floor today, as well as the efforts of Ranking Member PETERSON. I would also like to thank my colleague, Congressman MARK KIRK of Illinois, for his foresight and leadership in the creation of the Suburban Agenda Caucus. His efforts and the efforts of the leaders of the Caucus have helped shed light on the issues that those of us in the suburban communities care deeply about.

Madam Speaker, I urge my colleagues to support H.R. 5313, the Open Space and Farmland Preservation Act.

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

Mr. GOODLATTE. Madam Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I want to thank Congressman JIM GERLACH for his leadership for the entire Nation in protecting suburban green and open space.

Now, we all support the National Park System, and I believe the next President should set a goal of doubling the National Park System. But we also need to take action to protect more green and open space near home.

□ 1345

Without this bill, more green and open space would disappear in an unending series of strip malls. In my own district, we just set aside 77 acres of Lake Michigan shoreline as part of a new park to preserve habitat for all time. But we need to do more.

Under Congressman GERLACH's leadership, this bill became part of our bipartisan suburban agenda to meet the education, health care, conservation and economic needs of suburban families. This bill advances those needs by making sure that we preserve more green and open space in the suburbs.

In my own State of Illinois, we are losing over 41,000 acres of farmland to development, 71 percent in suburban areas. The rate of farmland loss in our State has increased over 130 percent in the 1990s. This bill directly meets that need, and I want to thank Chairman GOODLATTE for moving this legislation that makes sure that suburban families have more green and open space near home.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5313.

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.

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

PROVIDING FOR CONVEYANCE OF FORMER KONNAROCK LUTHERAN GIRLS SCHOOL IN SMYTH COUNTY, VIRGINIA

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5103) to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5103

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

SECTION 1. LAND CONVEYANCE, FORMER KONNAROCK LUTHERAN GIRLS SCHOOL, JEFFERSON NATIONAL FOREST, SMYTH COUNTY, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Evangelical Lutheran Coalition for Mission in Appalachia (in this section referred to as the ''recipient'') all right, title, and interest of the United States in and to a parcel of real property in the Mount Rogers National Recreation Area, Smyth County, Virginia, located in the vicinity of the junction of Virginia Routes 600 and 603, consisting of not more than six acres, and containing the former Konnarock Lutheran Girls School and its outbuildings, as depicted on the map entitled ''Proposed Area for New Legislation or Sale–Konnarock School–Being a Portion of USA Tract J–935''.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the recipient accept the real property described in such subsection in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) DESCRIPTION OF PROPERTY.—Subject to the acreage limitation specified in subsection (a), the exact acreage and legal description of the real property to be conveyed under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, I rise in support of H.R. 5103, a bill to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia. The Konnarock property is located in Representative RICK BOUCHER's congressional district, just south of my district in the southwestern part of Virginia. The land and buildings were acquired by the Forest Service in 1967. The facility, at that time, was not in use. It was last used as a school in 1959.

The Forest Service used the buildings to house fire crews and summer trail crews, as well as the job corps operations. By the early 1980s, continued deterioration rendered the facility unusable. There has been considerable continued deterioration since that time. The facility is now in severe disrepair.

Prior to Forest Service acquisition, the facility was owned by the local Lutheran Church. This legislation would convey the land to the Evangelical Lutheran Coalition for the mission in Appalachia, which plans to restore/preserve the historic structures; develop a retreat center; partner with area colleges to use the property as an environmental learning center; and develop, archive, and exhibit the history of the school and the community.

This bill was passed by the House Committee on Agriculture favorably last week with the recommendation

that it does pass. Today's bill takes the bare minimum necessary to convey this property to an owner who will have an opportunity to invest in the buildings and restore them to their historical significance.

Prior to the committee's consideration of the bill, we were advised by the Congressional Budget Office that the small area conveyed and the deterioration of the buildings ensures that the bill will not have a significant impact on spending.

I thank my colleague, the gentleman from Virginia (Mr. BOUCHER), for introducing this good measure and the gentleman from Minnesota (Mr. PETERSON), the ranking member, for helping us get it to the floor. I urge my colleagues to adopt this bill.

Madam Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5103. Mr. BOUCHER's bill will convey about 6 acres of land within Jefferson National Forest back to the Lutheran Church to allow them to restore and preserve the historic Konnarock Lutheran Girls School in Smyth County, Virginia.

The Lutheran Evangelical Coalition for Missions in the Appalachias has developed a thoughtful plan for the site that includes the restoration and preservation of the building, a retreat center, and an environmental learning center that will work in conjunction with local schools.

This is a worthwhile use of Federal forest land and an excellent project which deserves congressional support.

Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BOUCHER), the author of the bill.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Madam Speaker, I thank the gentleman for yielding me this time, and I want to express my appreciation to the gentleman from Virginia (Mr. GOODLATTE), chairman of the House Agriculture Committee, and the gentleman from Minnesota (Mr. PETERSON) for moving this measure through the committee and bringing the bill to the House floor today.

The Lutheran Girls School building in Konnarock, Virginia, is a historic structure; and it is presently listed on the National Register of Historic Places. It was constructed of wood and stone, hewed from the mountains where the building is located during the 1920s, and has graceful architecture that is typical of the rustic buildings constructed during that era.

It was constructed by the Women's Missionary Society of the Lutheran Church in America and was operated by the Lutheran Church as a girls school from the middle 1920s until 1959. At that time the school was closed and the building at that point entered a very long period of disuse.

In 1967 the Forest Service acquired that building as part of a much larger acquisition of 680 acres, all of which bordered the national forest. Today, the building has fallen into a severe state of disrepair and is in danger of collapse unless substantial remedial work is performed in the very near future.

The bill before us would convey the building and up to 6 acres of lands, the exact amount to be determined by conducting a survey, from the Federal Government and to the Evangelical Lutheran Coalition for Mission in Appalachia. That is an organization that is affiliated with the Lutheran Church.

The Lutheran Coalition intends to restore and renovate the property in a manner consistent with its historic status. Its future use will be as a retreat center for the Lutheran Coalition, and it will be available for use as a retreat center and by other nonprofit entities and faith-based organizations.

The coalition also plans to partner with area colleges to establish exhibits and a learning center for matters relating to the unique mountain environment in which this building is located.

Through this conveyance, we can assure that the restoration and future maintenance of this historic structure will occur. I thank Chairman GOODLATTE and Mr. PETERSON for their work in bringing this bill to the floor. I join with them in urging its approval by the House

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

Mr. GOODLATTE. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5103, 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.

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

PROVIDING FOR CONVEYANCE OF CERTAIN NATIONAL FOREST SYSTEM LAND TO LAONA AND WABENO, WISCONSIN

Mr. GOODLATTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4559) to provide for the conveyance of National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4559

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

SECTION 1. CONVEYANCE OF CHEQUAMEGON-NICOLET NATIONAL FOREST LAND TO TOWNS OF LAONA AND WABENO, WISCONSIN.

(a) CONVEYANCE TO TOWN OF LAONA.—

(1) CONVEYANCE.—At the request of the town of Laona, Wisconsin (referred to in this subsection as the "town"), the Secretary of Agriculture shall convey to the town all right, title, and interest of the United States in and to the parcel of National Forest System land in Forest County, Wisconsin, consisting of approximately 176 acres, as further described in paragraph (2), for the purpose of permitting the town to use the parcel as a site for an industrial park and for other purposes.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) consists of the N½SW¼, SW¼NW¼, S½SE¼NW¼, and that part of the W½NE¼ lying south of the Rat River, excluding Lot #1 of Forest County Certified Survey Map #157861 and a 100-foot wide former rail road right-of-way running through the W½NE¼, all in section 6, township 35 north, range 15 east, Laona Township, Forest County, Wisconsin.

(3) CONSIDERATION.—As consideration for the conveyance under this subsection, the town shall pay to the Secretary an amount equal to $300,000, which is the appraised fair market value of the parcel of National Forest System land to be conveyed.

(b) CONVEYANCE TO TOWN OF WABENO.—

(1) CONVEYANCE.—At the request of the town of Wabeno, Wisconsin (referred to in this subsection as the "town"), the Secretary of Agriculture shall convey to the town all right, title, and interest of the United States in and to the parcel of National Forest System land in Forest County, Wisconsin, consisting of approximately 173 acres, as further described in paragraph (2), for the purpose of permitting the town to use the parcel as a site for an industrial park and for other purposes.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) consists of the S½NW¼, E½SW¼, and east 17.30 acres of the NW¼SW¼, excluding a 100-foot wide former rail road right-of-way running through the NE¼SW¼ and SE¼NW¼ and a 0.02 acre parcel in the SW¼NW¼, a 0.93 acre parcel in the SE¼SW¼, and a 2.36 acre parcel in the E½SW¼ reserved for highway purposes, as described in volume 7, 276-277, Forest County Records, and all in section 7, township 34 north, range 15 east, Wabeno Township, Forest County, Wisconsin.

(3) CONSIDERATION.—As consideration for the conveyance under this subsection, the town shall pay to the Secretary an amount equal to $320,000, which is the appraised fair market value of the parcel of National Forest System land to be conveyed.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of a survey shall be borne by the recipient of the land.

(d) DEPOSIT AND USE OF PROCEEDS.—

(1) DEPOSIT.—The Secretary shall deposit the proceeds from the conveyance of land under this section in the fund established

under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE.—Funds deposited pursuant to paragraph (1) shall be available to the Secretary, without further appropriation and until expended—

(A) to acquire land and interests in land for inclusion in the Chequamegon-Nicolet National Forest in Wisconsin; and

(B) to reimburse costs incurred by the Secretary in carrying out the conveyances under this section, including the payment of any real estate broker commissions.

(3) ADMINISTRATION.—The lands acquired under paragraph (2)(A) shall be included in the Chequamegon-Nicolet National Forest and administered in accordance with the laws applicable to that National Forest.

(e) WITHDRAWAL.—Subject to valid existing rights, the land to be conveyed under this section is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

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

Madam Speaker, I rise in support of H.R. 4559. This bill simply provides the Forest Service with the required legislative authority to sell two tracts in Wisconsin to neighboring towns for a set price which the Forest Service and the towns agree represents fair market value.

The intent of the land sale is to spur economic development by providing the towns room to grow and allow the Forest Service to acquire more sensitive lands that have higher natural resource value. The proceeds of these sales will be used by the Forest Service to acquire other higher priority lands in the Chequamegon-Nicolet National Forest.

I thank the gentleman from Wisconsin (Mr. GREEN) for introducing this legislation, and I thank Mr. PETERSON for working with us on the committee to move this legislation forward. I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4559. Mr. GREEN's bill would allow the towns of Laona and Wabeno in Wisconsin to purchase two parcels of marginal Forest Service land for development. Those towns, as was noted, suffer from low timber prices and a limited tax base, and this bill is an effort to provide economic development in these communities.

This bill allows the Forest Service to use the proceeds of the sale to buy land with greater environmental value which will improve the forest. This project is a sensible transfer of Federal forest land, and it deserves congressional support.

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

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4559, 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.

The title of the bill was amended so as to read: ''A bill to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

□ 1400

CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the House amendments to 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.

The Clerk read as follows:

Senate amendments to House amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

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, the largest source of targeted Federal funding in the child protection system for services to ensure that children are not abused or neglected and, whenever possible, help children remain safely with their families.

(3) 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.

(4) 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.

(5) Federal policy should encourage 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, which will help ensure all children are raised in safe, loving families.

(6) 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.

(7) 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.

(8) 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.

(9) Targeting CWS and 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.

(10) According to the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration, the annual number of new uses of Methamphetamine, also known as ''meth,'' has increased 72 percent over the past decade. According to a study conducted by the National Association of Counties which surveyed 500 county law enforcement agencies in 45 states, 88 percent of the agencies surveyed reported increases in meth related arrests starting 5 years ago.

(11) According to the 2004 National Survey on Drug Use and Health, nearly 12,000,000 Americans have tried methamphetamine. Meth making operations have been uncovered in all 50 states, but the most wide-spread abuse has been concentrated in the western, southwestern, and Midwestern United States.

(12) Methamphetamine abuse is on the increase, particularly among women of child-bearing age. This is having an impact on child welfare systems in many States. According to a survey administered by the National Association of Counties (''The Impact of Meth on Children''), conducted in 300 counties in 13 states, meth is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements because of meth in 2005.

(13) It is appropriate also to target PSSF funds to address this issue because of the unique strain the meth epidemic puts on child welfare agencies. Outcomes for children affected by meth are enhanced when services provided by law enforcement, child welfare and substance abuse agencies are integrated.

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

(a) FUNDING OF MANDATORY GRANTS AT $345 MILLION PER FISCAL YEAR.—Effective October 1, 2006, section 436(a) of the Social Security Act (42 U.S.C. 629f(a)) is amended by striking ''fiscal year 2006.'' and all that follows and inserting ''each of fiscal years 2007 through 2011''.

(b) 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''.

(c) AVAILABILITY OF PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—

(1) 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.

(2) AVAILABILITY OF FUNDS.—Notwithstanding sections 434(b)(2) and 436(b)(3) of such Act, the amount appropriated under paragraph (1) of this subsection—

(A) shall remain available for expenditure through fiscal year 2009 solely for the purpose described in section 436(b)(4)(B)(i) of such Act;

(B) shall not be used to supplant any Federal funds paid under part E of title IV of such Act that could be used for that purpose; and

(C) shall not be made available to any Indian tribe or tribal consortium.

(d) ELIMINATION OF FINDINGS.—Section 430 of such 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''.

(e) ANNUAL BUDGET REQUESTS, SUMMARIES, AND EXPENDITURE REPORTS.—

(1) IN GENERAL.—Section 432(a)(8) of such Act (42 U.S.C. 629b(a)(8)) is amended—

(A) by inserting ''(A)'' after ''(8)''; and

(B) by adding at the end the following:

''(B) provides that, not later than June 30 of each year, the State will submit to the Secretary—

''(i) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that report on planned child and family services expenditures by the agency for the immediately succeeding fiscal year; and

''(ii) copies of forms CFS 101–Part I and CFS 101–Part II (or any successor forms) that provide, with respect to the programs authorized under this subpart and subpart 1 and, at State option, other programs included on such forms, for the most recent preceding fiscal year for which reporting of actual expenditures is complete—

''(I) the numbers of families and of children served by the State agency;

''(II) the population served by the State agency;

''(III) the geographic areas served by the State agency; and

''(IV) the actual expenditures of funds provided to the State agency; and''.

(2) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—Section 432 of such Act (42 U.S.C. 629b) is amended by adding at the end the following:

''(c) ANNUAL SUBMISSION OF STATE REPORTS TO CONGRESS.—The Secretary shall compile the reports required under subsection (a)(8)(B) and, not later than September 30 of each year, submit such compilation to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

(3) EFFECTIVE DATE; INITIAL DEADLINES FOR SUBMISSIONS.—The amendments made by this subsection take effect on the date of enactment of this Act. Each State with an approved plan under subpart 1 or 2 of part B of title IV of the Social Security Act shall make its initial submission of the forms required under section 432(a)(8)(B) of the Social Security Act to the Secretary of Health and Human Services by June 30, 2007, and the Secretary of Health and Human Services shall submit the first compilation required under section 432(c) of the Social Security Act by September 30, 2007.

(f) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(1) IN GENERAL.—Section 434 of such Act (42 U.S.C. 629d) is amended—

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

(B) 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.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to expenditures made on or after October 1, 2007.

SEC. 4. TARGETING OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM RESOURCES.

(a) SUPPORT FOR MONTHLY CASEWORKER VISITS.—

(1) RESERVATION AND USE OF FUNDS.—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.—The Secretary shall reserve for allotment in accordance with section 433(e)—

''(i) $5,000,000 for fiscal year 2008;

''(ii) $10,000,000 for fiscal year 2009; and

''(iii) $20,000,000 for each of fiscal years 2010 and 2011.

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

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

(B) by adding at the end the following:

''(e) ALLOTMENT OF FUNDS RESERVED TO SUPPORT MONTHLY CASEWORKER VISITS.—

''(1) TERRITORIES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year, the Secretary shall allot to each jurisdiction specified in subsection (b) of this section, that has provided to the Secretary such documentation as may be necessary to verify that the jurisdiction has complied with section 436(b)(4)(B)(ii) during 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).

''(2) OTHER STATES.—From the amount reserved pursuant to section 436(b)(4)(A) for any fiscal year that remains after applying paragraph (1) of this subsection 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 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, 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)(2)' shall be substituted for 'such paragraph (1)'.''.

(3) PAYMENTS TO STATES.—Section 434(a) of such Act (42 U.S.C. 629d(a)), as amended by section 3(f)(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.''.

(b) SUPPORT FOR TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

(1) RESERVATION OF FUNDS.—Section 436(b) of such Act (42 U.S.C. 629f(b)), as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

''(5) REGIONAL PARTNERSHIP GRANTS.—The Secretary shall reserve for awarding grants under section 437(f)—

''(A) $40,000,000 for fiscal year 2007;

''(B) $35,000,000 for fiscal year 2008;

''(C) $30,000,000 for fiscal year 2009; and

''(D) $20,000,000 for each of fiscal years 2010 and 2011.''.

(2) TARGETED GRANTS.—

(A) IN GENERAL.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(f) TARGETED GRANTS TO INCREASE THE WELL BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY METHAMPHETAMINE OR OTHER SUBSTANCE ABUSE.—

''(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary to make competitive grants to regional partnerships to provide, through interagency collaboration and integration of programs and services, services and activities that are designed to increase the well-being of, improve permanency outcomes for, and enhance the safety of children who are in an out-of-home placement or are at risk of being placed in an out-of-home placement as a result of a parent's or caretaker's methamphetamine or other substance abuse.

''(2) REGIONAL PARTNERSHIP DEFINED.—

''(A) IN GENERAL.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate or intrastate basis) entered into by at least 2 of the following:

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(iii) An Indian tribe or tribal consortium.

''(iv) Nonprofit child welfare service providers.

''(v) For-profit child welfare service providers.

''(vi) Community health service providers.

''(vii) Community mental health providers.

''(viii) Local law enforcement agencies.

''(ix) Judges and court personnel.
''(x) Juvenile justice officials.
''(xi) School personnel.
''(xii) Tribal child welfare agencies (or a consortia of such agencies).
''(xiii) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under this subpart.
''(B) REQUIREMENTS.—
''(i) STATE CHILD WELFARE AGENCY PARTNER.—Subject to clause (ii)(I), a regional partnership entered into for purposes of this subsection shall include the State child welfare agency that is responsible for the administration of the State plan under this part and part E as 1 of the partners.
''(ii) REGIONAL PARTNERSHIPS ENTERED INTO BY INDIAN TRIBES OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—
''(I) may (but is not required to) include such State child welfare agency as a partner in the collaborative agreement; and
''(II) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of such agencies).
''(iii) NO STATE AGENCY ONLY PARTNERSHIPS.—If a State agency described in clause (i) or (ii) of subparagraph (A) enters into a regional partnership for purposes of this subsection, the State agency may not enter into a collaborative agreement only with the other State agency described in such clause (i) or (ii).
''(3) AUTHORITY TO AWARD GRANTS.—
''(A) IN GENERAL.—In addition to amounts authorized to be appropriated to carry out this section, the Secretary shall award grants under this subsection, from the amounts reserved for each of fiscal years 2007 through 2011 under section 436(b)(5), to regional partnerships that satisfy the requirements of this subsection, in amounts that are not less than $500,000 and not more than $1,000,000 per grant per fiscal year.
''(B) REQUIRED MINIMUM PERIOD OF APPROVAL.—A grant shall be awarded under this subsection for a period of not less than 2, and not more than 5, fiscal years.
''(4) APPLICATION REQUIREMENTS.—To be eligible for a grant under this subsection, a regional partnership shall submit to the Secretary a written application containing the following:
''(A) Recent evidence demonstrating that methamphetamine or other substance abuse has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.
''(B) A description of the goals and outcomes to be achieved during the funding period for the grant that will—
''(i) enhance the well-being of children receiving services or taking part in activities conducted with funds provided under the grant;
''(ii) lead to safety and permanence for such children; and
''(iii) decrease the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region.
''(C) A description of the joint activities to be funded in whole or in part with the funds provided under the grant, including the sequencing of the activities proposed to be conducted under the funding period for the grant.
''(D) A description of the strategies for integrating programs and services determined to be appropriate for the child and where appropriate, the child's family.
''(E) A description of the strategies for—
''(i) collaborating with the State child welfare agency described in paragraph (2)(A)(i) (unless that agency is the lead applicant for the regional partnership); and
''(ii) consulting, as appropriate, with—
''(I) the State agency described in paragraph (2)(A)(ii); and
''(II) the State law enforcement and judicial agencies.
To the extent the Secretary determines that the requirement of this subparagraph would be inappropriate to apply to a regional partnership that includes an Indian tribe, tribal consortium, or a tribal child welfare agency or a consortium of such agencies, the Secretary may exempt the regional partnership from the requirement.
''(F) Such other information as the Secretary may require.
''(5) USE OF FUNDS.—Funds made available under a grant made under this subsection shall only be used for services or activities that are consistent with the purpose of this subsection and may include the following:
''(A) Family-based comprehensive long-term substance abuse treatment services.
''(B) Early intervention and preventative services.
''(C) Children and family counseling.
''(D) Mental health services.
''(E) Parenting skills training.
''(F) Replication of successful models for providing family-based comprehensive long-term substance abuse treatment services.
''(6) MATCHING REQUIREMENT.—
''(A) FEDERAL SHARE.—A grant awarded under this subsection shall be available to pay a percentage share of the costs of services provided or activities conducted under such grant, not to exceed—
''(i) 85 percent for the first and second fiscal years for which the grant is awarded to a recipient;
''(ii) 80 percent for the third and fourth such fiscal years; and
''(iii) 75 percent for the fifth such fiscal year.
''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of services provided or activities conducted under a grant awarded under this subsection may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.
''(7) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary shall—
''(A) take into consideration the extent to which applicant regional partnerships—
''(i) demonstrate that methamphetamine or other substance abuse by parents or caretakers has had a substantial impact on the number of out-of-home placements for children, or the number of children who are at risk of being placed in an out-of-home placement, in the partnership region;
''(ii) have limited resources for addressing the needs of children affected by such abuse;
''(iii) have a lack of capacity for, or access to, comprehensive family treatment services; and
''(iv) demonstrate a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period; and
''(B) after taking such factors into consideration, give greater weight to awarding grants to regional partnerships that propose to address methamphetamine abuse and addiction in the partnership region (alone or in combination with other drug abuse and addiction) and which demonstrate that methamphetamine abuse and addiction (alone or in combination with other drug abuse and addiction) is adversely affecting child welfare in the partnership region.
''(8) PERFORMANCE INDICATORS.—
''(A) IN GENERAL.—Not later than 9 months after the date of enactment of this subsection, the Secretary shall establish indicators that will be used to assess periodically the performance of the grant recipients under this subsection in using funds made available under such grants to achieve the purpose of this subsection.
''(B) CONSULTATION REQUIRED.—In establishing the performance indicators required by subparagraph (A), the Secretary shall consult with the following:
''(i) The Assistant Secretary for the Administration for Children and Families.
''(ii) The Administrator of the Substance Abuse and Mental Health Services Administration.
''(iii) Representatives of States in which a State agency described in clause (i) or (ii) of paragraph (2)(A) is a member of a regional partnership that is a grant recipient under this subsection.
''(iv) Representatives of Indian tribes, tribal consortia, or tribal child welfare agencies that are members of a regional partnership that is a grant recipient under this subsection.
''(9) REPORTS.—
''(A) GRANTEE REPORTS.—
''(i) ANNUAL REPORT.—Not later than September 30 of the first fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and annually thereafter until September 30 of the last fiscal year in which the recipient is paid funds under the grant, the recipient shall submit to the Secretary a report on the services provided or activities carried out during that fiscal year with such funds. The report shall contain such information as the Secretary determines is necessary to provide an accurate description of the services provided or activities conducted with such funds.
''(ii) INCORPORATION OF INFORMATION RELATED TO PERFORMANCE INDICATORS.—Each recipient of a grant under this subsection shall incorporate into the first annual report required by clause (i) that is submitted after the establishment of performance indicators under paragraph (8), information required in relation to such indicators.
''(B) REPORTS TO CONGRESS.—On the basis of the reports submitted under subparagraph (A), the Secretary annually shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—
''(i) the services provided and activities conducted with funds provided under grants awarded under this subsection;
''(ii) the performance indicators established under paragraph (8); and
''(iii) the progress that has been made in addressing the needs of families with methamphetamine or other substance abuse problems who come to the attention of the child welfare system and in achieving the goals of child safety, permanence, and family stability.''.
(B) CONFORMING AMENDMENTS.—Section 437 of such Act (42 U.S.C. 629g) is amended—
(i) in the section heading, by inserting ''**AND TARGETED**'' after ''**DISCRETIONARY**''; and
(ii) in subsection (e), by striking ''this section'' and inserting ''subsection (a)''.
(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Section 435(c) of such Act (42 U.S.C. 629e(c)) is amended to read as follows:
''(c) EVALUATION, RESEARCH, AND TECHNICAL ASSISTANCE WITH RESPECT TO TARGETED PROGRAM RESOURCES.—Of the amount reserved under section 436(b)(1) for a fiscal year, the Secretary shall use not less than—
''(1) $1,000,000 for evaluations, research, and providing technical assistance with respect to supporting monthly caseworker visits with children who are in foster care under the responsibility of the State, in accordance with section 436(b)(4)(B)(i); and
''(2) $1,000,000 for evaluations, research, and providing technical assistance with respect to grants under section 437(f).''.

SEC. 5. ALLOTMENTS AND GRANTS TO INDIAN TRIBES.

(a) INCREASE IN SET-ASIDES FOR INDIAN TRIBES.—
(1) MANDATORY GRANTS.—Section 436(b)(3) of the Social Security 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''.

(3) EFFECT OF RESERVATION OF FUNDS FOR TARGETED PROGRAM RESOURCES 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 paragraphs (4) and (5) (but before applying paragraphs (1) or (2)), the''.

(b) AUTHORITY FOR TRIBAL CONSORTIA TO RECEIVE ALLOTMENTS.—

(1) ALLOTMENT OF MANDATORY FUNDS.—

(A) IN GENERAL.—Section 433(a) of such Act (42 U.S.C. 629c(a)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes submits a plan approved under this subpart, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(B) CONFORMING AMENDMENT.—Section 436(b)(3) of such Act (42 U.S.C. 629f(b)(3)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''.

(2) ALLOTMENT OF ANY DISCRETIONARY FUNDS.—Section 437 of such Act (42 U.S.C. 629g) is amended—

(A) in subsection (b)(3)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortia'' after ''Indian tribes''; and

(B) in subsection (c)(1)—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by adding at the end the following new sentence: ''If a consortium of Indian tribes applies and is approved for a grant under this section, the Secretary shall allot to the consortium an amount equal to the sum of the allotments determined for each Indian tribe that is part of the consortium.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PLANS OF INDIAN TRIBES.—Section 432(b)(2) of such Act (42 U.S.C. 629b(b)(2)) is amended—

(i) in the paragraph heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES'';

(ii) in subparagraph (A), by inserting ''or tribal consortium'' after ''Indian tribe'' each place it appears; and

(iii) in subparagraph (B)—

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

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

(B) DIRECT PAYMENTS TO TRIBAL ORGANIZATIONS.—Section 434(c) of such Act (42 U.S.C. 629d(c)) is amended—

(i) in the subsection heading, by inserting ''OR TRIBAL CONSORTIA'' after ''TRIBES''; and

(ii) by inserting ''or tribal consortium'' after ''Indian tribe'' the first place it appears; and

(iii) by inserting ''or in the case of a payment to a tribal consortium, such tribal organizations of, or entity established by, the Indian tribes that are part of the consortium as the consortium shall designate'' before the period.

(C) EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.—Section 435(d) of such Act (42 U.S.C. 629e(d)) is amended in the matter preceding paragraph (1), by inserting ''or tribal consortia'' after ''Indian tribes''.

(c) COLLECTION OF DATA ON TRIBAL PROMOTING SAFE AND STABLE FAMILIES PLANS.—Section 432(b)(2)(A) of such Act (42 U.S.C. 629b(b)(2)(A)), as amended by subsection (b)(3)(A)(ii) of this section, is amended by striking ''any requirement of this section that the Secretary determines'' and inserting ''the requirements of subsection (a)(4) of this section to the extent that the Secretary determines those requirements''.

SEC. 6. 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 adoptive families; 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 (including policies and procedures providing for legal representation of the children) 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) not later than October 1, 2007, 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;

''(15) describe how the State actively consults with and involves physicians or other appropriate medical professionals 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

''(16) provide that, not later than 1 year after the date of the enactment of this paragraph, the State shall have in place procedures providing for how the State programs assisted under this subpart, subpart 2 of this part, or part E would respond to a disaster, in accordance with criteria established by the Secretary which should include how a State would—

''(A) identify, locate, and continue availability of services for children under State care or supervision who are displaced or adversely affected by a disaster;

''(B) respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;

''(C) remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;

''(D) preserve essential program records; and

''(E) coordinate services and share information with other States.''; 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)''; and

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

(2) in subsection (b), by inserting ''DETERMINATION OF STATE ALLOTMENT PERCENTAGES.—'' after ''(b)'';

(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 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; LIMITATIONS ON USE OF FUNDS.—

(1) LIMITATIONS RELATED TO STATE EXPENDITURES FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, AND ADOPTION ASSISTANCE PAYMENTS.—Section 424 of such Act, as so redesignated by subsection (b)(2) of this section, is amended by striking subsections (c) and (d) and inserting the following:

''(c) LIMITATION ON USE OF FEDERAL FUNDS FOR CHILD CARE, FOSTER CARE MAINTENANCE PAYMENTS, OR ADOPTION ASSISTANCE PAYMENTS.—The total amount of Federal payments under this subpart for a fiscal year beginning after September 30, 2007, that may be used by a State for expenditures for child care, foster care maintenance payments, or adoption assistance payments shall not exceed the total amount of such payments for fiscal year 2005 that were so used by the State.

''(d) LIMITATION ON USE BY STATES OF NON-FEDERAL FUNDS FOR FOSTER CARE MAINTENANCE PAYMENTS TO MATCH FEDERAL FUNDS.—For any fiscal year beginning after September 30, 2007, State expenditures of non-Federal funds for foster care maintenance payments shall not be considered to be expenditures under the State plan developed under this subpart for the fiscal year to the extent that the total of such expenditures for the fiscal year exceeds the total of such expenditures under the State plan developed under this subpart for fiscal year 2005.''.

(2) LIMITATION ON ADMINISTRATIVE COST REIMBURSEMENT.—

(A) IN GENERAL.—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.—A payment may not be made 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.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to expenditures made on or after October 1, 2007.

(f) 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 section 11(b) of this Act).

(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. 7. MONTHLY CASEWORKER STANDARD.

(a) STATE PLAN REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)), as amended by section 6(c) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(3) by adding at the end the following:

''(17) not later than October 1, 2007, describe the State standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the State, which, at a minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.''.

(b) ENFORCEMENT.—Section 424 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act, is amended by adding at the end the following:

''(e)(1) The Secretary may not make a payment to a State under this subpart for a period in fiscal year 2008, unless the State has provided to the Secretary data which shows, for fiscal year 2007—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

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

''(2)(A) Based on the data provided by a State pursuant to paragraph (1), the Secretary, in consultation with the State, shall establish, not later than June 30, 2008, an outline of the steps to be taken to ensure, by October 1, 2011, that at least 90 percent of the children in foster care under the responsibility of the State are visited by their caseworkers on a monthly basis, and that the majority of the visits occur in the residence of the child. The outline shall include target percentages to be reached each fiscal year, and should include a description of how the steps will be implemented. The steps may include activities designed to improve caseworker retention, recruitment, training, and ability to access the benefits of technology.

''(B) Beginning October 1, 2008, if the Secretary determines that a State has not made the requisite progress in meeting the goal described in subparagraph (A) of this paragraph, then the percentage that shall apply for purposes of subsection (a) of this section for the period involved shall be the percentage set forth in such subsection (a) reduced by—

''(i) 1, if the number of full percentage points by which the State fell short of the target percentage established for the State for the period pursuant to such subparagraph is less than 10;

''(ii) 3, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 10 and less than 20; or

''(iii) 5, if the number of full percentage points by which the State fell short, as described in clause (i), is not less than 20.''.

(c) REPORTS.—

(1) PROGRESS REPORT.—Not later than March 31, 2010, the Secretary 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 report that outlines the progress made by the States in meeting the standards referred to in section 422(b)(17) of the Social Security Act, and offers recommendations developed in consultation with State officials responsible for administering child welfare programs and members of the State legislature to assist States in their efforts to ensure that foster children are visited on a monthly basis.

(2) INCLUSION OF INFORMATION ON CASEWORKER VISITS IN ANNUAL CHILD WELL-BEING OUTCOME REPORTS.—Section 479A of such Act (42 U.S.C. 679b) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) include in the report submitted pursuant to paragraph (5) for fiscal year 2007 or any succeeding fiscal year, State-by-State data on—

''(A) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and

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

SEC. 8. REAUTHORIZATION OF PROGRAM FOR MENTORING CHILDREN OF PRISONERS.

(a) IN GENERAL.—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)—

(A) by striking paragraph (1) and inserting the following:

''(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—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.''; and

(B) in paragraph (2), by striking ''2.5'' and inserting ''4''.

(b) SERVICE DELIVERY DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following:

''(g) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(1) PURPOSE; AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with an eligible entity that meets the requirements of paragraph (2) for the purpose of requiring the entity to conduct a demonstration project consistent with this subsection under which the entity shall—

''(A) identify children of prisoners in need of mentoring services who have not been matched with a mentor by an applicant awarded a grant under this section, with a priority for identifying children who—

''(i) reside in an area not served by a recipient of a grant under this section;

''(ii) reside in an area that has a substantial number of children of prisoners;

''(iii) reside in a rural area; or

''(iv) are Indians;

''(B) provide the families of the children so identified with—

''(i) a voucher for mentoring services that meets the requirements of paragraph (5); and

''(ii) a list of the providers of mentoring services in the area in which the family resides that satisfy the requirements of paragraph (6); and

''(C) monitor and oversee the delivery of mentoring services by providers that accept the vouchers.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity under this subsection is an organization that the Secretary determines, on a competitive basis—

''(i) has substantial experience—

''(I) in working with organizations that provide mentoring services for children of prisoners; and

''(II) in developing quality standards for the identification and assessment of mentoring programs for children of prisoners; and

''(ii) submits an application that satisfies the requirements of paragraph (3).

''(B) LIMITATION.—An organization that provides mentoring services may not be an eligible entity for purposes of being awarded a cooperative agreement under this subsection.

''(3) APPLICATION REQUIREMENTS.—To be eligible to be awarded a cooperative agreement under this subsection, an entity shall submit to the Secretary an application that includes the following:

''(A) QUALIFICATIONS.—Evidence that the entity—

''(i) meets the experience requirements of paragraph (2)(A)(i); and

''(ii) is able to carry out—

''(I) the purposes of this subsection identified in paragraph (1); and

''(II) the requirements of the cooperative agreement specified in paragraph (4).

''(B) SERVICE DELIVERY PLAN.—

''(i) DISTRIBUTION REQUIREMENTS.—Subject to clause (iii), a description of the plan of the entity to ensure the distribution of not less than—

''(I) 3,000 vouchers for mentoring services in the first year in which the cooperative agreement is in effect with that entity;

''(II) 8,000 vouchers for mentoring services in the second year in which the agreement is in effect with that entity ; and

''(III) 13,000 vouchers for mentoring services in any subsequent year in which the agreement is in effect with that entity.

''(ii) SATISFACTION OF PRIORITIES.—A description of how the plan will ensure the delivery of mentoring services to children identified in accordance with the requirements of paragraph (1)(A).

''(iii) SECRETARIAL AUTHORITY TO MODIFY DISTRIBUTION REQUIREMENT.—The Secretary may modify the number of vouchers specified in subclauses (I) through (III) of clause (i) to take into account the availability of appropriations and the need to ensure that the vouchers distributed by the entity are for amounts that are adequate to ensure the provision of mentoring services for a 12-month period.

''(C) COLLABORATION AND COOPERATION.—A description of how the entity will ensure collaboration and cooperation with other interested parties, including courts and prisons, with respect to the delivery of mentoring services under the demonstration project.

''(D) OTHER.—Any other information that the Secretary may find necessary to demonstrate the capacity of the entity to satisfy the requirements of this subsection.

''(4) COOPERATIVE AGREEMENT REQUIREMENTS.—A cooperative agreement awarded under this subsection shall require the eligible entity to do the following:

''(A) IDENTIFY QUALITY STANDARDS FOR PROVIDERS.—To work with the Secretary to identify the quality standards that a provider of mentoring services must meet in order to participate in the demonstration project and which, at a minimum, shall include criminal records checks for individuals who are prospective mentors and shall prohibit approving any individual to be a mentor if the criminal records check of the individual reveals a conviction which would prevent the individual from being approved as a foster or adoptive parent under section 471(a)(20)(A).

''(B) IDENTIFY ELIGIBLE PROVIDERS.—To identify and compile a list of those providers of mentoring services in any of the 50 States or the District of Columbia that meet the quality standards identified pursuant to subparagraph (A).

''(C) IDENTIFY ELIGIBLE CHILDREN.—To identify children of prisoners who require mentoring services, consistent with the priorities specified in paragraph (1)(A).

''(D) MONITOR AND OVERSEE DELIVERY OF MENTORING SERVICES.—To satisfy specific requirements of the Secretary for monitoring and overseeing the delivery of mentoring services under the demonstration project, which shall include a requirement to ensure that providers of mentoring services under the project report data on the children served and the types of mentoring services provided.

''(E) RECORDS, REPORTS, AND AUDITS.—To maintain any records, make any reports, and cooperate with any reviews and audits that the Secretary determines are necessary to oversee the activities of the entity in carrying out the demonstration project under this subsection.

''(F) EVALUATIONS.—To cooperate fully with any evaluations of the demonstration project, including collecting and monitoring data and providing the Secretary or the Secretary's designee with access to records and staff related to the conduct of the project.

''(G) LIMITATION ON ADMINISTRATIVE EXPENDITURES.—To ensure that administrative expenditures incurred by the entity in conducting the demonstration project with respect to a fiscal year do not exceed the amount equal to 10 percent of the amount awarded to carry out the project for that year.

''(5) VOUCHER REQUIREMENTS.—A voucher for mentoring services provided to the family of a child identified in accordance with paragraph (1)(A) shall meet the following requirements:

''(A) TOTAL PAYMENT AMOUNT; 12-MONTH SERVICE PERIOD.—The voucher shall specify the total amount to be paid a provider of mentoring services for providing the child on whose behalf the voucher is issued with mentoring services for a 12-month period.

''(B) PERIODIC PAYMENTS AS SERVICES PROVIDED.—

''(i) IN GENERAL.—The voucher shall specify that it may be redeemed with the eligible entity by the provider accepting the voucher in return for agreeing to provide mentoring services for the child on whose behalf the voucher is issued.

''(ii) DEMONSTRATION OF THE PROVISION OF SERVICES.—A provider that redeems a voucher issued by the eligible entity shall receive periodic payments from the eligible entity during the 12-month period that the voucher is in effect upon demonstration of the provision of significant services and activities related to the provision of mentoring services to the child on whose behalf the voucher is issued.

''(6) PROVIDER REQUIREMENTS.—In order to participate in the demonstration project, a provider of mentoring services shall—

''(A) meet the quality standards identified by the eligible entity in accordance with paragraph (1);

''(B) agree to accept a voucher meeting the requirements of paragraph (5) as payment for the provision of mentoring services to a child on whose behalf the voucher is issued;

''(C) demonstrate that the provider has the capacity, and has or will have nonfederal resources, to continue supporting the provision of mentoring services to the child on whose behalf the voucher is issued, as appropriate, after the conclusion of the 12-month period during which the voucher is in effect; and

''(D) if the provider is a recipient of a grant under this section, demonstrate that the provider has exhausted its capacity for providing mentoring services under the grant.

''(7) 3-YEAR PERIOD; OPTION FOR RENEWAL.—

''(A) IN GENERAL.—A cooperative agreement awarded under this subsection shall be effective for a 3-year period.

''(B) RENEWAL.—The cooperative agreement may be renewed for an additional period, not to exceed 2 years and subject to any conditions that the Secretary may specify that are not inconsistent with the requirements of this subsection or subsection (i)(2)(B), if the Secretary determines that the entity has satisfied the requirements of the agreement and evaluations of the service delivery demonstration project demonstrate that the voucher service delivery method is effective in providing mentoring services to children of prisoners.

''(8) INDEPENDENT EVALUATION AND REPORT.—

''(A) IN GENERAL.—The Secretary shall enter into a contract with an independent, private organization to evaluate and prepare a report on the first 2 fiscal years in which the demonstration project is conducted under this subsection.

''(B) DEADLINE FOR REPORT.—Not later than 90 days after the end of the second fiscal year in which the demonstration project is conducted under this subsection, the Secretary shall submit the report required under subparagraph (A) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The report shall include—

''(i) the number of children as of the end of such second fiscal year who received vouchers for mentoring services; and

''(ii) any conclusions regarding the use of vouchers for the delivery of mentoring services for children of prisoners.

''(9) NO EFFECT ON ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—A voucher provided to a family under the demonstration project conducted under this subsection shall be disregarded for purposes of determining the eligibility for, or the amount of, any other Federal or federally-supported assistance for the family.''.

(2) CONFORMING AMENDMENTS.—Section 439 of such Act (42 U.S.C. 629i), as amended by subsection (a) of this section and paragraph (1) of this subsection, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''PURPOSE'' and inserting ''PURPOSES''; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''PURPOSE'' and inserting ''PURPOSES'';

(II) by striking ''The purpose of this section is to authorize the Secretary to make competitive'' and inserting ''The purposes of this section are to authorize the Secretary—

''(A) to make competitive'';

(iii) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) to enter into on a competitive basis a cooperative agreement to conduct a service delivery demonstration project in accordance with the requirements of subsection (g).'';

(B) in subsection (c)—

(i) by striking ''(h)'' and inserting ''(i)''; and

(ii) by striking ''(h)(2)'' and inserting ''(i)(2)'';

(C) by amending subsection (h) (as so redesignated by paragraph (1)(A) of this subsection) to read as follows:

''(h) INDEPENDENT EVALUATION; REPORTS.—

''(1) INDEPENDENT EVALUATION.—The Secretary shall conduct by grant, contract, or cooperative agreement an independent evaluation of the programs authorized under this section, including the service delivery demonstration project authorized under subsection (g).

''(2) REPORTS.—Not later than 12 months after the date of enactment of this subsection, the Secretary shall submit a report to the Congress that includes the following:

''(A) The characteristics of the mentoring programs funded under this section.

''(B) The plan for implementation of the service delivery demonstration project authorized under subsection (g).

''(C) A description of the outcome-based evaluation of the programs authorized under this

section that the Secretary is conducting as of that date of enactment and how the evaluation has been expanded to include an evaluation of the demonstration project authorized under subsection (g).

''(D) The date on which the Secretary shall submit a final report on the evaluation to the Congress.''; and

(D) in subsection (i) (as so redesignated)—

(i) in the subsection heading, by striking ''RESERVATION'' and inserting ''RESERVATIONS''; and

(ii) in paragraph (2)—

(I) by amending the paragraph heading to read as follows: ''RESERVATIONS'';

(II) by striking ''The'' and inserting the following:

''(A) RESEARCH, TECHNICAL ASSISTANCE, AND EVALUATION.—The''; and

(III) by adding at the end the following:

''(B) SERVICE DELIVERY DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of awarding a cooperative agreement to conduct the service delivery demonstration project authorized under subsection (g), the Secretary shall reserve not more than—

''(I) $5,000,000 of the amount appropriated under paragraph (1) for the first fiscal year in which funds are to be awarded for the agreement;

''(II) $10,000,000 of the amount appropriated under paragraph (1) for the second fiscal year in which funds are to be awarded for the agreement; and

''(III) $15,000,000 of the amount appropriated under paragraph (1) for the third fiscal year in which funds are to be awarded for the agreement.

''(ii) ASSURANCE OF FUNDING FOR GENERAL PROGRAM GRANTS.—With respect to any fiscal year, no funds may be awarded for a cooperative agreement under subsection (g), unless at least $25,000,000 of the amount appropriated under paragraph (1) for that fiscal year is used by the Secretary for making grants under this section for that fiscal year.''.

SEC. 9. 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. 10. REQUIREMENT FOR FOSTER CARE PROCEEDING TO INCLUDE, IN AN AGE-APPROPRIATE MANNER, CONSULTATION WITH THE CHILD THAT IS THE SUBJECT OF THE PROCEEDING.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ''(i)'' after ''with respect to each such child,'';

(2) by striking ''and procedural safeguards shall also'' and inserting ''(ii) procedural safeguards shall''; and

(3) by inserting ''and (iii) procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child;'' after ''parents;''.

SEC. 11. TECHNICAL AMENDMENTS.

(a) UPDATING OF ARCHAIC LANGUAGE.—

(1) Section 423 of the Social Security Act, as so redesignated by section 6(b)(2) of this Act—

(A) is amended by striking ''per centum'' and inserting ''percent''; and

(B) by striking ''He'' and inserting ''The Secretary''.

(2) Section 424(a) of such Act, as so redesignated by section 6(b)(2) of this Act, is amended by striking ''per centum'' and inserting ''percent''.

(b) 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).

(c) 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. 12. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and 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.

(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 or part E, 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 PROMOTING SAFE AND STABLE FAMILIES RESOURCES FOR FISCAL YEAR 2006.—Section 3(c) shall take effect on the date of the enactment of this Act.

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Act, insert the following: ''An Act to amend part B of title IV of the Social Security Act to reauthorize the promoting safe and stable families program, and for other purposes.''.

The SPEAKER pro tempore (Mr. SHIMKUS). 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 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.

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

Mr. Speaker, I rise today in strong support of S. 3525, the Child and Family Services Improvement Act of 2006. I would like to thank the gentleman from Washington (Mr. MCDERMOTT) and many other Members for their support of this bipartisan legislation.

This legislation reauthorizes and improves oversight and accountability of numerous child protection programs that will provide about $4 billion during the next 5 years to help keep children safe.

In recent years, the subcommittee I chair has held a dozen hearings on our Nation's child protection system. Every witness testified about the need to reform this broken system, which too often has lost track of children or placed them in homes where they suffered continued abuse and neglect.

The legislation before us today includes a number of provisions designed to improve the monitoring of children in foster care and to hold States more accountable for the care they provide. This legislation will require States to ensure that at least 90 percent of children in foster care are visited on a monthly basis in response to research highlighting the importance of frequent visits in promoting child safety.

This legislation also makes substantial improvements to the Child Welfare Services program. For example, this program now is permanently authorized. As a result, there has been little oversight and monitoring of the Child Welfare Services program in recent decades. This legislation will authorize this program through fiscal year 2011, ensuring that future Congresses examine this program, as improved in this bill, to make sure that it is operating properly.

This legislation also stresses preventing abuse and neglect from occurring, not just managing its effects. Among other measures, it targets new funds to a key cause of child abuse and neglect: parental drug abuse, including by parents who abuse methamphetamine, which is a major concern in my own northern California congressional district. A total of $145 million in program funds will be available to community groups working with child welfare officials to help keep parents off drugs.

Mr. Speaker, I have highlighted just a few of the many improvements this legislation will make to our Nation's child protection system, but there is still much more work to do. Children still linger in foster care waiting for permanent families. Every year, almost 24,000 of these youths age out of foster care without a family of their own. We will continue to work to ensure this system protects these children and promotes a brighter future. We also will continue our efforts to ensure that Federal taxpayer dollars are being spent properly within these programs. Today marks one step forward towards those goals.

This legislation has the support of numerous organizations including the Children's Defense Fund, the Child Welfare League of America, and the National Indian Child Welfare Association.

I thank all the Members and staff who have worked to bring this legislation to the floor today. The Child and Family Services Improvement Act is good legislation, and I urge all my colleagues to support it.

Mr. Speaker, I rise today in strong support of S. 3525, the Child and Family Services Improvement Act of 2006. I'm pleased to be here today with the gentleman from Washington who is a cosponsor of this bipartisan legislation. I'd like to thank the many Members from both sides of the aisle for their support. This has been a truly bipartisan effort at all stages and I'm pleased we are here today to move

this legislation forward to the President for his signature.

This legislation reauthorizes and improves numerous child protection programs that combined will provide about $4 billion during the next 5 years to keep children safe. 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.

S. 3525 takes an important step forward in our efforts to prevent child abuse and neglect by keeping families together and preventing, whenever possible, the unnecessary separation of children from their families. Over the past 6 years, the subcommittee that I chair has held 12 hearings to explore our Nation's child protection system. Every witness has testified to improvements and reforms that are necessary to fix this broken system. The legislation before us today includes a number of provisions that address these issues we have heard so much about.

First, time and time again we have seen stories of children lost by caseworkers, children who have gone missing in the foster care system, or even worse, children who have suffered abuse in homes in which they are placed. No one who sat through these hearings will soon forget the images of four boys in New Jersey who were starved by their adopted parents and were discovered by a neighbor rummaging for food in the trash. There is little doubt that States need to increase oversight and monitoring of these children and the legislation before us today will ensure that happens.

S. 3525 will require all States to ensure at least 90 percent of children in foster care are visited on a monthly basis by their caseworker, and to ensure that the majority of these visits occur in the child's residence. States will work with the Department of Health and Human Services to establish targets to reach this goal by fiscal year 2012. In any year in which a State fails to reach its target, we will continue to make the State's full Federal allotment available to them but the State will need to increase their own spending in order to access those funds. Further, to help States achieve this standard, the legislation directs $95 million to be spent on activities that help ensure children are visited on a monthly basis and that these visits are well-planned and focused on assessing the child's safety and well-being.

Second, we have heard repeatedly how Federal funds for child welfare disproportionately assist kids after they have been removed from their homes, instead of preventing' the abuse or neglect that results in the need for their removal in the first place. This legislation will encourage States to invest more dollars in activities that keep families together when appropriate by limiting the amount that can fund basic administrative costs as well as by targeting these dollars for prevention and family support services. Also, States will be required to submit actual spending data for these programs, which will enhance our oversight of State activity on behalf of these children.

And third, substance abuse by parents and caretakers, particularly abuse of methamphetamine, is having a substantial impact on the child welfare system in some areas. This legislation will direct $145 million for grants to law enforcement personnel, court personnel, and others involved with the child welfare system to partner with the State child welfare agency to devise solutions to this problem.

I'm pleased this legislation continues the Mentoring Children of Prisoners program and provides for a voucher pilot program to expand the availability of mentoring services for children. There are approximately 4,000 mentoring organizations nationwide, and these vouchers will enable families to select an organization from which children can receive these important services. Few dispute the tremendous impact a mentor can have in the life of a troubled child. I'm very pleased we have reached an agreement to include this program, a priority of the Bush administration, in this legislation.

Mr. Speaker, I've highlighted just a few of the many improvements this legislation will make to our Nation's child protection system. But there is still much more work to do. Children linger in foster care waiting for permanent families. Every year almost 20,000 of these youths age out of foster care without a family of their own. We will continue to work to ensure this system protects these children and promotes a brighter future for them. Today is a major step forward towards that goal.

I thank all the Members and staff who have worked to bring this legislation to the floor today. This legislation has the support of numerous child welfare organizations, including the Children's Defense Fund, Catholic Charities USA, Mentor, and the National Indian Child Welfare Association.

This is an excellent bill and I urge all my colleagues to support it. Attached below is a summary of the legislation.

REPORT ACCOMPANYING S. 3525, THE CHILD AND FAMILY SERVICES IMPROVEMENT ACT OF 2006, AS AMENDED

PREPARED BY THE STAFF OF THE U.S. HOUSE COMMITTEE ON WAYS AND MEANS AND THE U.S. SENATE COMMITTEE ON FINANCE—SEPTEMBER 26, 2006

Section 1—Short title

''The Child and Family Services Improvement Act of 2006''

Section 2—Findings

The legislation makes a number of findings regarding the provision of services under two child welfare programs authorized under Title IV–B of the Social Security Act, the Child Welfare Services (CWS) program and the Promoting Safe and Stable Families (PSSF) program. The findings note the importance of monthly caseworker visits in improving outcomes for children. They also outline the relationship between the entry of children into the child welfare system and their parent's abuse of methamphetamine and other substances.

Section 3—Reauthorization of the Promoting Safe and Stable Families Program

Current Law

For fiscal year (FY) 2006, authorizes mandatory funding of $345 million for the Promoting Safe and Stable Families (PSSF) program (Title IV–B, Subpart 2 of the Social Security Act) and discretionary funding of $200 million for each of FYs 2002 through 2006.

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The legislation extends the mandatory PSSF funding authorization of $345 million for five years (FYs 2007 through 2011) and extends the discretionary funding authorization of $200 million for each of those same five years. The legislation expands the reporting requirement to include both proposed spending and actual spending under the CWS and PSSF programs, and at State option, other programs that support child abuse prevention activities and child welfare services. The legislation also prohibits HHS from making any payment of PSSF funds to a State for administrative costs that exceed 10 percent of total program expenditures (Federal and non-Federal) of a State.

Reason for Change

The PSSF program supports four categories of services provided to children and families: family preservation services, community-based family support services, time-limited reunification services, and adoption promotion and support services. The legislation recognizes the importance of encouraging States to invest in these activities. Thus the legislation provides for the $200 million increase in mandatory PSSF funds over the next five years included in the Deficit Reduction Act of 2005 (P.L. 109–171). In total $345 million in mandatory funds (the recent $305 million allotment of annual mandatory funds, plus a $40 million annual increase provided under the Deficit Reduction Act of 2005) will be provided in each of FYs 2007 through 2011.

The legislation also will ensure better oversight and accountability of spending under the CWS and PSSF programs by requiring States to report on projected and actual spending under these two programs. Specifically, data on actual spending will help track State investments for the four priorities of the PSSF program.

Section 4—Targeting of Promoting Safe and Stable Families Program resources

Current Law

Current law requires States to include assurances in their PSSF plan that they will spend significant portions of their PSSF funds in each of four priority areas: (1) family preservation services; (2) community-based family support services; (3) time-limited family reunification services; and (4) adoption promotion and support services.

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The legislation retains the four priorities of PSSF while targeting the additional $40 million per year provided under the Deficit Reduction Act of 2005 (P.L. 109–171) to two new priorities: (1) support for monthly caseworker visits; and (2) competitive grants to promote the well-being of children in or at risk of placement in the child welfare system as a result of their parent's abuse of methamphetamine or other substances.

The legislation provides a total of $95 million to States to support monthly caseworker visits of children 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. States will receive $40 million from FY 2006 PSSF funds (with these funds available through FY 2009), $5 million in FY 2008, $10 million in FY 2009, and $20 million in each of FYs 2010 and 2011 to support monthly caseworker visits. States cannot use these funds to supplant any Federal funds already paid to the State under the Title IV–E program that could be used for the purposes outlined above.

To promote the well-being of children affected by their parent's abuse of methamphetamine or other substances, the legislation provides a total of $145 million to the Secretary of the Department of Health and Human Services (HHS) to award competitive grants to regional partnerships to pursue innovative approaches to help children and families. Funding will be $40 million in FY 2007, $35 million in FY 2008, $30 million in FY 2009, and $20 million in each of FYs 2010 and 2011. Partnerships must include the State

child welfare agency or an Indian tribe and at least one other eligible partner, including: child welfare service providers (non-profit and for-profit), community providers of health or mental health services, local law enforcement agencies, judges and court personnel, juvenile justice officials, school personnel, the State agency responsible for administering the substance abuse prevention and treatment block grant (authorized under Title XIX–B, Subpart II of the Public Health Services Act), and any other providers, agencies, personnel, officials or entities related to the provision of child and family services. Grants of between $500,000 and $1 million per year will be awarded for 2 to 5 year periods.

A priority will be given to grant applications that propose to combat methamphetamine abuse, given its substantial affect on child welfare in some areas. Funding for the grants must be used to support the purposes of this program, which may include family-based comprehensive long-term substance abuse treatment services, early intervention and prevention services, mental health services, parent skills training, and replication of successful models for providing family-based comprehensive long-term substance abuse treatment services. Grantees must provide a 15 percent match in the first and second year, a 20 percent match in the third and fourth year, and a 25 percent match in the fifth year. In-kind contributions can qualify towards the match requirement. The Secretary of HHS must consult with State leaders to develop performance indicators and reporting is required of all grant recipients.

The legislation also redirects current PSSF research funding to support evaluation, research, and technical assistance related to the above two PSSF funding priorities. In each of FYs 2007 through 2011, at least $1 million must be spent for research and technical assistance activities that support monthly caseworker visits and at least $1 million must be spent for research and technical assistance activities with respect to the competitive grant program to promote the well-being of children in or at risk of placement in the child welfare system due to a parent's abuse of methamphetamine or other substances.

Reason for Change

The targeting of funds to support monthly visits of foster children is in response to research highlighting how monthly visits lead to better outcomes for children. The Child and Family Service Reviews (CFSRs) completed in each State found a strong correlation between frequent caseworker visits with children and positive outcomes for children, such as timely achievement of permanency and other indicators of child well-being. However, despite the fact that nearly all States had written standards suggesting monthly visits were State policy, a December 2005 report completed by the HHS Office of the Inspector General found that only 20 States were able to produce reports showing whether caseworkers actually visited children in foster care on at least a monthly basis. States are encouraged to invest these resources in those activities with proven effectiveness in supporting monthly caseworker visits of foster children and should be cognizant that these funds may not supplant what States already spend from their Title IV–E programs for these activities. These resources are intended to increase State investment in these important areas.

Parental substance abuse is a well-known problem affecting the child welfare system, and the Office of Applied Studies of the Substance Abuse and Mental Health Services Administration reported that the number of new uses of methamphetamines (meth) has increased 72 percent in the past decade. A study by the National Association of Counties which surveyed 300 counties in 13 States reported that meth abuse is a major cause of child abuse and neglect. Forty percent of all the child welfare officials in the survey reported an increase in out-of-home placements due to meth abuse in 2005.

Section 5—Allotments and Grants to Indian Tribes

Current Law

Requires that 1 percent of all mandatory PSSF funds, and 2 percent of any discretionary appropriations for the PSSF program, be set aside for tribal programs. (The minimum tribal funding provided is $3.45 million and the maximum annual tribal funding possible is $7.45 million.)

Out of the tribal funds reserved, Indian tribes or tribal organizations with an approved plan must be allotted PSSF funds (based on the relative share of tribal persons under age 21 but only among tribes or tribal organizations with approved plans). The Secretary of HHS may exempt a tribe from any plan requirement that it determines would be inappropriate for that tribe (taking into account the resources, needs, and other circumstances of that tribe). However, no tribe or tribal organization may have an approved plan (or receive funds) unless its allotment is equal to at least $10,000. Funds allotted are paid directly to the tribal organization of the Indian tribe to which the money is allotted.

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The legislation increases the set-aside for tribal programs to 3 percent of any discretionary funds appropriated. It also increases the set-side for tribal programs to 3 percent of the mandatory funds authorized and which remain after the separate reservation of funds is made for (1) monthly caseworker visits, and (2) competitive grants to combat methamphetamine and other substance abuse. Therefore, the minimum funding available per year for tribal programs would be $9.15 million and the maximum funding would be $15.15 million. The legislation eliminates the ability of the Secretary of HHS to exempt tribes from the PSSF plan requirements related to nonsupplantation, data reporting, and monitoring. However, the Secretary retains the ability to waive for Indian tribes the PSSF requirement to invest significant amounts of program funds in each of the four PSSF activities and to spend no more than 10 percent of PSSF funds on administrative costs.

The legislation also permits tribal consortia to have access to an allotment of PSSF funds (and related technical assistance) on the same basis as such funds are currently available to Indian tribes. A tribal consortium's allotment is to be determined based on the number of tribal persons under age 21 in each tribe that is a part of the tribal consortium. If tribes choose to apply collectively as a consortium, the population of tribal persons under age 21 for each tribe would be combined in order to determine the size of the grant to the consortium, including whether the consortium meets the $10,000 eligibility threshold in the Act. A tribal consortium could select which Indian tribal organization (among the tribes in the consortium) would receive the direct payment of its allotment.

Reason for Change

The legislation recognizes the importance of assisting tribes in their efforts to assist abused and neglected children. The legislation significantly increases the amount of funds provided to tribes and allows tribal consortia to apply for PSSF funds. This step is being taken to encourage the further development of tribal child welfare programs, which largely serve severely disadvantaged communities and families and can do so in a culturally appropriate manner. Permanency outcomes for Indian children can be improved if tribal consortia are able to have access to an allotment of PSSF funding on the same basis as is currently available to Indian tribes. This will facilitate smaller tribes' building their own programs and will allow for administrative efficiencies in tribal program administration.

To collect additional data and ensure proper oversight of these funds, tribes and tribal consortia interested in applying for this substantial increase in PSSF funds will be required to adhere to the same data and monitoring plan requirements as States. This additional data will inform how these funds have helped the tribes better ensure the safety, permanency, and wellbeing of tribal children.

Section 6—Improvements to the Child Welfare Services (CWS) Program

Current Law

Up to $325 million annually is authorized on an indefinite basis for the Child Welfare Services (CWS) program, which provides funds to States to support a wide range of child welfare activities. Federal funding represents 75 percent of total funding for this program, and States are required to contribute 25 percent of total CWS funding from State funds.

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The legislation maintains the annual discretionary authorization level of $325 million per year but limits the funding authorization to FYs 2007 through 2011. The legislation also specifies that the purpose of the CWS program for which funds may be expended is to promote State flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and that 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 adoptive families; and (5) providing training, professional development and support to ensure a well-qualified child welfare workforce.

The legislation eliminates the plan requirements related to child day care standards and those related to the use of paraprofessionals or volunteers and restates and renumbers the remaining provisions with generally the same intent. It rewrites the provision concerning policies and procedures for children abandoned shortly after birth to assert that a State must have in effect administrative and judicial procedures for children who are abandoned at or shortly after birth (including policies and procedures providing for legal representation of the children) to ensure expeditious decisions can be made for their permanent placement. Further, it clarifies that the State may include residential educational programs as a living arrangement for children for whom reunification, adoption, or guardianship have been ruled out as permanency goals. This provision does not undermine current State policies regarding placement of children in adoptive homes and does not eliminate the 25 bed policy.

Beginning October 1, 2007 (i.e. the beginning of FY 2008), the legislation limits administrative funding to 10 percent, but defines administrative funds to exclude caseworker services and supervision of such services. Also beginning in FY 2008, the legislation limits how much each State can expend from Federal CWS funding for foster care maintenance payments, adoption assistance payments, or child day care to what the State can show that it spent for such purposes in FY 2005. Further, beginning with FY 2008, States are not allowed to use State spending on foster care maintenance payments to meet the State matching requirement to receive Federal CWS funds in amounts that exceed what the State spent from such funds in FY 2005.

The legislation also adds new requirements to the CWS plan the State submits to (1) describe how the State consults with and involves physicians and other appropriate medical professionals in the assessment of children in foster care and in determining appropriate medical treatment, and (2) develop a plan on how to respond, track and continue care for children receiving child welfare services in the event of a disaster.

Reason for Change

The legislation will reorganize and update the CWS program and encourage more effective oversight. It also aligns the program to be coterminous with the reauthorization of the PSSF program to allow for better coordination between the two programs. It will encourage States to invest funding in prevention services, but allows each State to maintain in the coming years its FY 2005 level of spending from Federal CWS funds for foster care, adoption assistance and child care purposes. It adds a new State planning requirement to ensure consultation with medical professionals as well as State planning to continue the availability of child welfare services during a disaster.

Section 7—Monthly Caseworker Standard

Current Law

There is no minimum Federal standard for monthly visits of foster children in State custody.

S. 3525

The legislation requires the State to update its CWS State plan by October 1, 2007 to describe its standards for the content and frequency of caseworker visits of foster children in State custody, which at a minimum must ensure that children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, pennanency, and well-being of children.

The legislation also sets a minimum Federal standard requiring each State and territory to achieve by October 1, 2011 monthly caseworker visits for at least 90 percent of foster children in State custody, with the majority of those visits occurring in the child's residence. Each State and territory would be held accountable for its efforts and the legislation prescribes a planning process to achieve this goal. To receive FY 2008 CWS funds, States must submit to HHS data for FY 2007 on the percentage of foster children visited on a monthly basis by their caseworker and the percentage of those visits that occurred in the child's residence. Based on this data, HHS will work with each State to set target levels for the State to meet to achieve a 90 percent monthly visitation standard by FY 2012 and will establish these target levels by June 30, 2008. Then, beginning in FY 2009, States must achieve their annual goal for the percentage of caseworker visits and the percentage of visits that occur in the child's residence, or face an enhanced matching requirement in order to draw down their full allotment of Federal CWS funds. The share of non-Federal spending that is required in a State that does not meet its visitation target level in a year increases by a minimum of 1 percentage point, up to a maximum of 5 percentage points, depending on the degree to which the State has missed its target level; absent the commitment of additional State funds, Federal funds would be reduced to yield the modified State share of overall CWS funding, consistent with the degree of the State's failure to achieve its visitation target for that year.

No later than March 31, 2010, HHS must submit to the House Committee on Ways and Means and the Senate Committee on Finance a report that outlines the progress States have made in meeting their caseworker visitation standards and that offers recommendations, developed in consultation with State administrators of child welfare programs and members of State legislatures, to assist States in meeting this standard.

Reason for Change

Holding States accountable for achieving monthly caseworker visits for at least 90 percent of foster children responds to research highlighting how monthly visits lead to better outcomes for children. HHS shall work with the States to establish a plan to achieve this goal by FY 2012 and States are encouraged to invest the new PSSF resources provided in FY 2006 and later fiscal years in activities that have been shown to be effective in achieving increased caseworker visitation of foster children. The above accountability measure will ensure that, even in the case of a State that fails to fulfill its specified level of caseworker visits, the full Federal CWS allotment to a State will remain available so long as that State increases its State CWS spending modestly, according to the provisions of the legislation.

Section 8—Reauthorization of Program for Mentoring Children of Prisoners

Current Law

The Mentoring Children of Prisoners program is administered by HHS and makes competitive grants to support the establishment or expansion and operation of programs that provide mentoring services to children of prisoners.

S. 3525

The legislation reauthorizes the existing Mentoring Children of Prisoners program through FY 2011 at such sums as may be necessary and increases the HHS set-aside for research, technical assistance, and evaluation from 2.5 percent to 4 percent. It authorizes a new 3-year pilot program to provide vouchers to qualified mentoring groups to offer services to individual children of prisoners, but specifies both annual caps on funding for this purpose and that at least $25 million must be available each year for site-based grants provided under the program. The voucher pilot program will be administered by a national group that will work closely with HHS to manage the program with the goal to distribute at least 3,000 vouchers in the first year, 8,000 vouchers in the second year and 13,000 vouchers in the third year. The legislation specifies that the national group must identify in its voucher distribution plan how the group will prioritize providing vouchers to children in areas which have not been served under the current site-based mentoring program. During the third year of this pilot HHS shall provide a report based on an independent evaluation to the House Committee on Ways and Means and the Senate Committee on Finance on the number of children who received vouchers for mentoring services and any conclusions regarding the voucher pilot program's effectiveness.

Reason for Change

The continuation of the Mentoring Children of Prisoners program will enable public and private organizations to establish or expand projects that provide one-on-one mentoring for children of incarcerated parents and those recently released from prison. At the same time, children have not been able to access mentoring services in some States and rural areas because of the absence of a site-based grant to provide this service. The voucher pilot program will evaluate the effectiveness of using vouchers to expand the delivery of mentoring services to children of prisoners, including to children in rural and underserved areas.

Section 9—Reauthorization of the Court Improvement Program

Current Law

For each of FYs 2002 through 2006, an eligible highest State court (with an approved application) is entitled to a share of funds to assess and make improvements to its handling of child welfare procedures. A set-aside of $10 million from the mandatory funds authorized and 3.3 percent of any discretionary appropriation is provided from the PSSF program to support the Court Improvement Program. To receive its full allotment of these funds the court, in each of FYs 2002 through 2006, is required to provide at least 25 percent of the expenditures for this purpose.

S. 3525

The legislation reauthorizes the funding for the Court Improvement Program for 5 years, through FY 2011.

Reason for Change

The Court Improvement Program has played an important role in assisting State courts in their efforts to expedite judicial proceedings for at-risk children. The legislation will ensure these funds continue to remain available, and is in addition to the $100 million provided over FYs 2006 through 2010 under the Deficit Reduction Act of 2005 (P.L. 109–171) to support training and data collection efforts of State courts.

Section 10—Requirement for foster care proceedings to include, in an age-appropriate manner, consultation with the child that is the subject of the proceeding

Current Law

Current law does not include a standard for consulting with children in court proceedings.

S. 3525

The legislation requires States to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to independent living, the court or administrative body conducting the hearing consults in an age-appropriate manner with the child regarding the plan being proposed for the child.

Reason for Change

Each child deserves the opportunity to participate and be consulted in any court proceeding affecting his or her future, in an age-appropriate manner.

Section 11—Technical amendments

Section 12—Effective dates

The legislation will become effective on October 1, 2006, except for provisions with other specified effective dates or ifHHS determines that a State legislature must act before the State can comply with the changes.

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

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

I rise in strong support of Senate bill 3525, the Child and Family Services Improvement Act. By passing this legislation, we will better protect our most vulnerable children, the children who are abused and neglected in our society.

This legislation would not have been possible without the leadership and compassion of Mr. WALLY HERGER, the chairman of the Human Resources Subcommittee. I thank him for that, and I recognize the efforts of his staff to collaborate with me and others to write legislation that will make a difference in the lives of vulnerable kids.

For many of these children, we are the last line of defense, separating hope from despair. The Child and Family Services Improvement Act is a lifeline that will save lives. Today, we are first responders to children who need us to rescue them for abuse and neglect.

S. 3525 combines the key features of the legislation we worked together to pass in this House in July, and the bill includes several important provisions authored by the Senate. So it is truly collaborative, both bicameral and bilateral here. This legislation is an example of what is possible when we forget party labels and work together for the common good.

We know the problems confronting our Nation's child welfare system are staggering. We won't solve them all in one day or with one bill. This Improvement Act is not a comprehensive solution. It is, however, a modest but important step in the right direction, a step that can save the lives of abused and neglected children.

This legislation extends for 5 years the Promoting Safe and Stable Families Program. This is the largest source of Federal funding dedicated to preventing child abuse, to safely reuniting troubled families, and promoting adoption when kids can't return home.

The bill also brings the mandatory funding that Indian tribes receive from this program better in line with what the tribes really deserve, and I am proud to say that the measure does more than merely continue current resources.

In this legislation, we fought to recognize the importance of a consistent interaction between caseworkers and foster children. We do this by including meaningful incentives for States to make progress toward ensuring that children in foster care are checked on at least once a month by qualified State caseworkers. Caseworkers are the first responders for children. We recognize that in this legislation, and we support them.

Here is how we do it: To assist the States in assuring that children are visited by first-rate caseworkers, the bill provides States an additional $95 million over the next 5 years to improve their child welfare workforce. These funds will be used to enhance the retention, recruitment, and training of caseworkers, as well as increase their access to useful technology. I personally see this investment as a down payment in the people who are best able to protect vulnerable kids.

The current level of turnover for child welfare caseworkers, that is, tenure on the job, is less than 2 years. That is detrimental to the well-being of foster kids.

Our legislation also makes progress on another issue that threatens the welfare of children. That is substance abuse. Building on a proposal that originated in the Senate, the bill will provide competitive grants for States and community based organizations to launch really a rescue mission for families and children whose health and safety are threatened by their parents' substance abuse problems. We are going to be proactive, and we are going to address this issue and meet the needs head on.

This new grant program would have a special focus on methamphetamine drug use because of the dramatic destabilizing effect it has on families. However, the grants also could be provided to organizations combating other serious drugs, such as heroin and crack cocaine.

I would also like to highlight a provision in this bill that would require the States to have disaster preparedness plans for their child welfare programs. This would require procedures to track displaced foster kids, identify children who may be newly in need of child welfare services because of disaster, preserve essential records, and have a process for communicating and coordinating with other States.

We really don't have to look any further than what happened in this country in Hurricane Katrina to understand why such a requirement is necessary, or to the report I requested the Government Accounting Office conduct, showing that the States are lacking in any kind of plan.

Finally, this bill would extend for 5 years a program that helps our court system track child welfare cases and a program that provides mentoring services for children of prisoners. We will also try a limited demonstration project to test the feasibility and effectiveness of providing services through vouchers.

Today, we have an opportunity to launch a rescue mission for vulnerable kids. I strongly urge Members to support it.

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

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who is an active member of the committee and a former chairman of the committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to support this legislation; and I am very pleased that it is a bipartisan approach to strengthening our Child and Family Services Improvement Act.

We have heard a great deal during our work on the Human Resources Subcommittee about the Federal Government spending a lot of money reimbursing States to remove children from their homes and place them in foster care. If the State does not remove the child under our Federal foster care program, the Federal Government keeps the funds. It is the only Federal program that actually pays States to remove children from their homes. That is why this legislation is so critical and so important.

Unlike the problematic Federal foster care system, the money in Safe and Stable Families goes to States to target at-risk families, helping States treat the child in their homes, prevent abuse and neglect, and adjust the entire family system to place child outcomes and family permanence above family breakups and foster care.

Pediatricians and teachers will tell you they know early on which families will struggle. We need more community based solutions focused on earlier intervention as well as treatment and care management, which is why I am pleased we are reauthorizing this important legislation and adding a number of provisions to it. One will add $40 million annually. Twenty million of this money will go to increase the number of home visits caseworkers make to at-risk families. This will certainly strengthen the preventative and care quality of our family support systems.

But the other $20 million will increase funding for substance abuse treatment, and I am particularly pleased about that $20 million. As the former Chair of a child guidance clinic many years ago, ever since that day right up to the present day, most experts in this field will tell you that where a family is having difficulty, there is substance abuse. Some member of that family is probably having trouble with alcohol or more serious drugs. So I am very pleased that we are putting some additional dollars behind making substance abuse treatment available to members of these families as we also move to a more holistic approach to strengthening families to prevent the outplacement of children in foster care.

I also want to mention the extension of the Court Improvement Program because this has made a very great difference at the local level in our ability to manage these families, to help these families, to put the appropriate services in place to support them, and has also revealed the great lack of community based services to the court in the service of these families. So that is a very important provision that was introduced by my colleague, Congresswoman DEB PRYCE. As a former judge, she understood the great need for us to better educate the judiciary on the options for children and families, to strengthen those families rather than outplace their children.

I also want to commend the chairman and ranking member on their

strengthening of the Mentoring Children of Prisoners Program because this, too, helps prepare the ground for a prisoner to return to an active parenting role and strengthens thereby not only the prisoner but also the children.

□ 1415

Mr. McDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. STARK).

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me the time.

I support 3525 and urge my colleagues to support it. I thank Mr. HERGER and Dr. McDERMOTT for their work in guiding this bill through committee and maintaining funding for case worker improvements and home visits.

The gentlewoman from Connecticut mentioned that she had been on the committee. I have actually been on the committee since the day it was organized in 1975. And the work we are doing here today, led by our chairman, reminds me of much of the bipartisan improvements that have been brought to the support systems for disadvantaged people and children.

There is a lot more to do. There are 800,000 kids who spend time in foster care each year, and the people who provided case work support are understaffed, underpaid, overworked. This bill will go a good ways toward helping them.

In the last report that we had from GAO, we found that in 1999, of the children who aged out, turned 19, out of foster care, that 40 percent of them became dependent on public assistance and Medicaid.

Fifty-one percent were unemployed. Twenty-five percent had spent some time homeless. Twenty-seven percent of the males had been incarcerated at least once.

In the next 15 years we are going to have 300,000 or more foster kids age out, without any transition support. So now I hope that the chairman will join with me and the ranking member as we proceed to see what we can do to make that transition, provide support during those periods of transition so that the foster kids can enter the adult world and become independent and supportive members of society as I know the Chair would like.

I would like to mention one issue, and see if I could indulge the chairman in a brief dialogue on this. There is a practice that just became apparent to us that the Social Security benefits which some of the foster children get, either because they are disabled or their parents have died, they get a Social Security benefit, a small one.

That benefit in almost all States is taken by the States. If the children had a parent alive, that benefit could very well be saved for these children, and when they age out of foster care, could be used for college education, job training, perhaps to buy a car so they could get to their job. And I hope that the Chair would join with me so that we can study the possibility of finding a way to save those Social Security benefits for those children who would not have a parent or would be disabled, so that it will help them in their transition to a responsible adulthood.

I yield to the gentleman from California.

Mr. HERGER. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for your work in this area. I thank you for your support and work on this specific legislation.

I look forward to working with you on the issue that you have just outlined, this issue, and many other issues in this area.

Mr. STARK. I thank the gentleman.

Mr. McDERMOTT. Mr. Speaker, in closing, I would only point out that this bill has been supported by the Child Welfare League of America, Children's Defense Fund, Catholic Charities, Conferences of State Court Administrators and Chief Justices, the Center For Law and Social Policy, Fight Crime, Invest in Kids, the Mentoring Partnership, the National Indian Child Welfare Association, the National Congress of American Indians, the Association of American Indian Affairs.

Mr. Speaker, I think it is a good bill, and it ought to pass by a voice vote.

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

Mr. HERGER. Mr. Speaker, the Child and Family Services Improvement Act is good legislation that will help ensure the safety of vulnerable children. It will hold States accountable for visiting children in foster care on at least a monthly basis.

It will target existing resources to help States and local communities address the impact of parental substance abuse on child welfare programs. Again, I would like to thank the gentleman from Washington (Mr. McDERMOTT) and all of my colleagues on both sides of the aisle for their work in crafting this legislation.

Mr. Speaker, I believe it will take an important step towards improving our Nation's child protection system.

Mr. STARK. Mr. Speaker, I rise today to commend my colleagues on both sides of the aisle for working together to produce this important legislation. I would like to especially thank the gentleman from California, Mr. HERGER, Chairman of our Human Resources subcommittee, and the gentleman from Washington, Dr. McDERMOTT, Ranking Member on our subcommittee, for their work in guiding this bill through and reaching a compromise with our Senate counterparts. This bill is an important, although by no means final, step toward improving our child welfare system and providing hope and a bright future to the 800,000 children that spend time in foster care each year. I urge my colleagues to vote yes.

For far too long many foster children and abused children have suffered because their caseworkers are underpaid, overworked, and turnover frequently. A 2003 GAO report concluded that frontline caseworkers should not handle more than 18 cases at a time. Yet data collected by the American Public Human Services Association (APHSA) showed that caseworkers around the country handle an average of 24–31 cases simultaneously. The GAO also found that the average tenure of caseworkers was less than 2 years.

There is a direct relationship between positive outcomes for foster children and the frequency and quality of their interaction with their caseworkers. The more frequent the visits, the safer children are and the better chance they have of gaining permanency. Improving states' abilities to recruit, train, and retain highly skilled caseworkers is one concrete way to help our most vulnerable children.

This bill includes $95 million in funding over 6 years for workforce improvements with the goal of ensuring that 90 percent of foster children are visited by their caseworker at least once a month. This funding is a great first step and one worthy of applause. Mr. HERGER and Dr. McDERMOTT showed tremendous leadership in reaching a compromise with the Senate that maintained funding for caseworker improvement. However, we should not expect that such a relatively small amount of money will transform a troubled system overnight. There is more that we must do in this and other areas to bring about positive changes for foster children.

Fixing our child welfare system has repercussions throughout our society. Foster children who age out of the child welfare system without having developed family supports or skills that can lead to employment create a large societal cost. Consider that a 1999 GAO report found that 40 percent of adults who had aged out of foster care were dependent on public assistance or Medicaid. 51 percent were unemployed; 25 percent had experienced homelessness; 27 percent of males had been incarcerated at least once. In the next 15 years 300,000 foster children will age out of care without any transition supports. This body has a moral obligation to do all we can to confront these sad realities.

Even as I celebrate the progress that the bill before us today represents, I call on my colleagues on both sides of the aisle to take the next step and implement changes that will provide support for children transitioning out of foster care. One such change would be to eliminate the scandalous state practice of robbing foster children of their social security benefits. Nearly every state in the nation confiscates foster children's disability and survivor's benefits when those children are under the responsibility of the state. If this practice were prohibited, foster children could use the money that rightly belongs to them for job training, housing, and transportation expenses. These funds would ease foster children's transition to adulthood and provide them with hope for the future.

I urge you to support the bill before us, but please remember that we still have work to do.

Mr. HERGER. 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 concur in the Senate amendments to the House amendments to the Senate bill, S. 3525.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments to the House amendments to the Senate bill were concurred in.

A motion to reconsider was laid on the table.

PERMITTING EXPENDITURES FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND

Mr. CHOCOLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6131) to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

The Clerk read as follows:

H.R. 6131

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

SECTION 1. EXPENDITURES PERMITTED FROM THE LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 9003(h)'' and inserting ''sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c), 9010, 9011, 9012, and 9013'', and

(2) by striking ''Superfund Amendments and Reauthorization Act of 1986'' and inserting ''Public Law 109–168''.

(b) CONFORMING AMENDMENTS.—Section 9014(2) of the Solid Waste Disposal Act is amended by striking ''Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986'' and inserting ''Fund''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CHOCOLA. 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 material on the subject of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6131, a bill that would permit certain expenditures from the Leaking Underground Storage Trust Fund. I want to thank the Energy and Commerce Committee for their leadership in assisting to move this bill forward, and I urge my colleagues to join me in passing this legislation.

Moneys appropriated from the Leaking Underground Storage Tank Trust Fund, which is often referred to as the LUST trust fund, are used for detection, prevention and clean-up of leaking underground storage tanks in order to reduce water pollution. This bill would codify within the Internal Revenue Code an updated list of permitted expenditures from the fund as sought by the Energy and Commerce Committee and the Environmental Protection Agency within the Energy Policy Act of 2005.

This bill should not be controversial, as it is in everyone's interest to keep our Nation's drinking water from being contaminated. In addition, the bill has no spending or revenue effect.

H.R. 6131 will allow the LUST trust fund to be used for expanding corrective action in response to releases from underground storage tanks, including those containing MTBEs, and will provide additional measures to protect groundwater.

It will expand Federal and State enforcement efforts, improve prevention measures and compliance, and expand inspections of underground storage tanks. Mr. Speaker, we have the opportunity today to join together and continue our efforts to keep our Nation's water supply clean. I urge my colleagues to vote in favor of this legislation.

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

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

Mr. Speaker, the bill before us, H.R. 6131, does some good. It would change the rules regarding the Leaking Underground Storage trust fund and allow these funds to address the MTBE leaks. That is shorthand for gasoline additives in underground tanks at your neighborhood gas station.

MTBE leaks are dangerous and destructive, and this legislation will amend the energy bill in a good way. Unfortunately, these additives get into water and create problems for human beings. The legislation does nothing to address the other dangers and destructive leaks in the President's energy policy, however. It does not amend the bill to repeal the tax giveaways the President's energy bill gives Big Oil.

It does not repeal the $30 billion in corporate welfare Republicans have given to Big Oil and their energy companions. It does not make America less dependent on oil, and it does not make America less vulnerable to nations that have the oil resources that we need.

Oil and gas companies continue to line their pockets with American taxpayer dollars. The Republicans have delivered billions in tax breaks last year. That was after the Republicans handed over billions in 2004. Republicans gave oil companies a sweetheart tax break that climbs in value as the process and profits claim. You pay and pay, while they keep and keep.

That sums up the Republican energy policy. Today, we should act to stop one big leak in the Nation's energy policy. It will take removing Republicans in the midterm election to begin to plug the other big leaks in the Republican energy policy.

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

Mr. CHOCOLA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise today to discuss H.R. 6131, legislation to make technical corrections to the Energy Policy Act of 2005. We are here today to make these technical corrections because of the hastily drafted Energy Policy Act of 2005.

As ranking Democrat of the Environment and Hazardous Materials Subcommittee, which has authorization over the leaking underground storage tank program, I will support the policy to fix this piece of legislation.

However, the bill should not mask the failure of the Bush administration and the Republican-led Congress to adequately fund this Federal program. The Leaking Underground Storage Tank program is responsible for protecting groundwater and local drinking water supplies by preventing and cleaning up MTBE and petroleum contamination from leaking underground storage tanks in our communities.

More than a year ago, Congress dramatically increased the funding authorization for the EPA Leaking Underground Storage Tank program to $605 million annually. This increase was necessary to support additional clean-ups of leaky tanks to ensure States have funding to carry out new inspections, operator training, delivery prohibition, and secondary containment requirements.

However, President Bush proposed a reduction in funding to clean up MTBE and petroleum from the tens of thousands of leaking tanks throughout the country in his fiscal year 2007 budget. The budget which has been approved by the rubber-stamp Congress, in my opinion, is outrageous.

During this time of high gas prices, Americans are being taxed one-tenth of 1 cent for every gallon of gasoline they purchase with the expectation this money will be contributed to the Leaking Underground Storage Tank trust fund and released to help to clean up contamination.

The tax on the American public raises $190 million every year; and by the end of fiscal year 2007, the trust fund will have a surplus of more than $2.7 billion.

Yet President Bush only sought $72.8 million for the clean-up and protection of our water supplies, an amount that the Republican-led Congress said was needed. The amount is nearly $120 million less than what taxpayers will be contributing next year.

Rather than use this money to clean up contamination and protect water supplies, the administration and Republican-led Congress are holding onto the money to offset the cost of Republican budget priorities, such as tax cuts to the wealthy.

Congress acted in the Energy Policy Act of 2005 to take steps to prevent leaks before they occurred by adding new requirements for inspections, operating training, delivery prohibition, and secondary containment. And during consideration of EPACT, Congress authorized $155 million annually to carry out these prevention activities.

Again, the President only requested $37.5 million in his fiscal year 2007 budget, only 24 percent of what Congress authorized. This Congress appropriated even less. The rubber-stamp Congress approved only $17.5 million, only 9 percent of what we authorized for this program.

As a result of Congress's failure to adequately fund the program, States are now facing unfunded mandates. Between 2005 and 2007, States have lost $899 million in Federal support. The lack of Federal support is leading States to consider turning back their programs to the Federal Government, including their tank programs.

In a letter dated December 9, 2005, a coalition of State officials, gasoline marketers, convenience store owners, stated: ''If the administration and Congress do not break with tradition and appropriate significantly higher amounts from the fund in the coming years, EPA and the States will be unable to implement those important reforms.''

□ 1430

It is unacceptable that our States are being saddled with these unfunded mandates. There is absolutely no reason to justify saddling our States with unfunded mandates and failing to appropriately use taxpayer money.

Mr. Speaker, I will insert at this point in the RECORD a letter Ranking Member DINGELL and I sent to the EPA and the EPA's response.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 22, 2006.

Hon. STEPHEN L. JOHNSON,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: Last summer, the Congress completed the conference on the Energy Policy Act of 2005, and the President signed it into law on August 8, 2005 (P.L. 109–58). Title XV, Subtitle B of the Energy Policy Act of 2005, dramatically increased the authorization for the Environmental Protection Agency Leaking Underground Storage Tank (LUST) program to $605 million annually. This was necessary to support increased cleanups of leaking underground storage tanks and provide funding to States to carry out new inspection, operator training, delivery prohibition, and secondary containment/financial responsibility requirements.

Much of the debate in Congress on this subject over the past few years centered on the escalating costs to cleaning up contamination of drinking water supplies from methyl tertiary butyl ether (MTBE) with the most widely cited estimate being $29 billion. According to the Environmental Protection Agency (EPA) 2006 Annual Performance Plan and Congressional Justification, MTBE contamination can increase cleanup costs from 25 percent to more than 100 percent. This debate led Congress to authorize $400 million per year from the LUST Trust Fund to fund petroleum and MTBE cleanups to minimize the continuing impacts on drinking water supplies and the environment (Section 9014 2(A) & (B) of the Solid Waste Disposal Act).

The President's budget acknowledges that there is a national backlog of over 119,000 confirmed releases in need of cleanup. In addition, the budget documents indicate that new confirmed releases averaged 10,844 annually between FY1999 and FY2005. We also note that completed cleanups nationwide will fall dramatically from 18,518 in FY2003 to the target of 13,000 set forth in the President's FY2007 Budget request.

We also note that the Energy Policy Act of 2005 extended until 2011 the 0.1 cent per gallon tax on motor fuels that all motorists in America pay. According to the budget documents, revenues from this tax were $189 million in FY2005 and are estimated to climb to $194 million in FY2006 and $196 million in FY2007.

The tax revenues are dedicated to the LUST Trust Fund, which will increase from $2.349 billion in FY2005 to an estimated $2.764 billion in FY2007. However, with over $2.7 billion in a dedicated LUST Trust Fund and over $190 million in revenues for FY2007, the President is only requesting $72.8 million—a slight reduction from his FY2006 budget request and less than the enacted level from FY2006. The following table shows the budget requests and enacted levels for the past four Fiscal Years:

LEAKING UNDERGROUND STORAGE TANKS FOR CLEANUP
[Millions]

Budget request		Enacted	
FY2004	$75.5	FY2004	$75.6
FY2005	72.5	FY2005	69.4
FY2006	73.0	FY2006	76.2
FY2007	72.8	FY2007	

The President's budget request for FY2007 ignores the clear Congressional intent, demonstrated by a $400 million annual authorization in the Energy Policy Act of 2005, to increase funding for cleanup of leaking underground storage tanks. Why did the President support and sign into law an additional approximate $1 billion in taxes on U.S. motorists if he is not willing to request that the money be spent for the specific purpose for which it is collected?

On December 9, 2005, a coalition of State officials, gasoline marketers, convenience store owners, and major environmental organizations joined together to request that you and Office of Management and Budget, Director Joshua Bolten change the ''minimal annual budget requests and appropriations levels . . .'' Their letter to you further stated as follows:

''Clearly, the LUST Trust Fund is being used as a Federal deficit reduction device rather than for the important purpose originally envisioned by Congress—protection of the environment. This situation must change. We request your assistance in making this change happen as soon as possible . . .

''The Energy Policy Act of 2005 contained several reforms to the Federal UST [underground storage tank] program that expand the permitted uses of Federal LUST Trust Fund dollars and place substantial new responsibilities on the EPA and State UST agencies. The legislation authorized significant increases in appropriations from the Fund to assure that EPA has the financial resources to implement these reforms, to assure that the new regulatory provisions do not represent an unreasonable burden on the States, and to allow EPA and states to expand their response to UST petroleum releases, including those containing MTBE. If the Administration and Congress do not break with tradition and appropriate significantly higher amounts from the Fund in the coming years, EPA and the States will be unable to implement these important reforms.''

This request from State officials who implement the program, tank owners, and public interest groups appears to have fallen on deaf ears. The question is why—particularly since the source of funding for the LUST Trust Fund is a direct tax on the motoring public. We look forward to your response.

We are also aware that the President's FY2007 budget requests an increase in funding from $11 million to $37.5 million, from the State Tribal Assistance Grant (STAG) account for new inspection, operating training, delivery prohibition, and secondary containment/financial responsibility requirements imposed by the Energy Policy Act of 2005. However, the Energy Policy Act of 2005 authorized $155 million (Section 9014(2)(C) & (D) of the Solid Waste Disposal Act) to carry out these specific prevention activities. The President's budget request is only 24 percent of the authorized amount. By what analysis did you determine that $37.5 million was an adequate amount? How much will each State receive? Please provide any analyses that EPA has conducted concerning the adequacy of the President's budget request to fund these important prevention requirements.

We also note and strongly oppose the President's budget request to cut $35 million from the same STAG account for grants to the States to implement the Clean Air Act, and questions on that requested cut will be the subject of separate correspondence.

Please provide a response by no later than Wednesday, March 8, 2006. If you have any questions concerning this request please have your staff contact Richard A. Frandsen, Senior Minority Counsel to the Committee, at (202) 225–3641.

Sincerely,

JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce.

HILDA L. SOLIS,
Ranking Member, Subcommittee on Environment and Hazardous Materials.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 30, 2006.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DINGELL: Thank you for your February 22, 2006, letter to Administrator Johnson regarding funding for the Environmental Protection Agency's (EPA's) implementation of the underground storage tank (UST) provisions of the Energy Policy Act (EPAct). Implementing these new provisions as well as our ongoing efforts to prevent and clean up leaks from USTs is an important priority for the Agency.

As you noted in your letter, the President's Fiscal Year 2007 budget requested an additional $26 million (for a total of $37.6 million) in state tribal assistance grants (STAG) to support state efforts to implement the UST provisions in EPAct. Most of these provisions help to strengthen prevention aspects of the underground storage tank program (e.g., mandatory inspections, requiring training for UST operators and prohibiting delivery of fuel to ineligible facilities).

EPA believes that the most pressing issue facing states in implementing the UST provisions of EPAct will be completing all of

the required inspections and have therefore focused our requested increase to enable states to accomplish this task. Based on estimates of the full cost per inspector (including training and follow-up enforcement support), and the number of inspections that one inspector can do per year, we estimate that the $26 million increase can fund up to 40,000 additional inspections. We believe that this amount, plus what EPA and states are currently doing, should put states in a position to meet the 3-year inspection cycle required by EPAct.

Although EPAct expanded the allowable uses of the Leaking Underground Storage Tank (LUST) Trust Fund to cover compliance and leak prevention activities, a provision inserted in the Transportation Equity Act of 2005 limited EPA's ability to use LUST Trust Fund monies for the purposes authorized by the EPAct. If EPA were to use LUST Trust Fund monies for purposes other than for carrying out leaking underground storage tank cleanup activities authorized by Section 9003(h) of the Solid Waste Disposal Act in effect at the time of the enactment of Section 205 of the Superfund Amendments and Reauthorization Act of 1986, future tax revenue would not be appropriated into the LUST Trust Fund. Expending LUST Trust Fund appropriations for the compliance and leak prevention activities authorized by the EPAct would trigger this provision. For this reason, the President has requested the additional appropriation from STAG rather than from the LUST Trust Fund to provide financial assistance to states to carry out their compliance and leak prevention responsibilities under the EPAct.

Also included in the President's FY 2007 budget is a request for nearly $73 million in LUST funds to be used by EPA, states, and tribes to clean up releases caused by leaking underground storage tanks. To date, almost 330,000 releases have been cleaned up. In fact, since FY 2000, a period when LUST funding levels have averaged about $72 million a year, more than 80,000 sites have been cleaned up, reducing the cleanup backlog from more than 160,000 sites to less than 120,000 sites. As is the case with every budget, EPA must weigh the needs of all programs and we will continue to re-evaluate the adequacy of resources to address this important priority. However, the agency believes that if Congress appropriates the President's request for FY 2007, EPA, states and tribes will be able to continue to make progress cleaning up releases and reducing the backlog of sites needing cleanup.

Thank you, again, for your continued interest in the underground storage tank program. We look forward to working with you as we implement the UST provisions of the EPAct. If you have any further questions or concerns, please contact me, or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564–2095.

Sincerely,

SUSAN PARKER BODINE,
Assistant Administrator.

The President's budget and the actions taken by this rubber-stamp Congress will result in more leaky tanks, more contamination of drinking water supplies, fewer cleanups and very few adverse impacts on the public health and well-being of our communities.

I support, believe it or not, H.R. 6131 and the necessary technical changes it makes, but we must not ignore the real issue at hand, the failure of this President and the administration to prevent contamination of our water supplies and to protect the public health.

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

I would simply say, Mr. Speaker, that I think from the previous speaker and myself you understand that this bill does not do any harm. I think that is why we will support it. It does not do very much about the energy problems in this country, and I really think that is where we ought to be spending our time.

If the Federal Government really was interested in cleaning up the environment, they would spend the money that is there. It is there for that purpose. However, they need it to cover the debts of war and a whole lot of other things which, in my opinion, are not the way this money should have been spent.

So I personally will urge a voice vote and pass the bill.

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

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

Mr. Speaker, I think the bottom line is that the Energy Policy Act of 2005 authorized an additional $400 million annually for inspection, prevention and cleanup of our water supply; and without passage of this legislation, none of that money can be spent, regardless if you agree with the level of appropriations or not.

So I think it is important that we pass this piece of legislation, and I encourage my colleagues to support it.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Indiana (Mr. CHOCOLA) that the House suspend the rules and pass the bill, H.R. 6131.

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.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 2679) to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2679

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 ''Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006''.

SEC. 2. LIMITATIONS ON CERTAIN LAWSUITS AGAINST STATE AND LOCAL OFFICIALS.

(a) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended—

(1) by inserting ''(a)'' before the first sentence; and

(2) by adding at the end the following:

''(b) The remedies with respect to a claim under this section are limited to injunctive and declaratory relief where the deprivation consists of a violation of a prohibition in the Constitution against the establishment of religion, including, but not limited to, a violation resulting from—

''(1) a veterans' memorial's containing religious words or imagery;

''(2) a public building's containing religious words or imagery;

''(3) the presence of religious words or imagery in the official seals of the several States and the political subdivisions thereof; or

''(4) the chartering of Boy Scout units by components of States and political subdivisions, and the Boy Scouts' using public buildings of States and political subdivisions.''.

(b) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes of the United States (42 U.S.C. 1988(b)) is amended by adding at the end the following: ''However, no fees shall be awarded under this subsection with respect to a claim described in subsection (b) of section nineteen hundred and seventy nine.''.

SEC. 3. LIMITATIONS ON CERTAIN LAWSUITS AGAINST THE UNITED STATES AND FEDERAL OFFICIALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a court shall not award reasonable fees and expenses of attorneys to the prevailing party on a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion brought against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction over such claim, and the remedies with respect to such a claim shall be limited to injunctive and declaratory relief.

(b) DEFINITION.—As used in this section, the term ''a claim of injury consisting of the violation of a prohibition in the Constitution against the establishment of religion'' includes, but is not limited to, a claim of injury resulting from—

(1) a veterans' memorial's containing religious words or imagery;

(2) a Federal building's containing religious words or imagery;

(3) the presence of religious words or imagery in the official seal of the United States and in its currency and official Pledge; or

(4) the chartering of Boy Scout units by components of the Armed Forces of the United States and by other public entities, and the Boy Scouts' using Department of Defense and other public installations.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of the enactment of this Act and apply to any case that—

(1) is pending on such date of enactment; or

(2) is commenced on or after such date of enactment.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) and the

gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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. 2679, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2679, the Veterans' Memorials, Boy Scouts, Public Seals, and Other Public Expressions of Religion Protection Act of 2006, which was introduced by our colleague from Indiana (Mr. HOSTETTLER); and I would like to thank him for his leadership on this issue.

Mr. Speaker, this legislation was reported out of the House Judiciary Committee on November 7 by voice vote. Let me describe the unfair situation that this legislation addresses.

Today, under Federal law, attorneys' fees can be demanded in lawsuits against States or localities brought in under the Constitution's Establishment Clause.

These lawsuits could mandate, for example, that veterans' memorials must be torn down because they happen to have religious symbols on them; that the Ten Commandments must be removed from public buildings; and that the Boy Scouts cannot use public property.

The case law under the Establishment clause is so confused that States and localities know defending themselves in such lawsuits is simply unpredictable.

In 2005, for example, the Supreme Court issued two rulings on the same day that contained opposite holdings in cases involving the public display of the Ten Commandments. In one case, the court found a framed copy of the Ten Commandments in a courthouse hallway to be an unconstitutional establishment of religion, but in the other case the court upheld a Ten Commandments monument on the grounds of the Texas State Capitol. Not only were these two rulings different, but different constitutional tests were used in each case.

The threat to States and towns having to pay attorneys' fees in such cases, should they happen to lose at any level, often leads those States and localities to give up whatever rights they might have under the Constitution, even before such cases go to trial.

This bill will prevent the legal extortion that currently makes State and local governments, and the Federal Government, accede to demands for the removal of religious imagery when such removal is not even constitutionally compelled by the Constitution.

The Supreme Court has stated that "the State may not establish a religion of secularism in the sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who do believe."

Contrary to that principle, current litigation rules are hostile to religion because they allow some groups to coerce States and localities into removing any reference to religion in public places.

This unfair result is made possible because 42 United States Code, section 1983, and 42 United States Code, section 1988, allow advocacy organizations to put the following choice to localities: either do what we want and remove religious words and imagery from the public square, or risk a single adverse judgment by a single judge that requires you to pay tens or hundreds of thousands of dollars in legal fees in a case you cannot afford to litigate.

Consequently, local governments are being forced to accede to the demands of those seeking to remove religious words or tear down symbols, and ban religious people from using the public square, even when allowing those uses might, in fact, be constitutional.

H.R. 2679 amends 42 U.S.C. so that attorneys' fees could not be awarded to prevailing parties in Establishment Clause cases. It amends 42 U.S.C. to make clear that while Establishment Clause cases can continue to be brought against State and local governments, they can be brought only for injunctive or declaratory relief.

This means that a court can still order that a State official or local government stop doing whatever was an alleged violation of the Establishment Clause.

One example of the unfairness this legislation would prevent is a recent case in which the County of Los Angeles was forced to remove a tiny cross from its official county seal that symbolized the founding of that city by missionaries. This tiny cross was on the seal for 47 years. This is costing the county $1 million, as it entailed changing the seal on some 90,000 uniforms, 6,000 buildings, and 12,000 county vehicles.

In Redlands, California, the city council reluctantly gave in to demands and agreed to change their official seal. But Redlands did not have the municipal funds to replace the seal. As reported by the Sacramento Bee, "rather than face the likelihood of costly litigation," Redlands residents now "see blue tape covering the cross on city trucks, while some firefighters have taken electric drills to 'obliterate it' from their badges."

Mr. Speaker, this is just the kind of injustice this bill seeks to correct.

Finally, Mr. Speaker, H.R. 2679 is clearly constitutional. It has a secular legislative purpose, namely that of preventing the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits their constitutional actions. In doing so, this bill restores the original purpose of 42 U.S.C., which was to protect individual rights, not Establishment Clause claims.

H.R. 2679 also does not have the primary effect of either promoting or inhibiting religion. Rather, it simply removes the burdensome effects of the current legal rules.

So, again, Mr. Speaker, this bill is constitutional and does not prevent lawsuits from being filed.

I urge my colleagues to join me in supporting this legislation and protect the religious rights of all citizens.

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

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

Mr. Speaker, the gentleman from Texas has a complaint, but his complaint is not against the American Civil Liberties Union, nor is it against section 1983 of the Code. His complaint is against the first amendment of the United States Constitution.

The authors of this bill do not like the protection the courts have given to plaintiffs who allege that their constitutional rights against the establishment of religion in the first amendment have been violated. So he says let us be punitive for winning.

The law says that anyone who brings a lawsuit against the government, Federal, State or local government, and alleges that that government, under color of law, is violating their constitutional rights, if that plaintiff wins, if the court says, and it is not just one judge because it is appealable up to the Supreme Court, but if the court says, yes, Mr. Plaintiff, that government official, mayor so and so, police commissioner so and so, or whatever violated your constitutional rights, you can get damages if you have, in fact, been damaged, monetary damages as you can in any civil lawsuit. You can get an injunction, stop, do not keep doing it, do not keep violating constitutional rights. And you can apply for attorneys' fees.

That is a very important provision. Because these lawsuits can be expensive, and if you cannot get attorneys' fees, it is very difficult to sue, even if you have a very well-established violation of your constitutional rights, and these attorneys' fees are only if you win the lawsuit.

So what does his bill come along and say? Only for establishment cases. We do not like establishment cases. We do not like the Establishment Clause of the Constitution. Only for Establishment Clause violations, you cannot get damages if you prove the government has violated your rights. Only for Establishment Clause cases, you cannot get attorneys' fees if you prove the government has violated your rights.

For any other deprivation of rights under law, violation of the free exercise clause of religion, violation of

freedom of speech, freedom of press, whatever, you can get damages; you can get attorneys' fees.

This puts at a disadvantage in enforcing the law one class of people, religious minorities, basically, people who will sue the government for violating their rights under the Establishment Clause.

In more than a century, nothing like this has ever been done. We have always expanded rights under section 1983, our Nation's oldest and most durable civil rights laws. We have never curtailed them.

Just to be sure, I checked with the Congressional Research Service; and I place their memorandum to that effect in the RECORD at this point.

CONGRESSIONAL RESEARCH SERVICE,
July 25, 2006.

To: House Judiciary Committee.
From: Kenneth R. Thomas, Legislative Attorney, American Law Division.
Subject: Scope of the Proposed Public Expression of Religion Act of 2005.

The memorandum is in response to your request to examine the scope of H.R. 2679, the Public Expression of Religion Act of 2005, which would limit the relief available and the payment of attorney's fees for cases brought under 42 U.S.C. §1983 when the underlying case involves the Establishment Clause of the First Amendment of the Constitution. Specifically, you requested an analysis of whether Congress had previously limited the types of damages available under 1983 as regards particular constitutional provisions. Second, you requested an analysis as to whether the bill would be limited to the public expression of religious faith in a governmental context, or whether this bill would also affect other Establishment Clause issues.

42 U.S.C. §1983 addresses a broad array of rights and privileges protected by the United States Constitution. It provides that:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

The proposed Public Expression of Religion Act of 2005 would appear to limit certain litigants from receiving either damages or attorneys fees. Specifically, the proposed Act provides that "[t]he remedies with respect to a claim under [42 U.S.C. §1983] where the deprivation consists of a violation of a prohibition in the Constitution against the establishment of religion shall be limited to injunctive relief." The bill also amends 42 U.S.C. 1988(b) to provide that no attorney's fees shall be awarded with respect to a claim under 42 U.S.C. §1983 regarding the Establishment Clause.

42 U.S.C. §1983 was first passed in 1871. Although it has been recodified and relatively recently amended, it has not been substantially altered since 1871. It does not appear that it has been amended so as to limit the type of damages available to litigants who choose to utilize its provisions regarding particular constitutional issues. Whether such a limitation is constitutional is beyond the scope of this memorandum.

The provisions of the proposed Public Expression of Religion Act of 2005, despite its title, would appear to include both the public expression of religion under governmental auspices and a variety of other issues. The types of cases which the bill would cover would appear to include, among other things, cases involving financial assistance to church-related institutions, governmental encouragement of religion in public schools (prayers, bible reading), access of religious groups to public property, tax exemptions of religious property, exemption of religious organizations from generally applicable laws, Sunday closing laws, conscientious objectors, regulation of religious solicitation, religion in governmental observances, and religious displays on government property.

It is especially ironic because my friends who today are supporting this bill only yesterday brought forward a bill that would expand the rights of real estate developers, garbage dumps and adult bookstores under section 1983. So the rights they would give to adult bookstores, we would take away from people whose religious freedom rights are violated. That is, I guess, what has become of the party of Lincoln. That is their civil rights agenda in 2001.

This bill is aimed at people who have proved in court that the government has violated their religious liberty protected by the first amendment. By denying them their normal relief for monetary damages and the bill to petition for attorneys' fees, we will deny them not just their day in court, we would also be telling government officials everywhere that Congress thinks it is okay for them to violate people's religious liberty with impunity.

It is especially galling after everyone here, well, almost everyone, has taken a victory lap for reauthorizing the Voting Rights Act, in which we actually enhanced the attorneys' fees provisions by adding a right to be awarded the cost of expert witnesses in addition to the right to be awarded the cost of lawyers.

As the Judiciary Committee stated in its report on the Voting Rights Act, "The committee received substantial testimony indicating that much of the burden associated with either proving or defending a section 2 vote dilution claim is established by information that only an expert can prepare. In harmonizing the Voting Rights Act of 1965 with other Federal civil rights laws, the committee also seeks to ensure that those minority voters who have been victimized by continued acts of discrimination are made whole."

But here we want to say that people with minority religious views who are victimized by government breaking of the Establishment Clause, they shall not be made whole because we do not like them.

□ 1445

I would warn my colleagues that starting down this path will only lead to depriving other unpopular groups of their civil rights remedies. It wasn't so long ago that attacks on unelected judges and ACLU lawyers, as we heard a few moments ago, stirring up trouble, was the common language of the militant segregationists. It is distressing, and sadly ironic, that today that language is being used to gut the Nation's oldest and most durable civil rights law.

It is all chillingly reminiscent of the infamous 1963 inauguration speech of Alabama's Governor George Wallace who said, "From this day, from this hour, from this minute we give the word of a race of honor that we will tolerate their boot in our face no longer, and let those certain judges put that in their opium pipes of power and smoke it for what it is worth." I think the Governor would feel right at home in this House today.

Or consider the notorious "Southern Manifesto" signed by Members of both houses in defiance of the Supreme Court's school desegregation decision several decades ago:

"We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people."

Does any of this sound familiar? I would observe that abuses of judicial power are in the eyes of the beholder.

This is not to suggest that any Members of this House are segregationists. Far from it. I only recall the overheated rhetoric of a half century ago to urge Members to take care with their words. Unpopular minorities and decisions defending the rights of unpopular minorities against the will of the majority have always inflamed passions. People have always questioned our system of checks and balances, and especially the role of the independent judiciary.

Recourse to an independent judiciary is a bulwark of our liberties. We recognize this by allowing people to go to court and sue the government and force the government to respect their rights. We recognize this by allowing people victimized by the government to receive damage awards when the government has done damage. We recognize this by ensuring, just as we have done with the Voting Rights Act, that people who can prove their rights have been violated can get attorneys fees paid so that people with valid claims will be able to afford to go to court to vindicate those claims.

I would remind my friends that this legislation is not limited to religious symbols in public places. This legislation applies to any violation of the establishment clause. This would include forced prayer. If government forcing your child to say a prayer of another faith is not the establishment of religion, then the phrase has no meaning. If government at some locality decided

that that locality was Hindu or Muslim or Wicca, or whatever, pick another unpopular or less popular religion, and all children in school must start the day by saying the profession of faith for that religion, you could go to court. It is a violation of the establishment clause. But under this, you couldn't get damages. You couldn't get attorneys fees. You would have to bear the burden of that lawsuit by yourself.

I want to lay to rest right now the red herring, the lie, that was put into this bill when its title was changed from the Public Expression of Religion Act to the Veterans' Memorials, Boy Scouts, Public Seals, and other Public Expressions of Religion Protection Act of 2006. I know that many sincere people have been misled into believing the ACLU, for example, wants to use section 1983 to force the removal of religious symbols from the individual gravestones of thousands of veterans across the Nation and around the world, hence the new title, hence the citation of these specific instances in this bill.

We received testimony from the American Legion to this effect and Members have received a great deal of mail on the subject because people are spreading misinformation. This assertion is a myth. If you are voting for this bill because you are concerned about national cemeteries, don't bother. Neither the ACLU nor anyone else has ever brought such a lawsuit.

As a matter of fact, I have a letter here from the ACLU taking the opposite position: that individual veterans have a first amendment right to have a religious symbol of their or their family's choice on their gravestones.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, July 25, 2006.

Re the Public Expression of Religion Act (H.R. 2679).

HOUSE OF REPRESENTATIVES,
Committee on the Judiciary,
Washington, DC.

DEAR REPRESENTATIVE, On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we urge you to oppose H.R. 2679, the "Public Expression of Religion Act of 2005." This bill would bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

H.R. 2679 SHUTS THE COURTHOUSE DOORS

If this bill were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Congress has determined that attorneys' fee awards in civil rights and constitutional cases, including Establishment Clause cases, are necessary to help prevailing parties vindicate their civil rights, and to enable vigorous enforcement of these protections. The Senate Judiciary Committee has found these fees to be "an integral part of the remedies necessary to obtain . . . compliance." The Senate emphasized that "[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.

Unfortunately, H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

The elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution; thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review. This effectively leaves religious minorities unable to obtain counsel in pursuit of their First Amendment rights under the Establishment Clause.

H.R. 2679 DENIES JUST COMPENSATION

Despite proponents' assertions to the contrary, attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the government violates its citizens' civil or constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. After intensive fact-finding, Congress determined that these fees "are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys." H.R. 2679 is contrary to good public policy—it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the government; and it prevents attorneys from acting in the public's good.

The award of fees in Establishment Clause cases is not a means for attorneys to receive unjust windfalls—it is designed to assist those whose government has failed them.

H.R. 2679 FAVORS ENFORCEMENT OF THE FREE EXERCISE CLAUSE OVER THE ESTABLISHMENT CLAUSE

Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government protects the Free Exercise of religion while prohibiting government-sponsored endorsement, coercion and funding of religion. H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals wronged by the government under the Establishment Clause.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be able to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

Proponents of this bill have been spreading the urban myth that religious symbols on gravestones at military cemeteries will be threatened without passage of H.R. 2679. The supposedly "threatened" religious markers on gravestones has become a red-herring—indeed it is an urban myth—that has been invoked as a reason for the denial of attorneys' fees in Establishment Clause cases. It should be noted—in light of the wildly inaccurate statements that have repeatedly been made—that religious symbols on soldiers' grave markers in military cemeteries (including Arlington National Cemetery) are entirely constitutional.

Religious symbols on personal gravestones are vastly different from government-sponsored religious symbols or sectarian religious symbols on government-owned property. Gravestones and the symbols placed upon them are the choice of individual service members and their families. The ACLU would in fact vigorously defend the first amendment rights of all veteran Americans and service members to display the religious symbol of their choosing on their gravestone.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. The bill is a direct attack on the religious freedoms of individuals, as it effectively shuts the door for redress for all suits involving the Establishment Clause. We urge members of Congress to oppose H.R. 2679.

If you have any questions, please contact Terri Schroeder, Senior Lobbyist.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TERRI ANN SCHROEDER
Senior Lobbyist.

Mr. Speaker, it is an election year, and the months leading up to elections have long been known as the "silly season." We all understand that. But get an earmark for a bridge to nowhere or something, and leave the first amendment and our civil rights out of it.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Indiana (Mr. HOSTETTLER), who is the author of this legislation.

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise in support of H.R. 2679, the Public Expression of Religion Act. This legislation would allow establishment clause cases to go to court unfettered by fear or coercion on the part of the defendant. And as an aside, I want to thank the gentleman from New York for clarifying a position earlier made by that side of the aisle when it was suggested by the gentleman from Texas and the gentleman from Massachusetts that somehow this bill would actually affect free exercise cases. But as the gentleman from New

York pointed out, this bill does not address free exercise cases.

The Public Expression of Religion Act would amend 42 U.S.C. sections 1983 and 1988 to prevent the mere threats of the legal system to intimidate communities, States, and groups like the American Legion into relenting without ever darkening the doorsteps of a Federal courthouse.

I first introduced the Public Expression of Religion Act in the 105th Congress after I realized that the mention of attorneys fees in these kinds of cases were jeopardizing our constituents' constitutional rights. An example of this was in 1993, when the Indiana Civil Liberties Union, which is affiliated with the American Civil Liberties Union, mailed a letter to all the public educators in the State of Indiana. In this letter, the ICLU informs the educators that should they support a prayer at graduation, the ICLU will sue both the school and any individuals who approve the graduation prayer. The letter plainly states the ICLU will win and that whoever is sued will have to pay not only their attorneys fees but the ICLU fees as well.

These threats to teachers, who are highly unlikely to be able to pay their own attorneys fees let alone the exorbitant attorneys fees of the ICLU, make it very likely educators would capitulate to the ICLU before even checking to make sure the ICLU has their facts right.

What makes this even more difficult for States and localities is that the jurisprudence in establishment clause cases is about as clear as mud. Different districts and even the Supreme Court itself flipflops on issues. For instance, last year, the Supreme Court handed down two Ten Commandments case decisions on the same day with a different decision in each.

In the Van Orden case, the court applied the Marsh test of historical perspective to determine the Ten Commandments in a public venue was constitutional in Texas; while the McCreary case used the Lemon test to determine the Ten Commandments in a public venue in Kentucky was unconstitutional. Clear as mud.

Our constituents who are being threatened with those lawsuits know even if they are right they will still have to pay their own attorneys fees to take the gamble the court will muddle through the jurisprudential mess of the establishment clause and come out on their side. If the court chooses to use the Marsh test, they might win. If the court chooses to use the Lemon test, they might lose. It is a toss-up.

Unfortunately, many of our constituents do not have the means by which to set aside a small fortune each year to defend their constitutional rights against intimidating liberal organizations. Nor do they look kindly on the fact that their constitutional rights have become subject to the whims of unelected judges; but, Mr. Speaker, that issue is for another legislative day. Regardless, many do not wish to roll the dice to have their day in court, so they capitulate to these organizations and their often questionable pronouncement of what is or is not constitutional.

A majority of the cases the ACLU and its affiliates represent are facilitated by staff attorneys or through pro bono work, so any attorneys fees awarded to them is icing on the cake. It is a win-win situation for them right now. On the other hand, States and localities have limited resources with which to fight court battles, thus another reason they are capitulating before they even go to court.

This was the case recently with the Los Angeles County seal. The ACLU threatened to sue L.A. County if they did not remove the tiny cross from the county seal. The cross symbolized Los Angeles' birth as a Spanish mission town. The county was forced to choose between paying to change the seal or paying to go to court and possibly pay exorbitant attorneys fees to the ACLU.

In the end, the L.A. county supervisors, in a 3–2 vote, decided to ignore the will of the people of Los Angeles County and pay to change the seal instead of paying to go to court. They had been advised by their attorneys that if they lost in court they would not only have to change the seal but they would additionally have to pay attorneys fees of the ACLU.

Mr. Speaker, I believe it is time to bring this extortion to an end. The Public Expression of Religion Act would make sure these cases are tried on their merits and are not merely used to extort behavior via settlements outside our judicial system.

As the ICLU said at the end of their letter: ''The ICLU does not enjoy litigation. We, and you, have better things to do with our time.'' I for one would like to make sure the ICLU has to think long and hard before litigating, and this would be the case if they knew they would actually have to convince a court of their twisted view of the Constitution. I urge my colleagues to support the legislation.

Mr. NADLER. Mr. Speaker, I now yield 4 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague from New York. This bill, which is presented to the Congress under the banner of a so-called American values agenda, turns American values on their head. It is an example of false advertising at its very worst, and it forgets the lessons of American history.

This great country of ours was founded largely on the principle of religious liberty. Many of our earlier settlers to this country came to our shores to escape religious persecution from their mother countries. They didn't want the Church of England or any other government telling them how they should worship God, and they sought to escape a state-imposed religion, to escape the establishment of a state-sponsored religion. They wanted to practice religion according to the dictates of their own conscience, not the dictates of the state. And that is why the first amendment to the United States Constitution gives each individual the right of religious liberty and why it bars the state from imposing and establishing a state religion.

If this Congress and this government now seeks to impose certain religious faiths upon an individual, that individual can invoke the protections of the United States Constitution. Now, I would think all of us, all of us in this body, would agree that an individual should not have to pay to enjoy the protections of the United States Constitution. Those rights are given to each of us as American citizens under the Constitution, and we shouldn't have to pay when the state, whether it is a local government, a State government, or the Federal Government, violates those rights under the establishment clause or anything else. Yet that is exactly what this bill does.

Under current law, if the court finds a statute is violating your constitutional rights under the establishment clause, the State has to pay the cost that you incurred in protecting your rights against the State. If your government deprives you of your constitutionally guaranteed rights and liberties, the government should pay, not you, the individual citizen. This is a question of the force and muscle of the government and the States against an individual in trying to deprive an individual of his or her constitutionally protected right.

I would ask, since when is it an American value that you have to pay to enjoy the protections of our constitution? Since when is an American value that the government can trample on your religious liberty, deprive you of your rights, and then, when a court of law, whether the Supreme Court, a Federal Court, or any other court, has found indeed that the government did deprive you of your constitutional rights and you were right as an individual and the government was wrong, that you have to pay and not the government?

That is simply a way, when you think about it, that the government can discourage individual citizens from enforcing their constitutional rights. They have to take on the government. They have to take on people with lots of resources. Yet, at the end of the day, even when they win, and the court agrees that their constitutional rights have been violated, it is the citizen that has to pay to enjoy those protections, not the government.

This debate is about American values, and if you want to protect those American values and you want to protect the Constitution of the United States, you should vote ''no'' on this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman

from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in very strong support of H.R. 2679, the Public Expression of Religion Protection Act. With this bill, we will close a loophole that has allowed liberal groups like the ACLU to prey on taxpayers for far too long.

Originally, Congress sought to protect underprivileged civil rights applicants by allowing them to collect attorneys fees if they won their suit.

□ 1500

Today, groups like ACLU scour the country looking to sue cities and States with any kind of religious display, regardless of how popular those religious displays are in those communities. If they sue and win, States and localities not only have to remove or remodel the historic items, but they also must pay the group's attorneys fees. In this backdoor way, the ACLU can collect taxpayer money to fuel even more lawsuits.

Tragically, citizens' precious symbols and monuments are being eroded with their own tax dollars. State seals in existence for hundreds of years have had to be redrawn. Many cities will not even fight in court for fear of paying costly attorneys fees, and some of them just capitulate at the first sign of a lawsuit.

We should not allow these liberal groups to fuel their agendas by exploiting hardworking Americans. The bill before us today removes that attorney fee provision from cases involving establishment of religion. This bill will stop the current taxpayer extortion once and for all.

I urge my colleagues to support this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, any time you name a bill using the words ''veterans memorials'' and ''religious protection,'' you can assume that we are just about to cut veterans health care.

Now, if we are going to deal with veterans issues, I would hope that we would fully fund the veterans health care VA expenditures rather than cut them. We ought to do more for veterans pensions, we ought to do more for veterans disability, rather than naming a bill which undermines the freedoms they actually fought for.

Thirty years ago, Mr. Speaker, Congress recognized the importance of passing a law to ensure that those who suffer violations of their constitutional rights or unconstitutional discrimination will be able to obtain legal representation to vindicate their civil rights; but only in cases where they actually win the case will they be able to get help with their attorneys fees.

This bill would rescind the ability of victims whose rights under part of the first amendment have been found to have been violated from receiving reimbursement for attorneys fees and costs. This means that only the most fortunate in our society will be able to enforce their civil rights and seek redress when those rights are violated. It means that the less fortunate can only get those rights if they can raise enough money to enforce them. When the cost of enforcement becomes too great, there will not be any private enforcement and then our constitutional rights will be reduced to hollow pronouncements for the average citizens because only the wealthy will be able to seek enforcement.

But this bill goes actually further, because the bill will specifically deprive victims whose rights have been found to be violated by a court and those whose rights continue to be violated after the court has ordered, from being able to seek remedies other than those provided in the bill, namely injunctive or declaratory relief.

Now, if a school system were to decide to ignore the Constitution and require school children to recite a state-sponsored Protestant prayer in some areas, or a Mormon prayer in others, what would happen? Or if a State or locality were to just declare itself to have a particular established religion, what would happen under the bill? Nothing. Nothing would happen, until such time as you have a wealthy individual willing to fund a lawsuit to try to vindicate the obvious violation of their constitutional rights.

In all other classrooms and all other localities where you don't have a wealthy individual to fund the lawsuit, nothing will happen, because the perpetrators of the violation will know that there is no sanction. Nothing can happen. The only thing that can happen is you just sit around and wait for a court to declare that you are in violation. Nothing else can happen. And even after that finding occurs, nothing will happen until the court actually starts enforcing the court order, and you will need additional attorneys fees to go in and get that order.

This just invites violations of the law because we know there is no sanction for violating the first amendment. We know that the establishment clause, part of the first amendment of the Bill of Rights, will be the only part of the Constitution without any remedy to effectively enforce the provisions of that Constitution. That is why virtually every civil rights group, religious organization and legal organization opposes the bill; and, Mr. Speaker, I hope we oppose the bill too.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some opponents of this legislation are arguing that attorneys fees are needed and that establishment clause lawsuits will be deterred unless the people bringing these lawsuits have their attorneys fees paid. This is simply not true.

First, we are aware of no organization that has said they will not bring a good cause case under the establishment clause if they can't be awarded attorneys fees. In fact, the ACLU has said just the opposite. Peter Eliasberg, a staff attorney for the ACLU of Southern California, has said recently, ''Money has never been a deciding factor when we take cases.'' When asked specifically what the ACLU would do if attorneys fees in establishment clause cases were prohibited, he said, ''It wouldn't stop us from bringing lawsuits.''

Second, this section of the U.S. Code H.R. 2676 amends was never intended to apply to establishment clause cases. 42 U.S.C. 1988, which allows attorneys fees in cases brought under 42 U.S.C. 1983, was intended only to allow the award of attorneys fees under civil rights laws enacted by Congress after 1866.

The history of 42 U.S.C. is as follows: in Alaska Pipeline Service Company v. Wilderness Society, the Supreme Court held that Federal courts do not have inherent power to award prevailing party attorneys fees to remedy government violations of the law. The Court observed that the American rule, that is, the rule that each party bears its own attorneys fees ''is deeply rooted in our history and in congressional policy.''

Mr. Speaker, I want to make one more point, and that is to emphasize that under H.R. 2679, establishment clause cases can in fact continue to be brought against State and local governments for injunctive or declaratory relief, which means that the court can still order that a State official or local government stop doing whatever it was in alleged violation of the establishment clause

Mr. NADLER. Mr. Speaker, I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, in response to a discussion earlier about the notion of ''false advertising'' in relationship to this piece of legislation, I have developed some fairly thick skin over the last several years in this job, but I think that I should draw the line today with regard to suggesting that people such as the American Legion would engage in false advertising in their support of the Public Expression of Religion Act.

In a booklet published by the American Legion entitled ''In the Footsteps of the Founders,'' the American Legion set out a course of action, a battle plan, if you will, in their desire to ''mobilize America to urge passage of the Public Expression of Religion Act, or PERA.''

They close in their mobilization in this regard: ''There simply is no reasonable basis to support the profiteering and attorney fees awards ordered by judges in these cases,'' meaning establishment clause cases. ''The very threat of such fees has made elected bodies, large and small, surrender to

the ACLU's demands to secularly cleanse the public square.''

They go further to say this: ''The American Legion does not intend to surrender to the ACLU or anyone else in defense of veterans memorials, the Boy Scouts or the public display of American religious history and heritage. We are involved because we are veterans who served the Nation when our country called. But most of all, we are involved because we are Americans. 'For God and country' is our credo, and both are imperiled today. In order to win the battle, to safeguard and transmit to posterity the America the Founding Fathers created, it is clear what we must do. We must walk in the footsteps of the Founders. Being involved in making the Public Expression of Religion Act the law of the land is one small but extremely important step that must be taken. This is a crusade we can, we should, we must win, if we are to walk in the footsteps of the Founders. We Americans of this generation can do no less.''

So, Mr. Speaker, those are the words of the American Legion themselves that say that today is the day that the House of Representatives must take a stand and must stand in the footsteps of our Founders.

We have heard a lot of discussion today about what this bill would do, that it would essentially eliminate the bringing of establishment clause cases to court. And as the gentleman from Texas has pointed out, even the liberal organizations that some would suggest their funds would be cut off have said this will do nothing to stop them in their pursuit to remove every vestige of religious heritage from our public places. So we should not take that argument at its face, because it is simply not true.

In fact, this bill allows the continuing allowance of injunctive relief, meaning if an individual wants a particular activity to stop or a particular display to be removed, the court can in fact still say that that display must be removed or that that activity must cease. Nothing in this bill eliminates injunctive relief or the ability to enjoin a State or local government to stop violating the establishment clause.

Mr. Speaker, in conclusion, there has likewise been a lot of discussion of the fact that in 1976 the Attorneys Fees Award Act began this march in civil rights with regard to establishment clause cases. That is simply not the fact. In 1962, in Engel v. Vitale, the Supreme Court held, 14 years before the Civil Rights Attorneys Award Act was put in place, the Supreme Court held that prayer in public schools in Engel v. Vitale was unconstitutional. They held a year later in Abington v. Shemp that Bible reading in public schools was unconstitutional as well.

To suggest that the removal of attorneys fees would stop the groups from bringing these cases to court is simply not borne out by history nor by their own words, and so I ask my colleagues to support the Public Expression of Religion Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I stand today in support of H.R. 2679. Let me just say as a Representative from San Diego County, we have had a situation that I think both sides of the aisle would say was absolutely absurd, where there was a movement to destroy a war memorial on Mount Soledad, and the justification was because that war memorial happened to have been a religious symbol, a cross. One group, or a small plaintiff, not only was pushing for the destruction of the war memorial, but actually got the fees paid to gain profiteering from the destruction of this war memorial.

Now, you may say there must be a logical reason, it must be reasonable, there must have been some good reason to tear down this war memorial. Mr. Speaker, let me remind you that this body had a chance to vote on exactly the same issue, and this body voted 349 to preserve the war memorial, with 74 voting to destroy it. I think that it is quite clear that this body has said that the preservation of certain religious artifacts did not justify the profiteering by those who would want to destroy it.

I strongly ask us to look at this bill and just think about this: this profiteering not only affects the agencies or the people that have to pay out, like the city of San Diego, but that money could have gone to services throughout the community which proportionately help those needy, those poor and those who need it the most.

□ 1515

So, so much of this profiteering is being made at the expense of those who people on both sides of the aisle say do not get enough resources. I just think it is time that we tell the trial lawyers and we tell those who are profiteering from trying to destroy our religious heritage that we are no longer going to allow them to walk away from the courts with bags of the people's money and individuals' resources that can be used in better locations.

Mr. NADLER. I now recognize the gentleman from Virginia for a unanimous consent request.

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that letters from over a dozen organizations in opposition to this bill be entered into the RECORD to the extent that some of them have not been entered in the RECORD so far.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Virginia?

There was no objection.

AFRICAN AMERICAN MINISTERS IN ACTION,
Washington, DC, September 26, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: As pastors and leaders of predominately African American congregations across the country, we are writing urging you to oppose passage of H.R. 2679, the ''Public Expression of Religion Act of 2005.'' Where would our nation be on the long march to ending segregation, providing equal education to all, ensuring free speech, enfranchising minorities and women to vote, and a host of other civil rights and civil liberties issues had damages and attorney's fees remedies been denied on those journeys?

This legislation represents an attack on the most fundamental enforcement tools available to people whose religious liberty rights have been violated by singling out those who seek to enforce their constitutional rights under the Establishment Clause of the First Amendment. This is a blatant attack on the religious freedoms of all people of faith. Religious expression is not threatened by the enforcement of the Establishment Clause, but is protected by it. The Establishment Clause promotes religious freedom for all by protecting against government sponsorship of religion.

Congress established enforcement remedies under §1983 more than 100 years ago and, according to the Congressional Research Service, Congress has never limited or eliminated these remedies, let alone deny them to people seeking judicial enforcement of particular constitutional rights. As pastors, we strongly believe that H.R. 2679 is a deliberate attempt to roll back the clock on the protection of our religious freedoms and the protections we have against those who would attempt to force upon us their own religious ideology.

Should Congress adopt this legislation, the precedent would be set for future denials of these remedies for other constitutionally protected civil rights and liberties. While some claim this is merely technical, damages and the awarding of attorney's fees are critical ingredients necessary to ensure the proper representation in court and redress for constitutional violations. More importantly, they are critical for the protection of our civil rights and civil liberties serving as a disincentive for engaging in such violations.

Justice can be denied in many ways, and denying damages and attorney's fees to those seeking to enforce their constitutional rights will be tantamount to barring the courthouse door and any possibility of vindication of the rights we hold sacred. We urge you to oppose H.R. 2679.

Sincerely,

REV. TIMOTHY MCDONALD,
Chair.
REV. ROBERT SHINE,
Co-Chair.

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,
Washington, DC, July 25, 2006.

DEAR HOUSE JUDICIARY COMMITTEE MEMBER: On behalf of the Civil Rights Section of the Association of Trial Lawyers of America, we strongly urge you to vote against H.R. 2679, ''Public Expression of Religion Act of 2005.'' This bill strikes a serious blow against the religious liberties protected under the Establishment Clause of the U.S. Constitution and it sets a precedent for the erosion of other valued constitutional rights.

H.R. 2679 unfairly strips one set of plaintiffs—plaintiffs that bring claims of an Establishment Clause violation—of the important and longstanding civil remedies provided for under Sections 1979 and 722(b) of the Revised Statutes of the United States (42 U.S.C. 1983; 42 U.S.C. 1988(b)). As a result, the bill not only leaves religious minorities without a real means of protecting their constitutional rights, but also encourages state and local sponsored religious activities for the majority without an opportunity for adequate redress, and fosters the suppression of

religious liberty for all others. At the core of our Democracy is the principle of religious freedom (i.e., separation of church and state) and the fact that the Establishment Clause forbids the government from forcing a single religious point of view on all Americans. Under the proposed legislation, however, that constitutional mandate and the foundation of our system of government are eviscerated, and religious minorities pay the price.

The current remedial scheme under H.R. 2679 of ''limited to injunctive relief'' simply does not work. There are countless instances when injunctive relief would not adequately remedy the harm one suffers when a state-actor imposes a religious point of view on a community. One obvious example is forced prayer in school. Once the prayer is read and an individual is harmed, there is nothing injunctive relief can do to redress that harm. In addition, the current draft of the bill does not afford additional protections to a plaintiff if the defendant state-actor breaches a court-imposed injunction. Thus, a state-actor is free from consequence if it does nothing to fulfill the injunctive relief granted and a plaintiff's harm is left without a remedy.

Not only would the remedial scheme under H.R. 2679 inadequately redress a victim's harm, but the effect of it will deter individuals from bringing causes of action for Establishment Clause violations. The proposed legislation does not permit a plaintiff to be awarded attorney's fees, even if he seeks the only civil remedy available—injunctive relief—and is successful. It is expensive to bring a civil action against the government, so if a victim of an Establishment Clause violation is stripped of the fee-shifting provision under Section 1988(b) it is unlikely that he will even bring a claim in the first place. Moreover, the whole purpose of including a fee-shifting provision under Section 1988(b) is to provide victims with limited means an opportunity to have their day in court and protect their constitutional rights against a defendant with limitless resources.

Finally, we ask that you vote against H.R. 2679, because it is a dangerous precedent. The proposed legislation would set the stage for future limitations on the remedies available for civil rights actions under Section 1983. If today we cite certain factors to distinguish the constitutional protections afforded under the Establishment Clause from other constitutional rights, it is just a matter of time before another group claims that one of the remaining constitutional rights is somehow distinguishable and proposes to subject it to limitation. The bottom line is that Section 1983 is the sole mechanism by which a citizen can protect his constitutional rights against unlawful state-action, thus it is imperative that we avoid any legislation that seeks to curtail the extent and potency of the civil actions provided for under that statute.

We strongly urge you to protect the constitutional rights of religious minorities and all Americans: oppose H.R. 2679.

Very Truly Yours,

MATTHEW DIETZ,
Civil Rights Section Chair, 2006–2007.
SUSAN ANN SILVERSTEIN,
Civil Rights Section Chair, 2005–2006.

THE AMERICAN JEWISH COMMITTEE,
OFFICE OF GOVERNMENT AND INTERNATIONAL AFFAIRS,
Washington, DC, September 15, 2006.

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee (AJC), the nation's oldest human relations organization with over 150,000 members and supporters represented by 32 regional offices, I write to express our strong opposition to the Public Expression of Religion Act of 2005 (H.R. 2679).

H.R. 2679 would deter citizens with legitimate grievances from defending their most basic civil rights in court by limiting long-standing remedies available under 42 U.S.C. 1988. Among other things, H.R. 2679 would bar judges from ordering state or local governments to reimburse the attorney's fees and monetary damages of plaintiffs whose Establishment Clause rights have been proven to be violated, and would make injunctive and declarative relief the only remedies available in such cases.

Access to the federal courts is fundamental to the ability of Americans to vindicate their constitutional rights. With legal fees often totaling as much as hundreds of thousands of dollars, few victims of religious discrimination can afford to bear the costs of a lawsuit when the government violates their constitutional rights. Even blatant instances of coerced prayer in a public school or other religious discrimination will seldom be challenged in court if a single citizen must face the legal resources of a city.

Proponents of H.R. 2679 argue that some municipalities currently settle out-of-court rather than risk paying attorney's fees and monetary damages for frivolous lawsuits. Whatever the merits of this assertion, there is no constitutional claim that may not occasionally lead to frivolous lawsuits. Moreover, at the end of the day, the courts have generally proved adept at filtering out frivolous claims at an early point in litigation, before substantial legal costs can be incurred. Balanced against these realities is the undeniable fact that this bill would deter Americans with legitimate Establishment Clause grievances from asserting their rights in court. Further, once claims under one clause of the First Amendment have been insulated from meaningful remedy, the entire Bill of Rights is at risk.

The ability to seek appropriate remedies, including damages and attorney's fees, is crucial if citizens are to be able to vindicate their constitutional rights in court. Please protect the longstanding ability of Americans to seek damages, and to recoup costs and fees, when faced with basic constitutional violations. For the aforementioned reasons, we strongly oppose H.R. 2679.

Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, September 12, 2006.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we urge you to oppose H.R. 2679, the ''Public Expression of Religion Act of 2005.'' This bill was voted out from the Judiciary Committee on September 2, 2006 and will soon be on the House floor. H.R. 2679 would limit damages to injunctive and declaratory relief and bar the award of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. This bill would bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

H.R. 2679 shuts the courthouse doors. If this bill were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Congress has determined that attorneys' fee awards in civil rights and constitutional cases, including Establishment Clause cases, are necessary to help prevailing parties vindicate their civil rights, and to enable vigorous enforcement of these protections. The Senate Judiciary Committee has found these fees to be ''an integral part of the remedies necessary to obtain . . . compliance.'' The Senate emphasized that ''[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.''

Unfortunately, H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

The elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the government has violated the Constitution; thereby leaving injured parties without representation and insulating serious constitutional violations from judicial review. This effectively leaves religious minorities unable to obtain counsel in pursuit of their First Amendment rights under the Establishment Clause.

H.R. 2679 favors enforcement of the Free Exercise Clause over the Establishment Clause. Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government can both equally protect the free exercise of religion as well as prohibit state-sponsored endorsement and funding of religion. H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals wronged by the government under the Establishment Clause.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be unable to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

H.R. 2679 denies just compensation. Finally, despite proponents' assertions to the contrary, attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the government violates its citizens' civil or

constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. After intensive fact-finding, Congress determined that these fees ''are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys.'' H.R. 2679 is contrary to good public policy—it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the government; and it prevents attorneys from acting in the public's good. The award of fees in Establishment Clause cases is not a means for attorneys to receive unjust windfalls—it is designed to assist those whose government has failed them.

Proponents of this bill have been spreading the urban myth that religious symbols on gravestones at military cemeteries will be threatened without passage of H.R. 2679. The supposedly ''threatened'' religious markers on gravestones has become a red-herring—indeed it is an urban myth—that has been invoked as a reason for the denial of attorneys' fees in Establishment Clause cases. It should be noted—in light of the wildly inaccurate statements that have repeatedly been made—that religious symbols on soldiers' grave markers in military cemeteries (including Arlington National Cemetery) are entirely constitutional.

Religious symbols on personal gravestones are vastly different from government-sponsored religious symbols or sectarian religious symbols on government-owned property. Gravestones and the symbols placed upon them are the choice of individual service members and their families. The ACLU would in fact vigorously defend the first amendment rights of all veteran Americans and service members to display the religious symbol of their choosing on their gravestone.

If the Constitution is to be meaningful, every American should have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. The bill is a direct attack on the religious freedoms of individuals, as it effectively shuts the door for redress for all suits involving the Establishment Clause. We urge members of Congress to oppose H.R. 2679.

If you have any questions, please contact Terri Schroeder, Senior Lobbyist.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TERRI ANN SCHROEDER,
Senior Lobbyist.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, September 11, 2006.

DEAR REPRESENTATIVE: The American Humanist Association strongly urges you to oppose the Public Expression of Religion Act (H.R. 2679), which would bar courts from awarding attorney's fees to prevailing parties bringing suit under the Establishment Clause of the First Amendment. We urge you to vote against this bill, which would severely discourage or outlaw litigation over government practices that violate the First Amendment.

If passed, the Public Expression of Religion Act would prevent concerned citizens from exercising their constitutionally protected rights in court. The bill purports to ''eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees.'' However, these litigants are only awarded attorney's fees if their claims are found valid and thus unconstitutional; under current law, the ''frivolous lawsuits'' commonly cited in attempts to reduce attorney's fees are not funded by taxpayer dollars but rather are financed by the losing litigants. Further, though supporters have argued that groups such as the American Civil Liberties Union have reaped enormous compensation from such suits, the reality is that the awarding of attorney's fees is essential to maintaining a fair judicial system; these suits often involve a substantial amount of time and effort that is simply not feasible for most attorneys to undertake on a pro bono basis. The bill would actually create a far more chilling effect in its restriction of challenges to First Amendment freedoms.

If the Public Expression of Religion Act passes it will set a precedent for future restrictions on the ability to gain attorney's fees and costs for constitutional violations that are unpopular with any particular political majority at the moment. The current system does not reimburse attorney's fees for unsubstantiated cases, and it maintains the impartiality of our courts by allowing the judiciary to interpret constitutional concerns as laid out in the Constitution. Please do not allow the legislature to influence the judicial process for political gain.

Humanists are particularly concerned about this bill because it targets religious minorities and nontheists in their attempts to maintain the separation of church and state by severely reducing attorney's abilities to represent them in judicial actions. The threat of lawsuits under the Establishment Clause does not and never has had a ''stifling effect'' on religious practices; religion is an integral part of many Americans' lives, and we Humanists support the personal expression of religion. What we do not support, however, is governmentally sanctioned religion that infringes on our First Amendment rights. The current laws support a system of checks and balances to ensure that all Americans have the freedom to express themselves without coercion.

The AHA urges you to maintain every American's right to an impartial and accessible judicial system and vote no on the Public Expression of Religion Act.

Sincerely,

MEL LIPMAN,
AHA President.

PROTECT RELIGIOUS LIBERTY AND OPPOSE H.R. 2679

AMERICANS UNITED
FOR SEPARATION OF CHURCH AND STATE,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: Americans United for Separation of Church and State urges you to oppose H.R. 2679 or any other similar legislation seeking to limit awards of attorney's fees in Establishment Clause cases. Americans United represents more than 75,000 individual members throughout the fifty states and the District of Columbia, as well as cooperating clergy, houses of worship, and other religious bodies committed to preserving religious liberty.

Bills such as H.R. 2679 are extreme and unwise proposals that will do nothing more than deter Americans from seeking to enforce in the federal courts their fundamental constitutional rights to worship freely and to make decisions about religion for themselves and their families, without interference or coercion from the government. Such ill-conceived measures will also set a broader precedent for abolishing court-awarded attorney's fees in other civil-rights cases, thus undermining the system that Congress carefully wrought to ensure that those who suffer unconstitutional discrimination will be able to obtain legal representation to vindicate their civil rights.

H.R. 2679 would prohibit the federal courts from awarding reasonable attorney's fees and costs to parties who prevail in actions brought to enforce their rights under the Establishment Clause of the First Amendment to the U.S. Constitution, and it would limit the remedies available to Establishment Clause plaintiffs to injunctive and declaratory relief, thus barring federal courts from awarding either damages or other equitable relief to parties who prevail on Establishment Clause claims. If passed, the bill would thus, for the first time since the enactment of the Civil Rights Attorney's Fees Awards Act of 1976, eliminate an entire category of civil-rights claims from those for which federal courts can award attorney's fees and costs, and it would in many cases deprive plaintiffs of any effective remedy for substantial constitutional violations.

H.R. 2679 WOULD SUBSTANTIALLY IMPAIR THE ABILITY OF AMERICANS TO ENFORCE THEIR RELIGIOUS-FREEDOM RIGHTS UNDER THE ESTABLISHMENT CLAUSE

Congress recognized the importance of the remedy of fee shifting to the enforcement of civil-rights laws when it passed the 1976 Civil Rights Attorney's Fees Awards Act, 42 U.S.C. 1988:

Enforcement of the laws depends on governmental action and, in some cases, on private action through the courts. If the cost of private enforcement actions becomes too great, there will be no private enforcement. If our civil rights laws are not to become mere hollow pronouncements which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases.

S. Rep. No. 94–1011, at 6 (1976). Indeed, the enactment of the fee-shifting provision was not an expansion of civil-rights plaintiffs' rights but instead was merely a codification of preexisting practice that Congress viewed as especially important: Responding to an earlier Supreme Court ruling that courts could no longer award attorney's fees to a prevailing party unless specifically authorized to do so by federal statute (see Alyeska Pipeline Serv.v. Wilderness Soc'y, 421 U.S. 240 (1975)), Congress recognized that the fee-shifting provision ''creates no startling new remedy—it only meets the technical requirements that the Supreme Court has laid down if the Federal courts are to continue the practice of awarding attorney's fees which had been going on for years.'' S. Rep. No. 94–1011, at 6. H.R. 2679 would thus eliminate an important remedy that has been recognized by statute for three decades and by court practice for far longer.

This turnabout would have a substantial effect on the ability of Americans who have suffered violations of their right to religious freedom to seek redress in the courts because they will be unable to afford counsel to represent them. Indeed, the Act would make it difficult for victims of Establishment Clause violations even to obtain representation from lawyers who might otherwise be willing to represent them pro bono because those lawyers would no longer be able to recoup their actual, out-of-pocket expenses—which can often total tens or even hundreds of thousands of dollars.

Although the bill's sponsors claim that the Act would ''eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials,'' few, if any, Establishment Clause plaintiffs seek to challenge personal religious expression by governmental officials. Rather, most Establishment Clause plaintiffs simply seek to ensure that government does not coerce them or their children to participate in religious activities that conflict with their own sincerely held beliefs.

Many plaintiffs are like the parents in Dover, Pennsylvania, who courageously challenged a decision by their school board to require their ninth-grade students to listen in a biology class to a statement by school administrators disparaging the scientific theory of evolution and encouraging them to accept ''intelligent design,'' a religious view of the origins of life. As one of these plaintiffs, Steven Stough, said, ''I have joined this lawsuit because I believe that religious education is a personal matter whose instructional component is best reserved for home or at a church of one's choice. It is my responsibility for the direction of my daughter's religious instruction not the public high school.''

But without the availability of attorney's fees, parents like Mr. Stough would not be able to afford the cost of hiring a lawyer: The court in the Dover case found that the plaintiffs were entitled to a reasonable fee award, of which more than $250,000 represented the plaintiffs' attorneys' actual, out-of-pocket expenses to bring the case. Had H.R. 2679 been the law of the land, the parents of Dover, Pennsylvania, might well never have been able to vindicate their right to direct the religious upbringing of their children without interference by the local school board, for they simply could not have afforded the expenses for the case, much less any attorney's fees, for litigation that required the full-time commitment of a half dozen lawyers for more than a year.

The problem is far more serious in most other cases. Although the Dover plaintiffs were represented pro bono by institutional civil-rights litigators (including Americans United) and a large law firm, many Establishment Clause plaintiffs rely on lawyers who work in small private practices. Indeed, the bulk of constitutional tort litigation is brought by local, small-firm lawyers. See Stewart J. Schwab, Explaining Constitutional Tort Litigation: The Influence of the Attorney Fees Statute and the Government as Defendant, 73 CORNELL L. REV. 719, 768–69 (1988). So while large law firms and institutional civil-rights litigators may continue to represent Establishment Clause plaintiffs even in the absence of a fee-shifting statute, the majority of Establishment Clause violations will go unredressed because the small-firm lawyers who typically litigate them will be unable to afford to take the cases.

Again, the issue is not one of lawyers' profits: Just as the most well-established civil rights organizations and largest law firms can ill afford to pay the litigation costs for major cases, so too must most small firms and solo practitioners decline to provide representation in more modest cases when they have no ability to cover the out-of-pocket expenses required even in cases where the law is clear and the civil-rights violation egregious.

Compounding the problem is the Act's limitation on the relief available to Establishment Clause plaintiffs. In most other classes of civil litigation, plaintiffs who win their cases receive money damages from the defendant and are able to use a portion of those damages to pay their lawyers. But in Estalishment Clause cases, like most civil-rights cases, prevailing parties are usually entitled only to injunctive relief, not damages, and thus receive no funds from the litigation to pay their lawyers. Not content to deny Establishment Clause plaintiffs the feeshifting protections that Congress has wisely provided, H.R. 2679 would eliminate the possibility of money damages even in the incredibly rare case where Establishment Clause plaintiffs might be able to show a compensable injury, thus denying them the protection of a damages remedy that is available for every other class of legally cognizable injury.

H.R. 2679 COULD PERVERSELY LEAD TO MORE ESTABLISHMENT CLAUSE LITIGATION FURTHER CLOGGING THE DOCKET OF THE FEDERAL COURTS

The fee-shifting provision in 42 US.C. 1988 levels the playing field between private citizens and the government in constitutional tort litigation by encouraging private lawyers to take meritorious cases and by increasing the potential costs of litigation to government defendants. It thus deters government from committing many egregious civil-rights violations just the way that damages remedies deter unlawful action in the ordinary run of tort and contract cases. While eliminating attorney's fees would surely reduce the number of Establishment Clause claims being brought, even in cases where the law is most clearly on the plaintiffs side, it would also ensure that those cases that are filed will be more costly and more time-consuming to litigate because the government defendants will have no incentive to settle or to mitigate the costs of litigation, but instead will view as ''costless'' a fight to defend even the most overt violations of individuals'' rights to religious freedom, and so will clog the courts with cases that should be readily resolved.

Unlike private parties, government has virtually unlimited resources with which to litigate cases and can use those resources to drag out litigation. Indeed, government defendants in Establishment Clause cases may not have to spend even one penny of their own money on litigation if, as is becoming increasingly frequent, they are represented for free by a faith-based law firm committed to encouraging public officials to violate citizens' Establishment Clause rights. For example, the Thomas More Law Center provided free representation to the defendants in Kitzmiller v. Dover Area School District, leading the school board to conclude that, even though the school district's regular lawyer had warned that the district would lose the case, it should still fight a costless battle to force the school board members' preferred faith on students without regard to the students or their parents' religious beliefs. After the school district lost the case, as its lawyer warned it would, the court held that it was liable to the plaintiffs for their attorney's fees and costs. That award was essential not just because it made it possible for the Dover parents to bring the case, but because it provides a greater incentive to other school boards in the future to avoid the same wrongdoing that the Dover school board committed, or at least to settle early those cases they cannot win, rather than compounding the violations of parents and students' constitutional rights, and compounding costs to everyone, by fighting lost causes to the bitter end.

Just weeks after the Kitzmiller decision, for instance, several California parents filed an Establishment Clause challenge to their school district's decision to teach a course on intelligent design and asked a federal court to issue a temporary restraining order prohibiting the school district from offering the course. See Hurst v. Newman, No. 1:06–CY–00036 (C.D. Cal.). Recognizing that its actions were unlawful and that it would likely owe substantial attorney's fees and costs to the plaintiffs if it continued to fight, the school board gratefully accepted the plaintiffs' offer to waive their right to request attorney's fees in exchange for the school district canceling the unconstitutional class—a quick and amicable resolution of the case that would not have been possible if the availability of attorney's fees had not been a deterrent to the school board tying up the courts and dividing the community over its dogged but futile pursuit of a plainly unconstitutional policy.

And in Florida, the prospect of attorney's fees had a similar salutary effect: A school district was sued by parents who objected on Establishment Clause grounds to the district's decision to hold several high school graduations in a church, with students accepting their diplomas and having their commencement photos taken beneath a large cross. Although a federal district judge preliminarily found that the parents were likely to win their case on the merits, the school board initially planned to fight the case all the way through a full trial. But with the specter of a mounting bill for the parents' legal fees on the horizon, the school district ultimately thought better of that plan, promising to hold future graduations in secular locations in exchange for an agreement by the parents' attorneys to charge the district only half the fees that they had accrued up to that point. Again, but for the threat of a fee award, justice to the parents would have been delayed and judicial resources would have been squandered. Indeed, without the possibility of being liable for attorney's fees, governmental entities like the Florida and California school districts just described will have every incentive to engage in straightforwardly illegal conduct, infringing the religious freedom of the public—and most especially children, who are most likely to have their complaints about religious discrimination and coercion fall on deaf ears unless their families have recourse in the federal courts.

In Dover, the belief that fighting was costless led the school board to adopt ''an imprudent and ultimately unconstitutional policy.'' Kitzmiller v. Dover Area Sch. Dist., 400 F. Supp. 2d 707, 765 (M.D. Pa. 2005). Indeed, the court characterized the board's decision as one of ''breathtaking inanity'' and decried the school board's decision to defend the policy in court, asserting that ''[t]he students, parents, and teachers of the Dover Area School District deserved better than to be dragged into this legal maelstrom, with its resulting utter waste of monetary and personal resources.'' Id. Actually making it costless for the government to defend Establishment Clause violations will reproduce that sad state of affairs everywhere.

In passing the Civil Rights Attorney's Fees Awards Act, Congress recognized that rights are meaningless unless individual citizens are able to enforce them against the government:

If private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court.

S. Rep. No. 94–1011, at 2 (1975). Abolishing attorney's fees in Establishment Clause cases would not simply increase plaintiffs' cost to file these cases; it would render the Establishment Clause—a critical safeguard for religious freedom embodied in the First Amendment of the U.S. Constitution—a dead letter. As the federal courts have consistently acknowledged, the Establishment Clause works in tandem with the Free Exercise Clause to protect Americans' right to practice their religion as they choose. See, e.g., Venters v. City of Delphi, 123 F .3d 956, 969 (7th Cir. 1997) (Free Exercise and Establishment Clauses ''embody 'correlative and coextensive ideas, representing only different facets of the single great and fundamental freedom [of religion]' '') (quoting Everson v. Bd. of Educ., 330 U.S. 1, 40 (1947) (Rutledge, J., dissenting)). So although the avowed purpose of H.R. 2679 or other similar legislation is to protect the religious expression of state and local officials, its effect would be to deeply undermine the religious liberty of all Americans.

If you have any questions regarding this legislation or would like further information on any other issues of importance to Americans United, please contact Aaron D. Schuham, Legislative Director, at (202) 466–3234, extension 240.

Sincerely,

REV. BARRY W. LYNN,
Executive Director.

RELIGIOUS ACTION CENTER OF REFORM JUDAISM,
Washington, DC, September 12, 2006.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR), whose membership includes more than 1,800 Reform rabbis, I ask you to oppose H.R. 2679, the ''Public Expression of Religion Act of 2005.'' I also urge you to oppose any other efforts that undermine the courts' ability to hear cases in which an individual's rights are at stake.

This dangerous legislation would prevent plaintiffs from being awarded legal fees and out-of-pocket expenses in cases involving First Amendment rights. It is nothing more than an attack on efforts to enforce Constitutionally-protected rights.

The effort to select only certain rights for the full protection of the law is a slippery slope at best; and, more to the point, may spell the start of a full scale assault on fundamental freedoms. Further, this legislation creates two tiers of justice, dividing those who can afford to have their Constitutional rights enforced from those who cannot. This is a shameful denigration of our commitment to the equality of all Americans.

Americans of all economic levels and ideological backgrounds deserve equal protections from our courts and justice system. I strongly urge you to reject the Public Expression of Religion Act.

Sincerely,

MARK J. PELAVIN,
Associate Director.

SEPTEMBER 13, 2006.

DEAR SENATOR REPRESENTATIVE: The Secular Coalition for America urges you to oppose H.R. 2679, the so-called Public Expression of Religion Act (PERA). Passage of this act would have a chilling effect on the rights of citizens seeking to protect their constitutional rights under the Establishment Clause. Without the right to seek attorney fees and costs in successful challenges of the improper intrusion of religion into government, elected and appointed officials will have no obstacles against imposing their religious beliefs on the general public.

If this bill passes, the only penalty for violations of the Establishment Clause will be the court's injunction to end that particular unconstitutional practice. Clever appointed and elected officials will simply modify their practices just enough to circumvent the court's ruling knowing that they will face no penalty for their actions and eventually the plaintiff will be unable to pursue additional cases through the court system.

The purpose of PERA is solely to deny Americans access to the courts to protect their constitutional rights. The current law allows plaintiffs and their lawyers to recover reasonable costs and attorneys fees only if their case is successful. With restitution available only in successful cases, the current law discourages frivolous lawsuits. However, without this reasonable restitution, the vast majority of Americans will not be able to afford the protections guaranteed to them by our Founders.

By severely limiting lawsuits through PERA, elected and appointed officials will be unfettered in their pursuits to incorporate religious symbols and expressions into governmental spaces and events. These official religious endorsements and use of religious symbols by the majority of the moment relegate members of minority religions and the non-religious to a second-class citizenship.

By allowing citizen access to the judiciary, minorities in our nation gained the protections afforded by the First Amendment. These protections have allowed members of minority religions (such as Jehovah's Witnesses) as well as nonreligious Americans to be free of government required religious exercises and endorsement of religious symbols. Individuals have been free to exercise their own decisions of conscience in public schools and governmental bodies.

Our nation has respected the separation of powers which our founders so wisely created to prevent anyone branch from gaining too much power. Congress must not encroach on the right of citizens to seek the judiciary's power to resolve constitutional issues. The limitations PERA would create for access to the judiciary are equivalent to poll taxes limiting access to the ballot box. With access to the courts, the rights of minorities guaranteed in the Bill of Rights would be meaningless; the Constitution could not be enforced; and a tyranny of the majority would ensue.

Passage of H.R. 2679 also creates a slippery slope that would set a dangerous precedent for future restrictions on the ability to gain attorney fees and costs for other constitutional arenas that are unpopular with the majority of the moment. Any time the judicial branch makes a decision unpopular with the majority in Congress, it could simply pass legislation effectively taking away citizen access to the courts. Passing this type of legislation make the freedoms guaranteed in our Constitution worthless.

Sincerely,

LORI LIPMAN BROWN, ESQ.,
Director.

THE INTERFAITH ALLIANCE,
Washington, DC, September 14, 2006.

DEAR REPRESENTATIVE: As the president of The Interfaith Alliance, I am writing to urge you to oppose H.R. 2679. ''The Public Expression of Religion Act of 2005.'' The Interfaith Alliance is a nonpartisan, grassroots organization that represents more than 185,000 members. We are committed to promoting the positive and healing role of religion in public life. While we fully support the public expression of religion, we cannot support restrictions on the enforcement of the Bill of Rights which was designed to protect all Americans, regardless of their religious beliefs.

Americans of all faiths—Buddhists, Hindus, Sikhs, Muslims, Christians and Jews—and those who profess no faith—must have the right to practice their religion and raise challenges when they feel that there is a specific violation of the clause in the First Amendment which guarantees that ''Congress shall make no law respecting an establishment of religion.''

And when government has acted in an unconstitutional manner, citizens seeking their constitutional rights must not be required to pay the government's legal fees because that would make it difficult if not impossible for those individuals to successfully challenge the illegal behavior.

If passed, H.R. 2679 would eliminate damages and awards of attorneys' fees for individuals or groups in successful cases brought to ensure their constitutional rights under the Establishment Clause of the First Amendment to the U.S. Constitution. This would effectively prevent the full enforcement of the First Amendment's prohibition on the establishment of religion by federal, state, and local governments.

Religious freedom as guaranteed by the First Amendment includes both the Free Exercise Clause and the Establishment Clause. One without the other would render religious freedom a hollow phrase. H.R. 2679 would create a double standard with enforcement of Free Exercise cases being protected by guarantees of attorney fees but Establishment Clause cases being denied the same relief.

The Interfaith Alliance considers H.R. 2679 to be an attack on the religious freedoms guaranteed to every American by the Constitution. In the name of religious freedom, we urge you to oppose ''The Public Expression of Religion Act of 2005.'' It is bad for the Constitution. It is bad for religion.

If there is anything that we at The Interfaith Alliance can do to assist you in this important matter, please do not hesitate to contact Preetmohan Singh, Deputy Director of Public Policy, at 202–639–6370.

Sincerely,

REV. DR. C. WELTON GADDY,
President, The Interfaith Alliance.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
Washington, DC, September 14, 2006.

MEMBERS, HOUSE OF REPRESENTATIVES,
Washington, DC

DEAR REPRESENTATIVE: The Friends Committee on National Legislation, a 63–year old Quaker lobby on Capitol Hill, urges you to oppose H.R. 2679, the ''Public Expression of Religion Act.'' Though supporters of the bill cite certain types of cases that would be covered by the Act, the legislation itself extends to all claims under the establishment of religion clause. This legislation would effectively deny access to the courts for individuals wishing to protect their religious rights, unless they were personally wealthy enough to fund the litigation.

As members of a minority religion whose foremothers and forefathers came to this country to escape the religious intolerance of the English government, Quakers cherish the U.S. Constitution's protections of religion from the dictates of government. The Bill of Rights was written to protect individuals, not the government. In an ironic twist, H.R. 2679 and similar legislation would turn the ''no establishment of religion'' clause on its ear, protecting the government against individuals.

Our taxes would pay for the governments' lawyers, but even in a clear case of disregard for established religious freedoms, judges would be powerless to relieve an individual of the burden of paying for litigation to protect his or her constitutional rights.

Cases protesting government actions under the establishment clause rarely involve money. The object is almost always to get the school district, or the registrar's office, or some other local or state official, to carry out regulations and programs in a constitutionally sound manner, without giving preference to a particular religious view or affiliation, or to accommodate the religious beliefs of a minority. Providing for attorney fees in cases in which the plaintiff prevails is the only practical way to provide access to the court for those who are not wealthy.

We urge you to reject H.R. 2679 and similar legislation, and to support the religious freedoms guaranteed by the First Amendment.

Sincerely,

RUTH FLOWER,
Legislative Director.

JEWISH COUNCIL FOR PUBLIC AFFAIRS,
September 12, 2006.

DEAR REPRESENTATIVE: The Jewish Council for Public Affairs, JCPA, is the umbrella organization for the organized Jewish community. Our membership includes 13 national

Jewish agencies and 125 Jewish Community Relations Councils. On behalf of the organized Jewish community, I urge you to oppose the ''Public Expression of Religion Act of 2005'', H.R. 2679. As Jews, members of a religious minority in the United States, we are particularly sensitive to the relationship between religion and state in this Nation.

The Public Expression of Religion Act, PERA, prevents judges from awarding attorney's fees in Establishment Clause cases. This restriction severely limits the ability of Americans to bring suit against the government or public officials when their religious liberties have been compromised. Lawsuits are very expensive. The passage of this bill would essentially prohibit all but the very wealthy from protecting their rights. Regardless of economic status, all Americans should have the ability to protect their liberties and challenge unconstitutional actions.

JCPA policy calls for a clear separation between religion and government. ''In our increasingly pluralistic society, a clear division between religion and state remains the best way to preserve and promote the religious rights and liberties for all Americans, including the Jewish community.'' PERA compromises this separation and threatens to infringe on the rights of many Americans by making it prohibitively expensive and thus practically impossible, to challenge an official's or jurisdiction's actions.

On Thursday, September 6, the House Judiciary Committee completed its markup of this bill and reported it to the House floor.

I strongly urge you to oppose this legislation and protect the ability of millions of Americans to live in a society that respects religious freedom and liberty.

Sincerely,

HADAR SUSSKIND,
Washington Director.

NATIONAL COUNCIL OF JEWISH WOMEN,
September 12, 2006.

DEAR REPRESENTATIVE: On behalf of the 90,000 members, volunteers, and supporters of the National Council of Jewish Women, NCJW, I am writing in opposition to the ''Public Expression of Religion Act,'' H.R. 2679. This bill would eliminate compensation of attorneys' fees for individuals who bring legal challenges under the Establishment Clause in cases in which they prevail. Effectively, it would prevent low-income Americans from defending their constitutional rights, reserving this protection only for those wealthy enough to afford litigation.

All Americans should have the same ability to defend their constitutionally protected rights, regardless of economic status. Organizations that donate legal services to help those who rights have been violated will be discouraged from this pro bono work if they cannot recoup a portion of their financial expenditures. Instead of protecting religious liberty, this bill seriously compromises it by limiting access to the courts.

For over a century, NCJW has been at the forefront of social change, raising its voice on important issues of public policy. Inspired by our Jewish values, NCJW has been, and continues to be, an advocate for religious liberty with a strong belief that the separation of religion and state are constitutional principles that must be protected and preserved in order to maintain our democratic society.

I urge you to oppose legislation that would limit an individual's ability to defend the liberties provided by the Constitution and the Bill of Rights. Please demonstrate commitment to those documents and the values they represent by voting against the ''Public Expression of Religion Act''.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

Mr. SMITH of Texas. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I am grateful for the gentleman's leadership on this issue. I rise in strong support of the Public Expression of Religion Act; and I do so with particular gratitude to my Hoosier colleague, John Hostettler, who, during the course of his career in the United States House of Representatives, has stood for the freedom of religion as perhaps no other American.

And I say that with understandable parochial Hoosier pride, but I also say it as an objective observation, that the gentleman from Indiana has stood for a constitutional accommodationist view of respect for the expression of religion and its importance in American heritage. Mr. Speaker, I commend him for his outstanding work on this legislation.

In 1976, a statute was passed in this Congress called the Civil Rights Attorney's Fees Awards Act. Very simply and plainly, this statute was intended to protect the constitutional rights of citizens and level the legal playing field.

Under this Act, a citizen who felt that his or her constitutional rights had been violated could sue a government official or entity and receive attorney's fees if they win.

This was important legislation, and it has served a great public good. But it has also served to catalyze a form of litigation since the advent of decisions by the United States Supreme Court in the 1960s and 1970s that moved away from our historical view that the freedom of religion was not the freedom from religion, and it has become a tool, I say very respectfully, to their cause. It has become the tool of elements who would advance a radical secularist view of the public square in America, and who have used the opportunity to access the public Treasury in the form of attorney's fees to not only finance massive litigations against government entities to scrub our public square of any vestige of reference to God or reference to the religious heritage of the American people, but also it has been used to prevent that day in court from happening.

The availability of massive amounts of attorney's fees have caused many municipalities, even some in Indiana, to relent in their fight to preserve the public display of the Ten Commandments or references to God in the public square because of the local government's inability to access Federal funds to pay their attorney's fees.

So in a very real sense the unintended consequence of the 1976 law was to take a playing field that was imbalanced to one side and make it imbalanced to the other. And today, because of Congressman John Hostettler's leadership in the Public Expression of Religion Act, we are leveling the playing field once again. We are saying to every American who believes in their heart that ''In God We Trust'' should not appear in the well of this Congress as it does behind me, that every American who thinks there should be no reference to religion in the public square whatsoever, it says to every American whose view of the Constitution is that the Establishment Clause is somehow an antiseptic to remove any reference to our religious heritage in this country, it says: The courts are open to you, but the Treasury is not.

As we might say in Indiana, where I was born and raised and lived, that, to put it very plainly, I may fight to the death for your right to hold the views that you hold, but that doesn't mean that I have to pay for it.

And because of Congressman HOSTETTLER's leadership on the Public Expression of Religion Act, we say the courthouse doors are open to anyone who would challenge the public expression by local governors or government officials the acknowledgement of the deep and rich heritage over hundreds and hundreds of years of the American people, who we would say, in this instance, in these cases, the public treasury is not open. Raise your money, bring your challenges, and let the court work its will.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California.

Ms. WATERS. Mr. Speaker, I oppose this legislation because it prevents people from getting attorney's fees or economic damages even if a court agrees with them that the Federal Government has violated their constitutional right to religious freedom or not to be forced to recognize one religion over another. In other words, Congress is telling the courts that they do not know how to do their jobs.

Article III of the Constitution states that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Why are we trying to do the Court's job by deciding that these Establishment Clause claims deserve only injunctive or declaratory relief?

This bill reaches right into the Civil Rights Act, for the first time in history, I might add, singles out people who have Establishment Clause claims and tells them that they cannot recover any economic damages. How can this be so, Mr. Speaker? How can this be so, when the 11th Circuit in Glassroth v. Moore, a case decided in 2003, stated that: For Establishment Clause claims based on noneconomic harm, the plaintiffs must identify a personal injury suffered by them as a consequence of the alleged constitutional error.

The court found injury in Glassroth because the claimants had altered their conduct and incurred expenses in order to minimize contact with a Ten Commandments monument erected in the

rotunda of Alabama's State judicial building.

With this bill, this committee attempts to overturn Federal judicial opinions, and that is simply not our role. Congress established enforcement remedies under section 1983 more than 100 years ago.

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

Mr. Speaker, we have heard a lot of rhetoric that is really beside the point on this bill. We all agree, I hope, that the United States Constitution governs. We all agree, I hope, that the Bill of Rights confers certain rights on Americans, whether citizens or not. We all agree that freedom of religion, freedom to exercise religion, and freedom from establishment of religion are among those rights. We all agree, I hope, that the courts are there to enforce those rights. And then the disagreement begins.

This bill would seek to put a thumb on the scale and say, and we heard this rhetoric: We don't like the ACLU. We don't like what they are doing, even if the courts say they are right in a given case. Because we don't like what they are doing, because their winning court decisions violates our concept of what the Establishment Clause means, we are going to put a thumb on the scale and say that people who win lawsuits, who establish to the court's satisfaction that the government has violated their rights under the first amendment, the Establishment Clause, they cannot get damages, they cannot get attorneys' fees. We are going to put a poll tax on the Establishment Clause. Only people with a lot of money had better sue to enforce their first amendment rights.

If you don't have a lot of money but the government is violating your rights under the Establishment Clause, you can't sue. Because even if your attorney tells you you have got a 99 percent chance of winning because these people know they are wrong, it may still cost you a couple hundred thousand dollars. And they paint the picture of these poor cities and towns and governments having to kowtow to an organization, but the fact is, who generally has more money for a lawsuit? The City of New York, the City of Galveston, the town of whatever, or an individual?

You are putting a means test on protecting your rights to freedom of religion. I don't think that is what this country ought to be about. Because, after all, someone has got to pay for that lawsuit. Someone has got to pay the attorneys' fees, and that is either going to be the plaintiff who alleges a violation of his rights, or it is going to be the government that allegedly violated his rights.

The law says, current law, that if you prove that the government violated your rights, the government should pay the cost of that lawsuit, not you.

This bill says that, for most things, that is still true; but for the Establishment Clause rights, it no longer true, and you have got to pay for the lawsuit that the government made you bring by willfully, or perhaps not willfully, violating your rights.

They say, well, look at the City of San Diego. It is costing them hundreds of thousands of dollars. Well, if they listened to their attorney who said, gee, what you are doing may very well violate the first amendment or does violate the first amendment, then maybe they wouldn't have had to pay those hundreds of thousands of dollars. With this bill, there will be no financial incentive to obey the Establishment Clause.

Second, this bill does not, as I said before, cover only the cases they are talking about; it covers all establishment cases. And let's think of an establishment case. Let's assume, and we know that throughout the history of this country different ethnic groups, different religious groups have different political weights at different times. Let's assume that in some town the Sunni Muslims became a majority, and let's assume that they decided in that town that everybody, Christians, Jews, Muslims, in school had to recite every day on pain of expulsion from class there is no God but Allah, and Mohammed is his prophet. Pretty clear violation of the Establishment Clause in the first amendment.

Now, somebody who is not a Muslim in that case, someone who is Jewish or Christian or something else, decides to sue and wins the lawsuit; and they say you can't do that. You can't get attorneys' fees. He has got to bear the cost of that. Why? Because of hostility on the part of the sponsors of this bill to the Establishment Clause of the first amendment. Because they think that only the majority religion is ever going to be in the position to dominate a local government or any government.

Maybe so. But the real reason we have the first amendment is that you can never be sure. It may be that in the future some group that isn't the majority now will be the majority in some local area; and if you make it difficult to enforce the Establishment Clause of the first amendment, you or your children could be the ones imposed upon.

Now, we heard about this horrible situation, about the challenge to this or challenge to that. But, as I said before, the real complaint is not with the attorneys' fees, the real complaint is with the first amendment. You think you ought to be able to do whatever it was and what the courts have said, no, you can't. Well, maybe you shouldn't or maybe we should amend the Constitution. Which I wouldn't suggest, but that would be the right way to do it. Or maybe we should get different judges or whatever.

But if the courts say you are violating the first amendment, you shouldn't continue to do it. You should be able to get damages if you continue to do it. And the plaintiff, vindicating his own constitutional rights, should be able to bring a lawsuit without having a lot of money.

Now, we heard also that, well, the various organizations say that even if you pass this bill, they will still sue. But that is not the question. The first amendment does not belong, the Constitution of the United States does not belong to the American Civil Liberties Union or to Americans United for Separation of Church and State or United Americans Against the Separation of Church and State.

□ 1530

It is the individual right that you are violating here. It is an individual's right, or maybe a whole class of individuals, that you are violating when you violate the establishment clause of the first amendment, and any individual should have the right and the ability to go to court and if he wins, to get attorneys fees.

We have made a decision, we have made a decision in this country, and maybe you want to challenge that decision, but this bill doesn't do that. That decision is that when your constitutional rights are violated and you can prove it to the court, that the government violated your constitutional rights, then the government should pay for the cost of your vindicating the Constitution and vindicating your rights against the government that broke the law by violating your rights. That is a general principle.

Maybe you want to say no, we don't care that much about individual rights any more, first amendment, second amendment, whatever. From now on you want to sue the government because they violated your rights, you pay no matter what, even if you win. Okay, that is a different bill. I would oppose it, but that is a different bill. That is not this bill. This bill says we think all rights are important. If you think that the government violated your second amendment right to own a gun and you go to court and you prove it, the government pays for that lawsuit, and properly so.

But if you think the government violated your right to practice your religion by violating the establishment clause, and you prove it, the government doesn't pay. You have to pay for it because your right to own a gun is a heck of a lot more important than your freedom of religion, apparently. That doesn't make sense.

Mr. Speaker, if we believe in the individual rights enshrined in the Bill of Rights, if we believe in the first amendment and the freedom of religion in this country, and if we believe we shouldn't single out freedom of religion and say that freedom is less important, that freedom if you win, and forget the merits of these cases, if you lose, you don't get attorneys fees or damages.

We are talking about where you are right and the government is wrong. The government is violating your rights, and this bill says you shouldn't get damages or attorneys fees anyway

because we don't like your point of view. That is wrong. It is demeaning to this Congress, and if we believe in freedom of religion and the Bill of Rights, we will defeat this bill.

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

Mr. SMITH of Texas. Mr. Speaker, we have just had a speaker arrive on the House floor, and I would like to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS) if the gentleman from New York doesn't object.

Mr. PITTS. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. HOSTETTLER) for his efforts to raise awareness of this important issue.

Mr. Speaker, passing this bill would be a win for millions of Americans who cherish religious freedom in America. And it would be a win for those who understand our Constitution guarantees freedom of religion, not freedom from religion.

We all know in 1976 Congress passed a law allowing citizens to sue the government if they feel their constitutional rights have been violated. In recent years, groups like the ACLU have twisted this law to advance their agenda of eliminating any public expression of religion.

By using the threat of a lawsuit combined with uncertain jurisprudence on the issue, these groups have been able to bully local governments into removing any expression of religion whatsoever, and this affects public seals, Boy Scouts, veterans memorials, Ten Commandment displays, among other things.

Slowly but surely, groups like the ACLU are using the practice to remove any public acknowledgment of religion. This bill protects religious freedom by eliminating the unfair advantage groups like the ACLU enjoy. By denying these groups the ability to collect attorneys fees in establishment clause cases, this bill puts America's countless cities, towns and localities on a level-playing field. No longer would the taxpayers in these towns be forced to foot the bill to defend their constitutional right to freedom of religion. The bill addresses a real concern in a meaningful way. I urge all Members to support its passage.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today under Federal law, attorneys fees can be demanded from the winning side in lawsuits against States or localities, or the Federal Government, brought under the Constitution's establishment clause.

Current litigation rules are hostile to religion because they allow some groups to force States and localities into removing any reference to religion in public places.

H.R. 2679 would prevent the legal extortion that currently forces State and local governments, and the Federal Government, to accede to demands for removal of religious text and imagery when such removal is not compelled by the Constitution.

Current laws allow plaintiffs to put the following choice to localities: either do what we want and remove religious words and imagery from your public square or risk a single adverse judgment from a single judge that requires you to pay tens or hundreds of thousands of dollars in legal fees in a case that you can't afford to litigate through the appeals process.

Mr. Speaker, local governments are being forced to accede to the demands of opponents, even when their actions are in fact constitutional.

The section of the U.S. code H.R. 2679 amends was never intended to apply to establishment clause claims. 42 U.S.C. 1988, which allows attorneys fees, was intended only to allow the award of attorneys fees civil rights laws enacted by Congress after 1866. We need to return to that original purpose and pass this legislation. I urge my colleagues to support it

Mr. HOYER. Mr. Speaker, this legislation—the so-called Public Expression of Religion Act—not only is brazenly hypocritical, but it also is politically cynical and would set a very dangerous precedent.

Quite simply, this bill would bar the award of attorney fees to the prevailing parties asserting their fundamental constitutional rights in cases brought under the establishment clause of the first amendment.

This is, indeed, a change of heart for a Republican party that has tried in vain for years to impose a "loser pays" rule on attorney fees in tort cases.

In fact, with this bill, the House Majority lays bare the outcome determinative agenda that guides the Republican party when it comes to issues that involve our legal system and judiciary.

That is, the majority seeks to enact legal procedural advantages for those with whom it agrees.

Make no mistake, if this bill became law, it would single out one area of Constitutional Protections under the Bill of Rights and prevent its full enforcement.

Without question, that would set a dangerous precedent.

The substance of the Constitution is meaningless unless all Americans have a fair and equal opportunity to go to court when their constitutional rights are curtailed by the state.

By barring the award of attorney fees to prevailing parties asserting their constitutional rights in cases brought under the Establishment Clause, H.R. 2679 will discourage Americans of limited means from defending their rights.

Taken to its logical to conclusion, this bill would make the U.S. Constitution the tool for those who can afford to vindicate their rights in a court of law.

As such, it is a dangerous bill that runs counter to more than 200 years of American jurisprudence.

I urge my colleagues: vote against this bill.

Mr. CONYERS. Mr. Speaker, the very first amendment to the constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This protects a right—freedom of religion—that is fundamental in any democratic and free society. Since the bill of rights was approved in 1791, several additional measures have been taken to safeguard this right. For example, the Civil Rights Act of 1871, now known as Section 1983, and the Civil Rights Attorney's Fee Award Act of 1976, now know as Section 1988, were enacted to provide all citizens with the means to protect all constitutional rights. Today, the Majority would have this Congress take a step back from these critical protections.

I oppose the legislation before us because it is unprecedented, it treats religious minorities unfairly, and it will interfere with meritorious claims.

First, H.R. 2679 is unprecedented. For the first time in our history, Congress will be singling out one area of constitutional protections under the Bill of Rights and prevent its full enforcement. The Congressional Research Service reports, "[Section 1983] has not been substantially altered since 1871." Under this legislation citizens challenging Establishment Clause violations will no longer have the ability to recover attorneys' fees. Remedies will be limited to injunctive and declaratory relief.

On the heels of the Voting Rights Act reauthorization, I am troubled that we would take up legislation that would limit a person's ability to enforce his or her constitutional rights. The VRA reauthorization expanded a plaintiff's ability to obtain expert witness fees. This bill eliminates attorneys' fees and relegates those who seek to enforce their constitutional rights against state sanctioned religion to second class status.

Second, H.R. 2679 treats religious minorities unfairly.

Despite its name, this bill does not encourage the expression of religion. Rather, this bill leaves religious minorities without protection by promoting government sanctioned religion.

This Nation was founded on the principle of religious freedom, and the Establishment Clause forbids the government from forcing one religious viewpoint on all Americans. In 2005 in McCreary County, Kentucky v. ACLU, Sandra Day O'Connor explained, "Voluntary religious belief and expression may be threatened when government takes the mantle of religion upon itself." H.R. 2679 cripples the First Amendment and religious minorities will pay the price.

Third, H.R. 2679 will deter meritorious claims. It is a fact of life in our society that bringing complex civil actions against the government is expensive. Since this bill would deny attorney's fees to a prevailing plaintiff, numerous suits challenging Establishment Clause violations will not be brought.

The point of Section 1988 is to provide victims with limited means an opportunity to have their day in court.

Unfortunately, H.R. 2679 will prevent a victim from protecting his or her constitutional rights against a defendant with large resources, such as the government.

It is interesting that so many religious groups strongly oppose this measure. These groups include the Baptist Joint Committee, American Jewish Congress, and the Unitarian Universalist Association of Congregations. The Leadership Conference on Civil Rights, Lawyers' Committee, Alliance for Justice, Human Rights Campaign, and People for the American Way are also among the numerous organizations that also oppose this bill.

Please vote "no" on this legislation, which will cause great harm to the concept of freedom of religion in this country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 2679, the so-called "Public Expression of Religion Act of 2005." The central purpose of this legislation is to bar damages and awards of attorneys' fees to prevailing parties asserting their fundamental constitutional rights in cases brought under the Establishment Clause of the First Amendment to the U.S. Constitution. H.R. 2679 would limit the longstanding remedies available in cases brought under the Establishment Clause under 42 U.S.C. 1988, which provides for attorneys' fees and costs in all successful cases involving constitutional and civil rights violations.

I oppose H.R. 2679 for three very important reasons. First, the bill limits access to justice and makes it virtually impossible for an injured party to obtain remedial relief from a serious deprivation of a fundamental, constitutionally protected right. Second, H.R. 2679 would jettison a legal and constitutional principle that has stood the nation in good stead for over two centuries: that an injured party is entitled to just compensation for the injury he or she has sustained caused by the intentional wrongdoing or negligent conduct of others. Third, H.R. 2679 discriminates against the Establishment Clause of the First Amendment in favor of the Free Exercise Clause. I will address each of the fatal deficiencies in turn.

1. H.R. 2679 limits access to justice for those seeking to vindicate Constitutional Rights.

If H.R. 2679 were to become law, Congress would, for the first time, single out one area protected by the Bill of Rights and prevent its full enforcement. The only remedy available to plaintiffs bringing Establishment Clause lawsuits would be injunctive relief. This prohibition would apply even to cases involving illegal religious coercion of public school students or blatant discrimination against particular religions.

Awards of attorneys' fees in civil rights and constitutional cases, including Establishment Clause cases, are necessary not merely to help prevailing parties vindicate their civil rights but also to provide an incentive for vigorous enforcement of these protections, which the Framers put in place to protect the Nation. Since widespread observance of the rights and protections set forth in the First Amendment is above a collective good, it is vitally important that there be an incentive for individuals to act as "private Attorneys General" to vindicate their individual rights and the public interest in a robust First Amendment. Our sister committee in the other body has found these fees "an integral part of the remedies necessary to obtain . . . compliance" and emphasized that "[i]f the cost of private enforcement actions becomes too great, there will be no private enforcement."

H.R. 2679 would turn the Establishment Clause into a hollow pronouncement. Indeed, the very purpose of this bill is to make it more difficult for citizens to challenge violations of the Establishment Clause. It would require plaintiffs who have successfully proven that the government has violated their constitutional rights to pay their legal fees—often totaling tens, if not hundreds, of thousands of dollars. Few citizens can afford to do so, but more importantly, citizens should not be required to do so where there is a finding that our government has engaged in unconstitutional behavior.

If our civil rights laws are not to become empty words written on parchment which the average citizen cannot enforce, we must maintain the traditionally effective remedy of fee shifting in these cases."

In sum, I oppose H.R. 2679 because I believe the elimination of attorneys' fees for Establishment Clause cases would deter attorneys from taking cases in which the Government has violated the Constitution; thereby leaving injured parties without representation and without a remedy. It will insulate serious constitutional violations from judicial review. This effectively leaves religious minorities subject to the unbridled whims of the majority, which is precisely the evil the First Amendment, including its Establishment Clause, was intended to combat.

2. H.R. 2679 Denies Just Compensation.

I am a former judge and, like many members of this Committee, an attorney. We know that attorneys' fees are not awarded in Establishment Clause cases as a punitive measure. Rather, as in any case where the Government violates its citizens' civil or constitutional rights, the award of attorneys' fees is reasonable compensation for the expenses of litigation awarded at the discretion of the court. In fact, after intensive fact-finding, Congress determined that the amount of attorneys fees awarded after review by the court "are adequate to attract competent counsel, but . . . do not produce windfalls to attorneys."

Thus, H.R. 2679 is contrary to good public policy because it reduces enforcement of constitutional rights; it has a chilling effect on those who have been harmed by the Government; it makes it exceedingly difficult for plaintiffs to avail themselves of the services of attorneys experienced and skilled in constitutional litigation, and it prevents attorneys from acting in the public's good.

3. H.R. 2679 Favors Enforcement of the Free Exercise Clause Over the Establishment Clause.

Finally, one cannot help but notice that H.R. 2679 creates an arbitrary congressional policy in favor of the enforcement of the Free Exercise Clause, while simultaneously impeding individuals injured by governmental conduct under the Establishment Clause.

Among the greatest religious protections granted to American citizens are the Establishment Clause and the Free Exercise Clause. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights. Religious liberty can only truly flourish when a government protects the Free Exercise of religion while prohibiting government-sponsored endorsement, coercion and funding of religion.

Through the denial of attorneys' fee awards under H.R. 2679, plaintiffs will be able to afford the expense of litigation only when they are seeking to protect certain constitutional rights but not others. This bad congressional policy serves to create a dangerous double standard by favoring cases brought under the Free Exercise Clause, but severely restricting cases under the Establishment clause.

4. Conclusion

If the Constitution is to be meaningful, every American must have equal access to the federal courts to vindicate his or her fundamental constitutional rights. The ability to recover attorneys' fees in successful cases is an essential component of the enforcement of these rights, as Congress has long recognized. H.R. 2679 is a direct attack on the religious freedoms of individuals. Therefore, I cannot support it.

I am pleased to learn that I am supported in my opposition to this ill-conceived and unwarranted assault on the First Amendment's Establishment Clause by some of the most thoughtful and knowledgeable groups on this subject in America, including: African American Ministers in Action, American Jewish Committee, American Jewish Congress, American Civil Liberties Unions, Americans United for Separation of Church and State, Jewish Counsel for Public Affairs, People for the American Way, The Urban League, American-Arab Anti-Discrimination Committee, Asian Pacific American Legal Center, Mexican American Legal Defense and Education Fund, National Association for the Advancement of Colored People (NAACP), National Senior Citizens Law Center.

I urge my colleagues to uphold the First Amendment's Establishment Clause and join me in opposing this shameful piece of legislation.

Mr. KING of Iowa. Mr. Speaker, I urge support for H.R. 2679, the "Public Expression of Religion Act of 2005." This bill prevents American taxpayers from having to subsidize judicial activism, encouraged by liberal groups bringing establishment clause cases. Today, taxpayers are being forced to pay for the lawyers of the ACLU who demand the removal of religious text and imagery from the public square. These organizations attempt to make public policy through the courts, instead of Congress where such actions belong.

How many times will we stand silent as intolerant organizations such as the ACLU strong-arm the American people into removing cherished symbols of our Nation's heritage and faith? These actions are not compelled by the Constitution or supported by the will of the people. "To compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical." Thomas Jefferson said that, and contrary to the ACLU, I believe that what our founding fathers believed in and stood for is still relevant today.

American taxpayers currently have to pay for ACLU "victories." ACLU press releases, sadly I must say, tout quite a record. For example:

The County of Los Angeles was recently forced to remove a tiny cross from its official seal, symbolizing the founding of the city by missionaries. The removal of this cross is costing the county around $1 million, as it would entail changing the seal on some 90,000 uniforms, 6,000 buildings, and 12,000 county vehicles.

In San Diego, the ACLU forced the Boy Scouts out of Balboa Park because of the organization's religious beliefs, and taxpayers were required to pay $950,000 in legal fees and court costs to the ACLU.

In Barrow County, GA, the ACLU received $150,000 from taxpayers after a Federal judge ordered the county to remove a framed copy of the Ten Commandments from a hallway in the County Courthouse.

In Redlands, California, the city council was forced into changing its official seal but didn't have the funds to revise every symbol that contained the old seal. Now Redlands' residents see blue tape covering the tiny cross on city trucks, while some firefighters have taken drills to remove the cross from their badge.

These are just a few examples of the kinds of cases the American taxpayer is forced to

subsidize. Americans should not be compelled to pay the lawyers who remove historic American symbols. The Public Expression of Religion Act would stop this action. I am glad to be a co-sponsor of this bill, and I urge support for its passage.

Ms. WOOLSEY. Mr. Speaker, today the Republicans bring to the floor a bill that would undermine yet another basic freedom. The so-called "Public Expression of Religion Act" is nothing more than an attack on religious liberty. It promotes government-sponsored religion by limiting challenges to such constitutional violations.

This bill is about the government stopping people from standing up for their civil rights. By restricting people's ability to stand up for their civil rights when governments promote a particular religion, this bill chips away at the constitutionally protected separation of church and state.

That's not all that's at issue here. Language in the bill leaves the door open to all sorts of state-sponsored violations of constitutional freedoms. It casts a dangerously wide net.

This bill also gives the green light to civil rights violations. Exempt from monetary damage payments, local, State and Federal Governments would not have to think twice before violating the separation of church and state. They could act with impunity.

Paying attorneys' fees is a normal, time-honored procedure. It allows citizens to stand up for their constitutional rights, knowing that if the court rules in their favor, they can recover the legal fees. This bill is an egregious ploy to undercut Americans' civil rights.

Barring attorney's fees would be unprecedented. This dangerous example would set our civil rights on a slippery slope to extinction.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1038, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. 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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1037 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1037

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and insert tabular and extraneous material into the RECORD.

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

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, on Monday the Rules Committee met and reported a rule for consideration of the conference report for H.R. 5631, the Department of Defense Appropriations Act for fiscal year 2007.

Mr. Speaker, when the Rules Committee met on Monday night, it reported a rule that waives all points of order against the conference report and against its consideration. Additionally, it provides that the conference report be considered as read.

Today, I rise to support the rule for H.R. 5631 and the underlying legislation. This piece of legislation is a hard-fought compromise between the House and the Senate. The required give and take in this case is a tremendous example of the dedication that Members of both bodies of Congress and both political parties have when it comes to supporting our troops in the field.

Mr. Speaker, many said we could not be at this point today. Many expected compromise could not be reached. I am pleased to say this has not been the case.

Furthermore, the underlying legislation also provides the continuing resolution for the government to remain in operation until November 17. This represents a great compromise and maintains the lower funding levels from either the House or Senate from the previous year or the fiscal year 2006 current rates. H.R. 5631, in short, represents good, bipartisan, bicameral work.

Mr. Speaker, the primary purpose of the underlying legislation is to secure and improve the defense of our country. To that end, the underlying legislation provides for several critical needs for our forces. First, its overall level of funding provides $377.6 billion plus $70 billion in the fiscal year 2007 bridge for operations in Iraq and Afghanistan.

Additionally, a full $17.1 billion is provided for the Army for the purpose of resetting and refurbishing the force. This is particularly critical at a time when the Army clearly requires and deserves additional funds to fulfill the many complex and dangerous missions it has been called upon to undertake.

Other critical expenditures in this legislation includes significant dollars for the Army's future combat systems, the Navy's shipbuilding program, and aircraft research and development and procurement by the Air Force.

Rather than focusing on the specific numbers, however, I want to address the fundamental reasons for the underlying legislation and the challenges that it attempts to address.

Mr. Speaker, today we are at war in both Iraq and Afghanistan, and are embarked upon the greatest military rebuilding effort in a generation. While our forces are stretched, they are doing a magnificent job. There is no doubt of their dedication, professionalism, and commitment to the missions we have asked them to fulfill. Frankly, we ask more of them than anyone should have to give; yet when we do, they always exceed our expectations.

Mr. Speaker, our combatant commanders and the administration have been very open during the multiple oversight hearings about the challenges they foresee in what they refer to as the long war. It is not a war that can be fought and won by force alone. It is one that requires military action, but also reconstruction, stabilization, and the fostering of democratic concepts and structures of government in areas and among peoples who have been subjected to dictators and totalitarian regimes for decades.

This task is neither simple nor easy. However, it is necessary for the security of our country. When the American people are asked to support our troops in the field, they always respond with the generosity and commitment required of them. Historically, however, Congress and the President have not always funded the military in peacetime at levels necessary to adequately protect us from future threats. I believe that many of the challenges we face today come from underfunding our military during the 1990s.

Mr. Speaker, today we may hear that the force is stressed. We may hear that we don't have enough troops. We may hear about excessive deployment rates. We may hear about increasing levels of stress on military personnel and their families. In large measure, I accept these assertions as true, but they are issues that have grown out of an historical reluctance to see the world for what it is, a very dangerous place.

At the end of the first Bush administration in 1992, we were left with a military that was much larger and could have sustained operations in the

current environment for a much longer period of time. During the 1990s, many of the forces we wish we had today were RIF'ed, disassembled, retired and transferred in pursuit of the so-called ''peace dividend.''

If there is one thing we should learn from this experience, it is that the military is like life insurance: it is expensive, and no one wants to pay for it, but it is there for a specific purpose and to be used when the situation requires.

We have clearly seen what the misguided decision to reduce our forces from 15 divisions and then down to 10 divisions has meant for the Army. It has resulted in a force that is burdened, strained and stretched by our historically naive decisions.

Mr. Speaker, the road out of this situation is not easily traveled. It is one that will require the sustained commitment and support of the administration and both Houses and both parties in Congress. This bill is a step in that direction. It is a step toward achieving our objective in Afghanistan and Iraq. It is a step toward building a future for us that can meet America's changing security needs. This is an ongoing process.

However, Mr. Speaker, some today may try to make the underlying legislation out to be more comprehensive than any bill can possibly be. They will argue it should be the final answer, a cure for all problems. This is not, and, indeed, this can never be.

The defense of our country requires a constant vigilance born of necessity. And the funding, sizing and transformation of our military forces is by necessity an evolutionary process. One appropriations bill will not meet all of the challenges or solve all of the security needs of our country. However, this bill is a real substantive and incremental step in securing our future.

Mr. Speaker, the appropriators have forwarded us a bill that is substantial, sound, and needed.

□ 1545

It is a robust vote of confidence in our servicemen and prioritizes the funding on ongoing operations. It is one that I believe we should support. And after all is said and done here today, I am convinced that this bill will indeed receive an overwhelming bipartisan vote of support in this House.

To that end, Mr. Speaker, I urge support for the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, the rule before us makes in order a conference report for the fiscal year 2007 defense appropriations bill. It will be the first conference agreement to pass both Chambers, and it would do so on time. That should be commended.

However, the majority leadership has yet to come to an agreement on much else. As a result, the conferees were forced to include a continuing resolution that will keep the Federal Government open for business through November 17.

Mr. Speaker, the conference agreement itself is a responsible effort to support our troops in the field. Thanks to the effort of Subcommittee Chairman YOUNG and Ranking Member MURTHA, we will continue to invest in modernizing our military. But, just as important, we will fund the training and equipment our troops need to complete their mission, wherever they are stationed.

No one disagrees that the war in Iraq has placed a significant strain on our Armed Forces. An article in yesterday's New York Times describes the situation starkly:

''Other than the 17 brigades in Iraq and Afghanistan, only two or three combat brigades in the entire army, perhaps 7,000 to 10,000 troops, are fully trained and sufficiently equipped to respond quickly to crises, said a senior army general.''

[From the New York Times, Sept. 25, 2006]

UNIT MAKES DO AS ARMY STRIVES TO PLUG GAPS

(By David S. Cloud)

FORT STEWART, GA.—The pressures that the conflict in Iraq is putting on the Army are apparent amid the towering pine trees of southeast Georgia, where the Third Infantry Division is preparing for the likelihood that it will go back to Iraq for a third tour.

Col. Tom James, who commands the division's Second Brigade, acknowledged that his unit's equipment levels had fallen so low that it now had no tanks or other armored vehicles to use in training and that his soldiers were rated as largely untrained in attack and defense.

The rest of the division, which helped lead the invasion of Iraq in 2003 and conducted the first probes into Baghdad, is moving back to full strength after many months of being a shell of its former self.

But at a time when Pentagon officials are saying the Army is stretched so thin that it may be forced to go back on its pledge to limit National Guard deployment overseas, the division's situation is symptomatic of how the shortages are playing out on the ground.

The enormous strains on equipment and personnel, because of longer-than-expected deployments, have left active Army units with little combat power in reserve. The Second Brigade, for example, has only half of the roughly 3,500 soldiers it is supposed to have. The unit trains on computer simulators, meant to recreate the experience of firing a tank's main gun or driving in a convoy under attack.

''It's a good tool before you get the equipment you need,'' Colonel James said. But a few years ago, he said, having a combat brigade in a mechanized infantry division at such a low state of readiness would have been ''unheard of.''

Other than the 17 brigades in Iraq and Afghanistan, only two or three combat brigades in the entire Army—perhaps 7,000 to 10,000 troops—are fully trained and sufficiently equipped to respond quickly to crises, said a senior Army general.

Most other units of the active-duty Army, which is growing to 42 brigades, are resting or being refitted at their home bases. But even that cycle, which is supposed to take two years, is being compressed to a year or less because of the need to prepare units quickly to return to Iraq.

After coming from Iraq in 2003, the Third Infantry Division was sent back in 2005. Then, within weeks of returning home last January, it was told by the Army that one of its four brigades had to be ready to go back again, this time in only 11 months. The three other brigades would have to be ready by mid-2007, Army planners said.

Yet almost all of the division's equipment had been left in Iraq for their replacements, and thousands of its soldiers left the Army or were reassigned shortly after coming home, leaving the division largely hollow. Most senior officers were replaced in June.

In addition to preparing for Iraq, the Army assigned the division other missions it had to be ready to execute, including responding to hurricanes and other natural disasters and deploying to Korea if conflict broke out there.

Maj. Gen. Rick Lynch, who took command in June, says officials at Army headquarters ask him every month how ready his division is to handle a crisis in Korea. The answer, General Lynch says, is that he is getting there.

Since this summer, 1,000 soldiers a month have been arriving at Fort Stewart, 400 of them just out of basic training. As a result, the First and Third Brigades are now at or near their authorized troop strength, but many of the soldiers are raw.

The two brigades started receiving tanks and other equipment to begin training in the field only in the last month, leaving the division only partly able to respond immediately if called to Korea, General Lynch said.

''I'm confident two of the four brigade combat teams would say, 'O.K., let's go,' '' General Lynch said in an interview. ''The Second and Fourth Brigades would say, 'O.K., boss, but we've got no equipment. What are we going to use?' So we'd have to figure out where we're going to draw their equipment.''

Meanwhile, the division is also preparing for deployment to Iraq on an abbreviated timeline.

The brief time at home does not sit well with some soldiers. Specialist George Patterson, who reenlisted after returning from Iraq in January, said last week that he was surprised to learn he could end up being home with his wife and daughter for only a year.

''I knew I would be going back,'' Specialist Patterson said. ''Did I think I would leave and go back in the same year? No. It kind of stinks.''

Instead of allowing more than a year to prepare to deploy, the First Brigade training schedule has been squeezed into only a few months, so the brigade can be ready to deploy as ordered by early December. Though the unit has not yet been formally designated for Iraq, most soldiers say there is little doubt they are headed there early next year.

Some combat-skills training not likely to be used in Iraq has been shortened substantially, said Col. John Charlton, the brigade commander. ''It's about taking all the requirements and compressing them, which is a challenge,'' he said.

The timetable also leaves officers and their soldiers less time to form close relationships that can be vital, several officers said.

And soldiers have less time to learn their weapons systems. Many of the major weapons systems, like artillery and even tanks, are unlikely to be used frequently in a counterinsurgency fight like Iraq.

The division has only a few dozen fully armored Humvees for training because most of the vehicles are in use in Iraq. Nor does it have all the tanks and trucks it is supposed to have when at full strength.

''There is enough equipment, and I would almost say just enough equipment,'' said Lt. Col. Sean Morrissey, the division's logistics officer. ''We're accustomed to, 'I need 100 trucks. Where's my hundred trucks?' Well, we're nowhere near that.''

Last week, in training areas deep in the Fort Stewart woods, First Brigade soldiers were still learning to use other systems important in Iraq, like unmanned aerial vehicles, which are used for conducting surveillance.

Standing at a training airfield with three of the aircraft nearby, Sgt. Mark Melbourne, the senior noncommissioned officer for the brigade's unmanned aerial vehicles platoon, said only 6 of the brigade's 15 operators had qualified so far in operating the aircraft from a ground station.

All of them are supposed to be qualified by next month, but the training has been slowed by frequent rain, Sergeant Melbourne said.

This week, the First Brigade began a full-scale mission rehearsal for Iraq.

Normally, armored units preparing for Iraq are sent to Fort Irwin, Calif., for such training, but transporting a brigade's worth of equipment and soldiers there takes a month, which the schedule would not permit.

So the trainers and Arabic-speaking role players, who will simulate conditions the unit is likely to encounter in Iraq, were brought here to conduct the three-week exercise in a Georgia pine forest, rather than in the California desert.

Mr. Speaker, I was pleased that the conferees recognize this growing crisis in the military and took steps to mitigate it. Specifically, the conference agreement provides $20 billion in additional funds to ensure that the needs of the Army and the Marine Corps for fiscal year 2007 are fully funded.

This agreement also includes forward-thinking provisions. Ranking Member MURTHA included language in the House bill prohibiting permanent U.S. bases in Iraq. I was pleased to join many of my colleagues in supporting that language. I appreciate that conferees preserved and strengthened this policy in the final agreement. Quite simply, intentions matter. And clarity in the United States' intentions is needed more so in Iraq than anywhere else.

There are many other smart provisions included in this agreement. The bill includes a 2.2 percent pay increase for all members of the Armed Forces. It increases mental health and posttraumatic stress syndrome research, and it provides funds for the replacement of National Guard and Reserve equipment lost in Iraq and Afghanistan.

But, finally, Mr. Speaker, I appreciate this agreement for the simple fact that it is on time. Conferees worked together over several weeks to produce a very balanced conference agreement. It should be a model for the work Congress still has to do.

With only a few days remaining in this fiscal year, not a single appropriations bill has been signed into law. This is not new. In the last 5 years, only six of the 68 appropriations bills were finished on time. Some may try to shift blame to the other Chamber, but the majority has no one to blame but itself.

Again, I turn to another article in yesterday's New York Times, which summarizes the situation quite clearly:

''While Republicans prefer to blame Democrats for the backlog, intramural fights and sharp differences between House and Senate Republicans have been chief impediments to major legislation.''

[From the International Herald Tribune, Sept. 25, 2006]

CONGRESS WINDS DOWN, WITH MUCH BUSINESS UNFINISHED

(By Carl Hulse)

WASHINGTON.—A Congress derided as do-nothing has a week to do something, and the prospects are cloudy.

Procrastination, power struggles and partisanship have left Congress with substantial work to finish before taking a break at the end of the week for the midterm elections. The fast-approaching recess and the Republican focus on national security legislation make it inevitable that much of the remainder will fall by the wayside.

At best, it appears that only two of the 11 required spending bills will pass, and not one has been approved so far, forcing a stopgap measure to keep the federal government open. No budget was enacted. A popular package of business and education tax credits is teetering. A lobbying overhaul, once a top priority in view of corruption scandals, is dead. The drive for broad immigration changes has derailed.

An offshore oil drilling bill, painted as an answer to high gas prices, is stalled. Plans to cut the estate tax and raise the minimum wage have foundered, and an important nuclear pact with India sought by the White House is not on track to clear Congress. New problems surfaced over the weekend for the annual military authorization bill.

And numerous other initiatives await a planned lame-duck session in mid-November or a future Congress.

''It is disappointing where we are, and I think Republicans need to be upfront about this,'' said Representative Jack Kingston, Republican of Georgia and a member of the House leadership. ''We have not accomplished what we need to accomplish.''

Given the practical and political realities, Republicans have chosen to concentrate on legislation emphasizing their security credentials, like the bill governing interrogations and trials of terrorism detainees, a National Security Agency surveillance program and spending on the Pentagon and the Department of Homeland Security.

''With obstruction from the Democrats at an all-time high, we have focused on four security issues in an effort to enact some solid, substantive accomplishments,'' said Eric Ueland, chief of staff to Senator Bill Frist of Tennessee, the majority leader, who is stepping down at the end of this session.

While Republicans prefer to blame Democrats for the backlog, intramural fights and sharp differences between House and Senate Republicans have been chief impediments to major legislation. The fissures over terrorism detainees and how far to go in changing immigration law are merely the latest and most public examples of serious policy differences among Republicans.

Circumstances have changed in Washington from the days when Republicans were famous for party discipline. President George W. Bush, weakened by his sliding popularity, has been unable to hold sway over Congress.

The Republican leadership in the House and the Senate is in transition and lacks the muscle of the former House majority leader, Tom DeLay. Republican lawmakers, many facing their most serious electoral opposition in years, are fending for themselves.

''We have no central core of political authority driving things in Washington,'' said James Thurber, director of the Center for Congressional and Presidential Studies at American University. ''Individuals and expressions of individual will by committees, and also by strong people like John McCain, have dominated, and the result is internal fighting.''

Democrats have made no secret of their intention to try to brand this Congress as worse than lackluster.

''When we say this is the most do-nothing Congress in the history of our country, this isn't just flippant,'' said Senator Harry Reid of Nevada, the Democratic leader. ''This is true.'' Besides denouncing the legislative output, Democrats are mounting an effort to chastise Republicans as failing to conduct sufficient oversight of the Iraq war.

Republican leaders dispute the notion that this has been an unproductive session, pointing to legislation on bankruptcy, class action, highway spending, energy policy and pensions, as well as to two Supreme Court confirmations. And they say they already plan to be back Nov. 13 to finish whatever remains at the end of the week.

Democrats have been happy throughout the year to stand almost united in both the House and the Senate against many of the Republican initiatives, forcing the majority to find enough votes to pass legislation from its own membership. That has often forced major concessions from the leadership. In other cases, Republicans in the House and the Senate have simply been unable to find common ground.

''In the 26 years I have been here,'' said Representative Barney Frank, Democrat of Massachusetts, ''I don't think I have ever seen so much tension between the House and the Senate, and it is all among Republicans.''

The immigration measure was a notable example as House Republicans refused to entertain the bipartisan Senate bill that took a comprehensive approach to the flood of illegal immigrants. A push for a formal budget plan collapsed because of differences over spending between House and Senate Republicans.

A House-Senate Republican feud over the handling of a pension measure, which ultimately passed, left a collection of tax breaks in limbo despite nearly unanimous support in Congress. Those tax benefits included a deduction for college tuition costs and a research and development tax credit for businesses. The leadership has been reluctant to bring the benefits to a vote independently because they could be used to help advance more contentious legislation, like the cut in the estate tax sought by Republicans.

A new struggle between rank-and-file Republicans and the leadership threatens to engulf the must-pass spending measure for domestic security. Lawmakers were insisting that a provision allowing Americans to bring back cheaper prescription drugs from Canada be added to the bill even though House leaders and the pharmaceutical industry oppose the Plan.

Mr. Speaker, the 109th Congress has had fewer voting days than almost any other Congress in history. We have lost precious weeks on politics as we debated bills that would never become

law; and, as a result, Congress will leave Washington this week with many of the American people's priorities unfinished. There will be no lobbying reform, no comprehensive immigration reform. Congress will have ignored the millions of seniors stuck in the prescription drug benefit doughnut hole.

As I said last year when I also managed a prior continuing resolution, this Congress needs new and better priorities. Until then, delays will continue and deadlines will be missed and we will end up here every year with last-minute solutions to keep the Federal Government open for business.

In closing, Mr. Speaker, the conference report made in order under this rule affirms our support for the men and women of the United States military. I commend the conferees for their work, especially Subcommittee Chairman YOUNG and Ranking Member MURTHA. They made great progress in a short time by working together. I would challenge the rest of my colleagues to do the same.

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

Mr. COLE of Oklahoma. Mr. Speaker, at this time, I am pleased to yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I rise today in strong support of the rule as well as the underlying legislation.

We are a Nation at war against the forces of terror who would like to threaten the freedom and the liberty that we all hold so dear and are constitutionally required to defend.

Now, I know that the Democratic minority leader in this House recently stated that national security should not be an issue in the upcoming election. She actually said that. She said that national security should not be an issue in the upcoming election. But the fact of the matter is that the American people are very interested in knowing who stands up for the defense of our Nation and who buries their heads in the sand when it comes to defending our freedom. They are interested in what we are doing here because our first and foremost responsibility is to provide for the national defense. That is in the preamble of our Constitution.

This bill is an important indication of our national will because it allocates needed resources to ensure that our troops on the front lines have the equipment and training that they need to defeat our enemies. It helps us to prepare for emerging threats with support for ballistic missile defense. It provides needed funding for the weapons systems of the future, like future combat systems, that will allow our forces to remain the most powerful fighting force on the planet. And it also provides needed funding to study ways to help our troops become more mobile and enhance their capability in the future.

Mr. Speaker, a lot has been said recently about earmarks and much of it in a derogatory fashion. But not all earmarks are bad, and let me tell you about one that I am proud to have secured that is in this bill being done at Selfridge Air National Guard Base in my district.

Mr. Speaker, as we seek alternatives for everyday energy needs, we also need alternatives for our military. This bill is providing $4 million for the second phase of a project to turn waste into fuel and electricity.

NextEnergy, which is an alternative fuel research cooperative in the great State of Michigan, has been working with the U.S. Army TARDEC on this very important project. And the technology that they are developing will take waste produced by units such as mess hall and other types of waste and turn it into liquid fuel. This fuel would then run a generator that could produce high-quality electric energy that every unit needs.

One, of course, can only imagine how much it costs to transport fuel in the battlefield. You can think about taking a unit of fuel and transiting it up to a mountaintop in Afghanistan, for example.

This project not only enhances the capability and mobility of our troops, it will also provide additional security for our troops as well. So I am proud to have brought forth this earmark, and I have no problem coming to the floor and defending it. And I think all Members should come to the floor and defend their earmarks.

Mr. Speaker, this is a reasonable rule to manage an outstanding bill. It has the right priorities and makes a further commitment to maintaining our military as the best trained, the best equipped, the best supported, and the most lethal fighting force on the planet.

I urge my colleagues to support the rule and the underlying bill as well.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this rule will allow the House to pass the Department of Defense appropriation bill for the year; and, in addition, it will allow the Congress to move forward with a $70 billion partial payment on the cost of funding the war in Iraq and Afghanistan.

I would much prefer that we would be paying for the entire year, rather than continuing to see this war financed on the installment plan. We are now reaching almost $500 billion that has been expended on this endeavor, and I think it would be helpful to the American people if they could see the full cost each year, rather than having it dribbed and drabbed out month by month in order to hide the full impact of the cost. This rule also allows the House to consider the continuing resolution for the remainder of the budget.

We will, when the House leaves this week, have passed only two appropriation bills, the defense bill and the homeland security bill. That means the entire domestic portion of the budget plus the bills to finance foreign operations and State Department operations will be delayed until after the election, well into the fiscal year.

Now, the majority leader in the Senate, Senator FRIST, I note yesterday objected to the ''obstructive tactics'' of the Democratic minority on appropriation bills. I want to point out no one in this House is going to be able to point to a single instance in which the minority party has delayed consideration of any appropriation bill. In fact, we can point to at least 16 occasions on which the minority accelerated or helped to move forward the appropriation bills. That does not mean we always voted for them. We voted for some and against others. But I made the point at the beginning of the year that we were going to cooperate fully procedurally because at the end of the year I wanted people to understand that if these bills were not passed that the responsibility would lie with the majority party. And it has.

Now the responsibility does not lie with the majority appropriators. The problem is that this House started out the year with the majority party leadership allowing the strong right wing of their caucus to dictate the content of the budget resolution, and that budget resolution was incredibly unrealistic.

Now, as a result, we find the Senate counterparts of our friends on the majority side of the aisle who are reluctant to go on record endorsing many of the actions that were required by that budget resolution in the appropriations process. And so they prefer to push it past the election so that there will be no accountability for most of the actions taken by Congress on the domestic portion of the budget.

There will be no final accountability with respect to the number of research grants that are cut from NIH below the base 3 years ago. There will be no accountability for the fact that No Child Left Behind education funds are shortsheeted by over $1 billion. There will be no accountability for thousands of other decisions made in the domestic budget, because all of those final decisions have been postponed until after the election when you can then bring bills up for a vote without having any political consequence. I think that is unfortunate, and I would simply say that this demonstrates what happens when the priority of the majority party is simply to deliver king-size tax cuts to persons making over a million bucks a year.

The minority party throughout has tried to show that we could meet our responsibilities in education, in health care, in science, in agriculture, and in other areas by having a very modest cutback in the size of tax cuts that are aimed at those folks who are in the top 1 percent of earners in this country, in fact, even better than the top 1 percent, those who make $1 million or

more a year. And I would venture to say that I think if you asked most of those people they would say ''We don't need a tax cut quite that large as long as you are taking care of the middle-class folks. Instead, use that money to meet these responsibilities.''

Unfortunately, the Congress has chosen not to do that. So, once again, we have to finance the entire domestic portion of the budget on a continuing resolution, hiding until after the election all the multiple decisions that I thought we were so eager to make when we ran for election 2 years ago.

□ 1600

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me take a moment to make a couple of points in response to my good friend from Wisconsin's observations. First, on the bridge fund for appropriations for ongoing operations in Afghanistan and Iraq, I just want to note for the record, it is considerably higher than it has been in the past, $70 billion, I believe, as opposed to $50 billion. That is a significant increase.

Also, that bridge fund allows us to frankly adapt to changing conditions on the battlefield. The reality is battlefields do not move in budgetary cycles, or wars do not.

And, finally, it keeps us from building in a lot of expense of operations in Afghanistan and Iraq into the permanent base. We think it has been a good procedure to move forward with in this conflict. In terms of the cuts my friend mentioned, let me just say again for the record, if we check each year, we actually spend more money than we do the year before, and on more things.

We have many, many choices to make, many, many tough decisions to make. The most important priority for government is always the defense of its citizens and the operation of its military. I would actually argue, I would probably agree with my friend, we should have been spending more there, we should have spent more there during the 1990s.

In every other area of government, the reality is, including education, you mention No Child Left Behind, our expenditures are considerably higher than they were just a few years ago, and they continue to grow every year.

So while we would all like to do more, the reality is we have increased the expenditures considerably. Some would argue too much.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise in strong support of the rule and the underlying conference report for the fiscal year 2007 Department of Defense Appropriations Act.

I would like to commend Chairmen Lewis and Young as well as the staff of the Defense Subcommittee for their tireless efforts in support of our soldiers, sailors, airmen and marines who are bravely defending us at home and abroad.

Mr. Speaker, this legislation covers an extensive range of priorities that are vitally important to our armed services, and we must pass it before adjourning later this week. As we fight for our way of life, our enemies are actively and aggressively adjusting their tactics while waging their terrorist war of religious intolerance against the free nations of this world.

This legislation provides the necessary supplemental funding to give our deployed soldiers the resources they need to continue taking the fight to the terrorists. It contains funding for force protection, including improvised explosive device jammers to shield our soldiers from roadside bombs, as well as increased funding to replace and repair battle-worn equipment.

Mr. Speaker, our House and Senate colleagues did a good job securing funding for many important programs which are our military's top priorities. Chief among these, Mr. Speaker, is the F–22 Raptor. I am particularly encouraged by the work the Appropriations Committee has done to fund the F–22 program this year, as this aircraft is vital to our Nation's defense.

The conference agreement includes authority for multiyear procurement of 60 F–22 aircraft, beginning with 20 fully funded in this fiscal year and continuing with two subsequent lots of 20 aircraft each in fiscal years 2008 and 2009.

This will go a long way towards providing stability for the program and ensuring that America maintains air dominance for the foreseeable future. Further, Mr. Speaker, as we fight the global war on terror, the United States must without question continue to modernize and strengthen our ability to support our men and women in harm's way.

Maintaining our Nation's airlift capabilities is critical to this mission, and I would like to applaud conferees for their recognition of this in funding nine C–130Js, two KC–130Js, and the C–5 modernization program.

The conferees also responsibly recognize the importance of developing life-saving innovations to benefit our warfighters. Accordingly, $1 million was included in the conference report for the research and the development of protein hydrogel, which is manufactured in my district, by definition, Mr. Speaker, an earmark and one that I proudly sponsored.

Protein hydrogel has the potential to quickly seal battlefield wounds to prevent excessive bleeding and death. We are absolutely doing the right thing providing for that research.

Mr. Speaker, I would like to again thank my colleagues, thank Mr. COLE, thank them for their hard work, and I urge support for this rule and the conference report.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California.

Mr. Speaker, I have every intention of voting for the underlying appropriation bill, which will fund the Department of Defense for fiscal year 2007, presumably, and I believe critical to our national defense. Yet it has been languishing for 9 months. In the last breath before the election, we bring the bill to the floor.

However, I have noticed as well, I am sure many Members have, that the Republican leadership has chosen to insert the must-pass continuing resolution in this important legislation, rather than allow a free-standing vote on that issue.

Let no one be mistaken. The Republican leadership, by tucking the CR in the defense appropriation bill, does so because in my opinion it is embarrassed by its own incompetence and ineffectiveness. Just look at the facts. This do-less-than-the-do-nothing Republican Congress is projected to be in session just 93 days in 2006. That is 17 fewer days in session than the do-nothing Congress of 1948, which was famously derided by President Truman.

Yet despite the light work schedule, the Republican majority has failed to enact a budget for fiscal 2007. It has failed to act on even one appropriation bill as we are 5 days from the end of the fiscal year.

No conference reports. That is why we are having this continuing resolution. Furthermore, the Republican-controlled Congress has failed to enact the recommendations of the bipartisan 9/11 Commission.

Failed to enact a long overdue increase in the Federal minimum wage. Failed to enact real immigration reform, and protect our borders, protect our country. Failed to address the fact that 46 million Americans are uninsured today, and failed to enact legislation that moves toward energy independence.

The record, frankly and sadly for the American people and for our country, is that this Republican Congress on fiscal issues is simply abysmal. We go deeper and deeper and deeper into debt.

In 6 years, this Republican Congress and the Bush administration have turned a projected 10-year budget surplus of $5.6 trillion into a 10-year deficit of almost $4 trillion. Republicans' failed fiscal policies have created record budget deficits and forced this Congress to increase the debt limit four times in 5 years.

In the last 4 years of the Clinton administration, we never once raised the debt limit. In fact, in the entire 8 years, the debt limit was only raised twice, in the first 4 years as we were coming out of the fiscally irresponsible first Bush administration.

Mr. Speaker, this continuing resolution, tucked as it is in this defense appropriation bill, is an admission of failure by the Republican Congress. As our friend from Georgia, Congressman KINGSTON, a Republican leader, said

yesterday: ''It is disappointing where we are. And I think Republicans need to be up front about this. We have not accomplished what we need to accomplish.''

Mr. Speaker, I could not agree with Congressman KINGSTON more on that particular issue. The CR tucked in a defense bill, a CR, an admission of failure, a CR in a bill that is critical to our national defense and to our country. How sad. What a stark admission of failure.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I actually came here to debate the defense budget, but I am happy to respond to a number of points that my good friend from Maryland made.

Let me first say I appreciate his recognition for the outstanding work the Republican Congress did in the final 4 years of the Clinton administration balancing the budget and dragging our friends across the aisle kicking and screaming to that laudable thing.

Mr. HOYER. Will my friend yield on that point?

Mr. COLE of Oklahoma. Mr. Speaker, I did not interrupt my friend. I would like to finish my remarks if I may.

Not only did I appreciate the recognition that the budget was balanced with a Republican Congress, I also would ask my good friend simply to recall the situation this administration inherited, a recession that began literally within weeks after the President took office, followed by the shock of 9/11, which sent this economy, we think, into a tailspin.

We had 3 consecutive years of reduced revenue by the Federal Government, the first time since the 1930s that that would happen, and frankly something that I would not blame on any party. I simply think it was an incredibly unfortunate confluence of events with a growth era that had run its course, and was coming down, hit by a dastardly attack that I know we all agree was a great tragedy in American history.

Given that, I think the policies that the President pursued and this Congress supported of cutting taxes, reviving the economy, beginning to create jobs and now increasing the amount of revenue available to us were indeed the right course. And indeed the budget deficit has gotten progressively smaller as those policies have kicked in and been allowed to work.

The challenge in front of us now is coming again to the spending restraint that we found in the bipartisan fashion during the 1990s. I would just point out to my good friend that I very seldom see my colleagues on the other side of the aisle come here and tell us we need to spend less money. They usually propose more money on almost every piece of legislation than we propose.

Ergo, I suspect that means taxes need to go up, because they not only want to cover the current deficit, they want to spend beyond the current spending levels or higher than current spending levels. So on that we are simply going to have a debate and disagree.

I am happy about this legislation. As my good friend from California mentioned, we had wonderful bipartisanship in the conference. We have a product that we can both be proud of. I think both parties and all Members are doing the appropriate thing for the men and women that are serving us in uniform. I look forward to continuing the discussion.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as you know, I have been here for many years, 26 to be exact. The gentleman mentions 9/11, a cataclysmic event in the history of our country. He is right to mention that. Obviously it cost us money.

But I have served here for 26 years, as the gentleman knows, 18 of these have been with Republican Presidents, 8 with a Democratic President. I tell my friend, in every one of the 18 years with a Republican President we ran deficits above $100 billion.

During the Clinton administration, as you know, we ran 4 years of surplus and 4 years of decreasing deficits, the only President in our life time who had a surplus, i.e., $62.5 billion surplus; the only President in our lifetime who did that during his tenure.

Further, I say to my friend, in 1993, with Democrats in control of the Congress of the United States, and with not one Republican vote, we passed an economic program which raised revenues, which you mention frequently, I do not mean you personally, but your party mentions frequently, but you never mention the fact that in that same bill, we cut $254 billion in spending.

Furthermore, in terms of spending, you say restraint of spending. Democrats do not control spending at all. We do not have control in the House; we do not have control in the Senate. Yet the Republicans have spent, as you well know, at twice the rate of spending under the Clinton administration. I thank you for yielding.

Mr. COLE of Oklahoma. Mr. Speaker, reclaiming my time.

Well, again I want to thank my friend, in a very back-handed, but I think very obvious fashion thanking that Republican Congress which was actually in control of the purse strings. And I will leave it to the American people to decide who they want as the next President of the United States.

But you have made a very eloquent case, in my opinion, for the continuance of a Republican majority in Congress, because that is when spending control was actually achieved. I thank my friend.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman from California for yielding me the time.

Mr. Speaker, we have a right and an obligation to defend America, as one of my colleagues from the other side of the aisle pointed out. It is in the preamble to the Constitution of the United States.

We also have an obligation to tell the truth to the American people. The Bible says: ''You shall know the truth. And the truth shall set you free.''

The truth is that about $70 billion in this spending will go for bridge funding to support the ongoing operations in Iraq and Afghanistan.

□ 1615

The truth is there should have never been a war against Iraq. The truth is Iraq did not have weapons of mass destruction. The truth is Iraq had nothing to do with 9/11. The truth is Iraq did not have any relationship to al Qaeda and 9/11. The truth is Iraq had nothing to do with the anthrax attack on this country. The truth is Iraq did not have the intention or the capability of attacking the United States. The truth is Iraq did not try to get uranium from Najaf for the purpose of making nuclear weapons. The truth is Iraq did not try to secure aluminum tubes for the reprocessing of uranium. The truth is we never should have gone to war in Iraq, and the truth is we should bring our troops home from Iraq.

Of the numerous reasons to vote against this bill, the continued funding for the war in Iraq is most noteworthy. If the U.S. were to withdraw as soon as possible out of Iraq, we would save $1.5 billion each week in Iraq, $6 billion a month and $72 billion annually, and then maybe we would not have to borrow money from China, Japan and Korea to fight a war.

It is increasingly clear that this administration's occupation and reconstruction of Iraq has failed. For every $1 spent on war costs, we are taking away $1 from programs that are needed in this country for housing, for education, for health care, for the elderly. After 3½ years, Iraq is less safe, not more.

Mr. Speaker, this administration's policies have turned Iraq into a breeding ground for terrorists and created the greatest recruiting tool ever for al Qaeda. Even the national intelligence estimate suggests the invasion of Iraq has evolved into our largest terrorist threat. The more money we spend in Iraq, the more of a problem we will have with terrorism.

What should we do? We should get out of Iraq. We should support our troops by bringing them home, bring them home so that we can give them the appropriate honor for their service.

Congress has the power to end the war, and that power is in this moment. Cut off the funds for the war, and the war is over. The money in the pipeline can be used to bring our troops home.

The greatest tragedy is that we have lost close to 2,700 American soldiers and tens of thousands more have been injured. Up to 200,000 innocent Iraqis have died as a result of the invasion. Every day, 120 more Iraqis die at the hands of execution-style death squads, kidnappings, murders, IEDs and sectarian violence.

The war in Iraq has been a great and tragic mistake. It has cost us in blood and treasure. It has damaged our once unchallenged representation in the world. It has squandered the goodwill rained upon this Nation after 9/11.

We should vote against this rule, vote against the bill. This is a vote on Iraq.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Again, I came here largely to talk about the defense bill, but I want to discuss some of the points my good friend from Ohio made. While I respect him, I respectfully disagree.

Frankly, the administration, this government, never claimed we went to Iraq because of 9/11. We claim we went there because they repeatedly violated U.N. resolutions and they were pursuing activities, as indeed they were, to get themselves out of sanctions, and they expelled weapons inspectors from their country. Every intelligence agency in the world believed they were pursuing weapons of mass destruction; and, indeed, the reality is we probably simply caught them early in the process, rather than later in the process.

I think my friend's comments are based on the unstated but very real premise that this war is somehow better off if Saddam Hussein was still in Baghdad. That is simply an assertion or an opinion that I reject. I have been to Iraq six times, as many of my colleagues frankly on both sides of the issues have been numerous times, and I simply remind my friends what Saddam Hussein and Baghdad meant: two regional wars that more than 1 million people died in; twice close to nuclear weapons, once in 1981, once in 1991; 270-odd mass graves in Iraq.

I have been to Iraq. Nobody in Iraq wants Saddam Hussein back. Nobody in Iraq, at least of any significant numbers, would tell you that they lived in a good era, and everybody in the region I think would tell you that the region is better off without him.

That does not mean that we have an easy situation that is confronting us. Indeed, it is very difficult and I would acknowledge that up front, but I think it calls for perseverance. I think an immediate withdrawal would be a disaster for the region and, frankly, would endanger people, thousands of whom have placed their faith and their confidence in the United States of America.

I am extraordinarily proud, as I know each and every Member of this body is, of the men and women that wear the uniform of the United States and do the tough job that we ask them to do. I think in the long view of history people will look back on this and say they did a very important job very well for this country and, like their fathers and grandfathers before them, for the region in which they were deployed, because where they go, democracy has followed.

Democracy certainly was not going to break out on its own in Iraq, nor was Saddam Hussein going to wither away on the vine in Iraq, in my opinion.

So I respect the decision that the President and the administration made, that this Congress on a bipartisan basis supported, dozens of my friends on the other side of the aisle voting in favor of giving the President the right to use force; half, I believe, of our friends in other body on the other side of the aisle voting for the President to have the option to use force and go into Iraq.

That is something we ought to remember as we have this debate. We did not go to war on a partisan vote. We went to war on a bipartisan decision.

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

Ms. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is growing very tiresome to hear Republicans rewriting history and blaming all the ills of our society on the 1990s and the Clinton administration.

The gentleman from Oklahoma said the Army was too small, that in the 1990s it was reduced from 15 divisions to 10. Maybe so, but, you know, we have had 6 years of the Bush administration and 6 years of the Republican Congress to fix that if that is the problem. I have not seen any proposals to change that. I have not seen any proposals from that side of the aisle or from the administration to increase the Army to 11 or 12 or 15 divisions.

The real problem is that we are wasting the Army. The real problem is that Secretary Rumsfeld thought we could fight a war on the cheap. He sent the troops into Iraq with not enough troops, dismissed General Shinseki when he told him we need twice as many troops as you may think; otherwise, we will have a long-term war on our hands, and he was right. We sent the troops in without the proper body armor and without the proper equipment, and Americans died because of that.

The other real problem is that we are wasting our funds, $300 billion so far, not just funds, 2,700 lives in a foolish, counterproductive war in Iraq, a war started by the Bush administration under false pretences, after misrepresenting facts and intelligence to this Congress.

We were told that we had to go war to prevent the imminent development of weapons of mass destruction, nuclear weapons, the mushroom cloud by Iraq. That was not true.

We were told about the connection of Iraq to al Qaeda. That was not true.

If the President had told us the truth, that Saddam Hussein at that point in history, not 12 years earlier, at that point in history presented no real threat to us, there was no likelihood of weapons of mass destruction, there was no connection to al Qaeda but we should invade Iraq in order to make the Mideast democratic, would this Congress have voted for war? Would the American people have supported starting a war? I do not think so.

I am not going to get into a debate whether the intelligence was wrong or misrepresented. That is a question the American people can decide eventually on whether the Bush administration was a fool or an ape, because that is the question. Either they had it wrong or they misled us. I think it is the latter, but, either way, the fact is, as the gentleman from Ohio said, this war has not made us safer. It is to the contrary.

The national intelligence estimate says the war in Iraq has hurt our efforts in the real war, the war on terrorism. It is a cheap recruiting device of Islamic Jihadists all over the world; and, not only that, this war, the downfall of Saddam Hussein has done one other thing, it has liberated Iran to be the real menace, a far worse menace than Saddam Hussein ever could have been, a real menace to us and to liberty in this world.

The fact is, the foolishness, the stupidity of Iraq aside, we are fighting a real serious war, a very serious war on a much larger scale against the Islamic terrorists. That is the war we must fight and win, but the Bush administration, the Republican Congress does not take that war seriously. We get a lot of rhetoric about the war on terrorism, but they will not up put up the money, they will not put up the effort because they do not take it seriously.

The biggest threat that we are faced with is not Iraq. The biggest threat we are faced with is that al Qaeda or some other Jihadist group gets nuclear weapons. The knowledge is all over the place. The barrier to nuclear weapons is where do you get the nuclear material, where do you get the fissionable material. I tell you where. You get it in the former Soviet Union where there is enough material to build 40,000 nuclear bombs lying around, not properly guarded.

We have a program to get it out of there to protect ourselves from the Osama bin Laden nuclear bomb. We will get it out of there over 30 years. We removed more nuclear material from the former Soviet Union in the 5 years before 9/11 than in the 5 years since. For 15 or $20 billion, we could get it all out and would not have to worry about nuclear explosions in American cities as we must because of the stupidity of the Bush administration in not getting our stuff out of there.

Twelve million shipping containers a year come into this country. They are not inspected. We had a party-line vote on this floor against the Democratic proposal to insist on electronic screening of every container to make sure it does not have an atomic bomb or a radiological weapon in it, but they say

we cannot do it; we will have a study of it. This is 1942. In 1942, we built aircraft carriers. We did not have studies of weather to build aircraft carriers.

And all the chemical and nuclear plants are unprotected which, if attacked or sabotaged, could kill hundreds of thousands of Americans. They do not want to spend the money because they do not take the war on terrorism seriously enough. We do.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to differ with my good friend from New York on something. I actually never mentioned President Clinton. You did. I talked about the 1990s, and I think there were mistakes in terms of size in our force by a Democratic President and a Republican Congress. I say this as somebody who was very pleased to serve in my first term on the Armed Services Committee where Members on both sides generally found themselves out of step with the majority on this body on the floor and the administration and wanted to do more. So I do not think this was a partisan mistake. I think this is a bipartisan error in judgment and a mistake about the way the world is, and I think my remarks reflected that.

In terms of talking about whether or not the President told us the truth, I think the record is very clear that he did tell us the best intelligence estimates that we had. And I suspect that most members of the Intelligence Committee, if you look at the committee and go back and look at how they voted on a bipartisan basis, you will find there was considerable bipartisan consensus that that was indeed the case.

Fair enough to say that there is now evidence that the judgment was wrong. I think that is legitimate to bring up and discuss. What concerns me is, quite often, because we now disagree with the judgment, we have to attack the motives of the people who made the judgment at that time. I disagree with that. I think the motives were good motives. We can argue about whether or not the decision was correct, but I do not think the President of the United States deliberately misled this body, nor did this body deliberately mislead the American people in the war. That is my opinion and my view of it.

In terms of not caring about the war on terror, I would submit that is simply not the case. We can disagree about tactics, we can disagree about methods, but the fact that this country has not, thank goodness, and I always knock on wood when I say it, suffered another attack since 9/11, something that nobody on 9/12 would have predicted, is not an accident. It has happened because millions of Americans, thousands of people in uniform, our intelligence system, our border people and, frankly, people in this body have made tough and good decisions to try and keep this country safe.

Now, could it be safer? I will quote the President. We are safer, but we are not safe. I think that is the record, but the reality is we are considerably safer today they than we were on 9/10, the day before, when we had no earthly idea the danger that we were facing and had not taken the preparations in my opinion that we should have taken to deal with it.

□ 1630

I don't judge people harshly for that. People make mistakes, and it is easy to have 20-20 hindsight and be a Monday morning quarterback. But I do give credit when the record shows that somebody has succeeded, and I would tell you, in my opinion, this President, this administration, and, frankly, this Congress has by and large done the right things to keep the country safe over the last several years.

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

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her leadership, for her yielding, and for her fairness in this overall process. And I also want to thank the distinguished ranking member of the Defense Subcommittee, Mr. MURTHA, and the ranking member of the full committee, Mr. OBEY, all of whom have been champions for a significant provision of this bill that would ensure that we are not establishing permanent military bases in Iraq.

The American people do not want an open-ended occupation in Iraq. Congress must be on record supporting this. My colleague, Mr. ALLEN, and myself offered a similar provision to the war supplemental in March, but it was stripped in the conference committee for the supplemental. So I am pleased this conference committee for this bill retained this important first step in taking the targets off the backs of our troops in Iraq by showing the world that we have no designs to stay in Iraq permanently.

However, the language will apply only to funds for this fiscal year of 2007, which this conference committee is responsible for, and we need to make the policy of the United States permanently not to have permanent military bases in Iraq. So while I support this provision, I cannot support this bill.

Yes, this war was authorized by this body. And, in fact, several of us, many of us supported a resolution that would have provided for the United Nations to continue with the inspections process. I offered the resolution, so did Mr. SPRATT. Had that happened, and had this body allowed for the process to move forward, 2,700 of our young men and women would not have died, nor would 15,000 to 20,000 have been seriously injured.

This war was unnecessary. Many knew that then, and of course now the National Intelligence Estimates are saying exactly what many of us tried to say during that horrible, horrible period. There were no weapons of mass destruction in Iraq. We knew that; you knew that. There was no connection between Saddam Hussein and Osama bin Laden and al Qaeda. We knew that; you knew that. Iraq was not a hotbed for terrorism when this march to war began. You knew that; we knew that.

And so this war has been deceitful all the way from its beginning. It has been wrong and it has been immoral. It is a perfect example of the failed policies of this administration's priorities when it comes to protecting our Nation. Again, we have spent over $300 billion on an unnecessary war in Iraq that our own intelligence services say is increasing the risk of terrorism, yet we don't have any money to secure our ports or to implement the 9/11 Commission recommendations.

So why should the American taxpayers fund a failed occupation? Why should we pay for increasing the risk of terrorism and funding a hotbed for terrorists in Iraq?

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I simply want to respond to a number of the points my good friend made. First, let me for the record go back and remind people of all the statements that we could line up here of one American leader after another, of both political parties, who told us that Saddam Hussein had active weapons of mass destruction and was actively pursuing those programs.

It was this Congress, under President Clinton, that passed legislation that made it the object of American policy in 1998 to remove him from power because we thought he was a very dangerous person. So I do not think you can say everybody knew that that wasn't the case. Quite the opposite, in my opinion, is true. Most people saw him as a danger.

In my opinion, they were correct. They may not have had an exact count of what he had available, but I think given his record of having used chemical weapons against his own people, of having launched the wars, of having tried twice and come close twice, according to our people, in acquiring numeral weapons, they were right, particularly in light of 9/11, to be very skeptical and very concerned.

Second, I will ask our colleagues to take somewhat of the long view here. If this were 1954–55, we could all get here and say, gosh, wasn't Korea a terrible thing; it is a dictatorship, 50,000 American lives, what a waste. The reality is, if you look at Korea today, the sacrifices, the decisions made by a Democratic President, Truman, I think worked very well. There is a democracy there. It is secure. Thank goodness we made the tough decisions in that part of the world. I think Iraq will look the same way down road.

Finally, I want to deal with my friend's concern about the war in Iraq

has made us less safe or has stimulated terrorism. I have not had an opportunity to read, obviously, the classified document, which I understand today is now going to become available to all of us, so I want to preface my remarks by noting that I want to read what they actually said. But I do want to offer this observation. To say that somehow that Iraq has fostered Islamic terrorism and that Afghanistan somehow wouldn't have is just counterintuitive to me. If Iraq did it, and we were in Afghanistan alone, which nobody seems to debate, we would still have that same force running through the Islamic world, that same stimulus. It is a reaction, I think, to us legitimately defending ourselves in the case of Afghanistan. It would occur just as surely as it has in Iraq.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank my friend, and I would just like to point out, is it not true, however, that we were told by the intelligence community that even if Iraq did have weapons of mass destruction, that they would most likely use them only if we attacked?

Mr. COLE of Oklahoma. Reclaiming my time, I appreciate my friend's observation, and I would be happy to deal with it, but I think that comment can be handled on your side and I look forward to the discussion.

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

Ms. MATSUI. 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. I think the discussion my good friend has just enunciated is the basis of the frustration of so many of us here in the United States Congress. In fact, we have done a horrible job of oversight and explaining to the American people that we, frankly, this government, this White House, frankly made a horrific mistake. We are not more safe because of the conflict in Iraq, and a lieutenant general of the United States Army, retired, who had been in Vietnam, said we have the exact same mess that we had in Vietnam.

In fact, Iran is the one that is ecstatic, because we actually fought their war for them in terms of the actions of Saddam Hussein against Iran. We have boosted Iran's status in the region. That is, of course, of no interest to the United States. We have created an atmosphere that threatens Israel even more. The longer it goes on, it benefits al Qaeda and the insurgents.

As we speak before this House on the defense appropriations, we remain committed to our U.S. soldiers. We thank them for their service. But in tribute to them, the 2,700 that are dead as we speak, and dying, the 18,000 that have been injured severely, this is not worth staying the course.

And my words are an anecdote that is taken from this lieutenant general: ''It is like a person jumping off the Empire State Building, getting down to the 50th floor, waving at those in the window and saying, I am staying the course, and then plopping to the ground having committed suicide.''

We are committing suicide in Iraq. We are not safer than we were. This Congress has failed. I support the troops and the appropriations dealing with their issues, but to support and give tribute to those who have died, we need to bring our troops home and bring them home now, claiming victory, transitioning leadership into Iraq and into their surrounding allies and stopping the divide.

We have depleted NATO. We have depleted our military resources. And we realize when we left Vietnam, our standing in the world was higher than it had ever been. When we leave Iraq, we will have a higher standing. We will be able to fight the war on terror.

I am so sad that my colleague keeps saying the same old thing over and over again, staying the course and committing suicide.

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

Ms. MATSUI. Mr. Speaker, I have no further requests for time, and I will proceed to closing.

Mr. Speaker, we had a very spirited debate here today, and those in the Chamber here understand that many important things are happening in this world and in this country. We are dealing here also with this conference report, and this conference report made under this rule is a fair and responsible agreement. It does state clearly our support to the troops and our military.

As Congress considers the remaining appropriation bills later this year, I would urge my colleagues to follow this example, Democrats and Republicans working together to craft a responsible bill providing for the national defense. This agreement and this working together is all the evidence we need that national security is not a political issue, it is an American issue.

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

Mr. COLE of Oklahoma. Mr. Speaker, today, in closing, I again want to draw the attention of the Members to the strength of the underlying legislation, H.R. 5631. We have had a vigorous and good debate on the rule and the underlying legislation today, which I believe will help convince the House to support this vital appropriations measure.

Much of our discussion today, frankly, is not centered on the legislation or the rule; it is focused on the conflict in Iraq. I, for one, simply want to state for the record that I think the world is better off without Saddam Hussein, and I think most of the positions that my friends on the other side of the aisle take sort of ignore the question, is the world better or worse off without him. I think it is better, and it took American action to do that.

I think it is better that there is a democracy in Baghdad; that people have gone in much higher percentages in their population to the polls on three occasions, under difficult situations, than frankly our citizens will go to the polls this November.

I think it is better that that government is actually pluralistic, that represents all the different elements in the country. And I think long term there is more hope in Iraq, and it is a better model for the future in the Middle East than Iran, which simply is neither democratic nor peaceful in terms of its neighbors.

Mr. Speaker, the underlying legislation takes critical and incremental steps in funding not only the warfighters' needs of today but the future needs of our warfighters as well. Today, our Nation's soldiers, sailors, airmen, and marines require and rely on the passage of this legislation. And despite the vigorous debate we have had today over Iraq, I have no doubt that that legislation and this funding measure will receive strong bipartisan support in this House. I am very confident that this House will not let them down.

Mr. Speaker, I am sure it is no surprise that I intend to vote for the rule and the underlying legislation, and I would urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1039, I call up the Senate 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, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 1039, the amendment in the nature of a substitute printed in House Report 109–679 is adopted and the Senate bill, as amended, is considered read.

The text of the Senate bill, as amended, is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Interstate Abortion Notification Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

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.
''2432. 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 or induced on the minor, in a State or a foreign nation 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—

''(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification 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; or

''(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.

''(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) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;

''(2) the term 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;

''(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;

''(4) 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; and

''(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

''§ 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. For the purposes of this section, the terms 'State', 'minor', and 'abortion' have, respectively, the definitions given those terms in section 2435.''.

SEC. 3. CHILD INTERSTATE ABORTION NOTIFICATION.

Title 18, United States Code, is amended by inserting after chapter 117A the following:

''CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION

''Sec
''2435. Child interstate abortion notification

''§ 2435. Child interstate abortion notification

''(a) OFFENSE.—

''(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.

''(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide, or cause his or her agent to provide, at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not possible after a reasonable effort has been made, 24 hours constructive notice must be given to a parent.

''(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—

''(1) the abortion is performed or induced in a State that has, in force, a law requiring parental involvement in a minor's abortion decision and the physician complies with the requirements of that law;

''(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;

''(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect;

''(4) the abortion is 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, or because in the reasonable medical judgment of the minor's attending physician, the delay in performing an abortion occasioned by fulfilling the prior notification requirement of subsection (a)(2) would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional conditions, but an exception under this paragraph does not apply unless the attending physician or an agent of such physician, within 24 hours after completion of the abortion, notifies a parent in writing that an abortion was performed on the minor and of the circumstances that warranted invocation of this paragraph; or

''(5) the minor is physically accompanied by a person who presents the physician or his agent with documentation showing with a reasonable degree of certainty that he or she is in fact the parent of that minor.

''(c) 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).

''(d) DEFINITIONS.—For the purposes of this section—

''(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, to terminate an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;

''(2) the term 'actual notice' means the giving of written notice directly, in person, by the physician or any agent of the physician;

''(3) the term 'constructive notice' means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;

''(4) the term 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;

''(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;

''(5) the term 'minor' means an individual who is not older than 18 years and who is not emancipated under State law;

''(6) 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;

as determined by State law;

''(7) the term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and

''(8) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.''.

SEC. 4. CLERICAL AMENDMENT.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:

''117A. Transportation of minors in circumvention of certain laws relating to abortion 2431

''117B. Child interstate abortion notification .... 2435''.

SEC. 5. SEVERABILITY AND EFFECTIVE DATE.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) This Act and the amendments made by this Act shall take effect 45 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 30 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 material on the Senate bill, S. 403, 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 rise in support of S. 403, the Child Custody Protection Act. As amended by the rule, the legislation before us contains provisions substantially similar to H.R. 748, the Child Interstate Abortion Notification Act, which overwhelmingly passed the House in April of 2005 by a vote of 270–157.

□ 1645

Laws that require parental notification of a minor's abortion are overwhelmingly supported by the American people. A 2005 poll by Pew Research Center found that large majorities believe that girls under 18 should receive parental consent before an abortion. According to the poll, half of self-described liberal Democrats favor requiring young women to get the consent of at least one parent before getting an abortion, and nearly three-quarters of moderate or conservative Democrats favor requiring parental consent.

Across the country, parental consent is required before performing routine medical services, such as providing aspirin, before permitting children to go on field trips or participate in contact sports, or before a minor can get a tattoo or body piercing. Yet people other than parents can secretly take children across State lines for abortion without their parents' knowledge.

The legislation we consider on the floor today addresses this absurd dichotomy by establishing clear rules to protect the health and physical safety of young girls, while safeguarding fundamental parental rights.

The Child Interstate Abortion Notification Act, or CIANA, for short, contains two central provisions. The first makes it a Federal crime to transport a minor across State lines to obtain an abortion in another State or foreign country in order to avoid a State law requiring parental involvement in a minor's abortion decision. Twenty-six States currently have such parental involvement laws. This provision will prevent abusive boyfriends and older men who may have committed rape from pressuring young girls into receiving secret out-of-State abortions to keep the abuser's sexual crimes hidden from authorities.

It is crucial to emphasize that the first section of CIANA does not apply to the minors themselves, nor to their parents, nor does it apply in life-threatening emergencies that may require an immediate abortion.

The second section of CIANA contains a parental notification rule that applies in cases in which a minor is a resident of one State and presents herself for an abortion in another State that does not have a parental involvement law. In these circumstances, CIANA makes it a Federal crime for the abortion provider to fail to give one of the minor's parents or legal guardian 24 hours' notice of the minor's abortion decision before the abortion is performed. This section protects fundamental parental rights by giving parents a chance to help their young daughters in difficult circumstances. This includes giving a health care provider the daughter's medical history to ensure that she receives safe medical care.

The second section of CIANA would not apply if an applicable parental law in the State where the abortion is being performed is complied with. In addition, Section 2 would not apply if the physician is presented with documentation that a court in the minor's home State has authorized an abortion.

Further exceptions to this section include if the minor states that she has been the victim of abuse by a parent and the abortion provider informs the State authorities of such abuse, or if a life-threatening or other medical emergency requires that the abortion be performed immediately.

As previously noted, the amendment in the nature of a substitute to S. 403 is substantially similar to H.R. 748 but also includes clarifying provisions adopted in the other body and other technical changes which further improve the legislation.

The amendment would prevent a parent who has committed incest from being able to obtain money damages under the bill's provisions, and it makes it a Federal crime for someone who has committed incest to transport a minor across a State line to obtain an abortion.

In addition, the substitute contains an exception to the notification requirement if a parent is physically present when the minor obtains the abortion. The amendment also makes clear that the parental notification need not be provided by the abortion provider personally but by an agent of the abortion provider.

The amendment also contains a technical change to the definition of abortion that excludes treatment for potentially dangerous pregnancies and creates a new medical emergency exception to ensure that the legislation will withstand any constitutional challenge.

Finally, it makes clear that the bill's provisions apply when State lines are crossed to enter any foreign nation or Tribal lands.

Mr. Speaker, I urge my colleagues to support this crucial legislation to protect the health and safety of America's minor daughters.

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

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

Mr. Speaker, this legislation, which we have already considered in this Congress, poses a real threat to the lives and health of young women. It would require a minor who is pregnant, possibly as a result of parental abuse, incest, to carry the parental notification laws of her home State on her back to another State and hold doctors, grandparents, clergy and anyone else who tries to help her a criminal. The sponsors, not satisfied with extending State laws into other States, now want to enforce those State laws in other countries.

Not since the enactment of the Fugitive Slave Act in 1850 have we used the power of the Federal Government to enforce the laws of one State on the territory of another.

This latest crazy quilt of restrictions obviously has but one purpose, to impede the practice of medicine, to ensure that young women will have as few options as possible, to make criminals of relatives and adults, or minors, for that manner, who try to help them, and to teach those States, such as mine, that do not believe that these laws promote adolescent health, that Congress knows best and our citizens and our States do not.

Often, that adult assisting the minor is a grandparent, a sibling or member of the clergy. In some cases, the young woman may not be able to go to her parents because the parents are a danger to her.

We all agree that, ideally, a young woman faced with a choice of having abortion should go to her parents. But

in some cases she may not be able to. That is what happened to Spring Adams, a 13-year-old from Idaho. She was shot to death by her father after he found out that she planned to terminate a pregnancy, a pregnancy caused by his own act of incest. But, under this bill, anyone who helped her cross the State line to get an abortion without telling her father so she could get shot would be guilty of a crime.

This bill also uses a narrow definition of medical emergency that seems to have been lifted from one of Attorney General Gonzalez's infamous torture memos. The prohibition ''does not apply if the abortion is 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 or because in the reasonable medical judgment of the minor's attending physician the delay in performing the abortion occasioned by fulfilling the prior requirement would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional condition,'' so long as the physician notifies the parent within 24 hours.

The bill now also excludes ectopic pregnancies and the removal of a dead fetus, for which I suppose civilized people should be grateful.

It is progress, although it still falls far short of the protection for a woman's health required by the Constitution, which the courts have ruled requires an explicit exception to protect the life or health of the woman, not just those few conditions a few extremists find acceptable.

No mental health exception? That is the only justification for helping a young woman who has been raped by her father. There is certainly no physical risk, yet this bill would require a doctor to seek that father's permission.

There are many things far short of death or a substantial and irreversible impairment of a major bodily function that can endanger a young woman. She deserves prompt and professional medical care, and no matter how much some people don't like it, the Constitution protects her right to receive that care.

In a perfect world, loving, supportive and understanding families would join together to face these challenges. That is what happens in the majority of cases, with or without a law.

But we do not live in a perfect world. Some parents are violent. Some parents are rapists. Some young people can turn only to their clergy or to a grandparent or a sibling or some other trusted adult. And this bill would turn those people into criminals.

If a 16-year-old girl was accompanied across a State line by her 16-year-old boyfriend for an abortion, this would make the boyfriend a criminal. If a rabbi or priest or minister helped her across the State line, knowing that her father or mother were violent and therefore they couldn't dare ask for parental notification, this would turn them into a criminal. The same thing with a grandfather or a brother or a sister. We should not be turning people who are helping people in distress into criminals. That is wrong.

This bill, although slightly modified, is as wrong and as dangerous today as it was when this House considered this last time.

There is another thing, too. We believe in 50 different States in this country. We believe in State sovereignty within the Federal limits. We call the States laboratories of democracy.

Many States, I think more than half, have chosen to have parental consent notification laws. Other States have chosen not to. We ought to respect the States that have chosen not to, as well as those that have chosen to do so. And to say that because someone comes from a State with a parental notification law, if she goes to a State without a parental notification law, someone who helps her to go there is committing a crime, I think that is unconstitutional and is a violation of the right to interstate commerce, to interstate travel.

But it also, as I said before, is an attempt to say to New York, which does not require parental notification and consent, that the law of some other State which does must prevail in your State as long as the person comes from that State. She can't escape it. She carries it with her on her back.

We have never tried to enforce the laws of one State in another like that since the Fugitive Slave Act of the 1850s. It is not a good precedent. This bill deserves to be rejected.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the author of the bill, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank our distinguished chairman of the Judiciary Committee for his leadership throughout the years that this bill has been before us.

I rise in support of S. 403, the Child Custody Protection Act, a bill that has indeed passed the House in 1998, in 1999 and in 2002, making it a Federal offense to transport a minor across State lines in order to circumvent that State's abortion parental notification laws.

The legislation before us today, Mr. Speaker, is a commonsense one. It protects minors from exploitation from the abortion industry, it promotes strong family ties, and it helps foster respect for State laws.

A minor who is forbidden to drink alcohol, to stay out past a certain hour or to get her ears pierced without parental consent is certainly not prepared to make a life-altering, hazardous and potentially fatal decision such as an abortion without the consultation or consent of at least one parent.

Language included in this legislation will also require that an abortion provider notify a parent when a minor is transported to a State where no parental notification laws exist. This provision is a central component to my legislation, the Child Interstate Abortion Notification Act, CIANA, which passed in the House with a vote of 270 in favor and 157 against.

I am truly pleased and honored that my colleagues in the House and Mr. SENSENBRENNER have given this important bill further consideration, and I urge them once again to join me in supporting legislation that speaks to the well-being of all of our daughters.

This legislation will put an end to the abortion clinics and family planning organizations that are really exploiting young, vulnerable girls by luring them to recklessly disobey State laws.

About 80 percent of the public favors parental notification laws. Over 50 percent of our States have enacted such laws. Yet sometimes these laws can be evaded by interstate transportation of minors, openly encouraging them to do so in advertising by abortion providers.

Parental consent and parental notification laws may vary from State to State, but they have all been made with the same purpose in mind, Mr. Speaker, to protect frightened and confused adolescent girls from harm.

I urge my colleagues to once again support this vital piece of legislation, uphold the safety laws designed by individual States and protect the parents' rights to be involved in decisions involving their minor daughters.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman from New York for yielding and for his steadfast support on behalf of women's health and a woman's right to choose.

I rise today to defend once again a woman's right to choose what is best for her own body. Prohibiting interstate travel for an abortion and punishing those who participated in that travel fails to protect the health and safety of women and their children.

This bill subjects taxi drivers and bus drivers and other transportation professionals to jail time, mind you, jail time, although they had no knowledge of the activity. Are we in good conscience going to legislate penalties against innocent people who do not have knowledge or control over the actions of their customers? Are we encouraging cabbies and bus drivers to start asking every person, every woman that gets into a cab or on a bus, if they are pregnant or are they going to have an abortion, because they want to limit their liability?

□ 1700

Furthermore, Mr. Speaker, how could anyone support this bill knowing that some of these minors, knowing this, that some of these minors may have

decided to have an abortion because they have been raped by a family member or a guardian? This is simply bad public policy. It will turn back the clock not only on choice but on privacy for young women.

The best way to reduce the number of abortions is to prevent unintended pregnancies, and the best way to do that is through access to contraception and comprehensive sex education. So if my colleagues really wanted to reduce abortions, they would support H.R. 2553, the Responsible Education About Life Act, or REAL Act, which would allow full and comprehensive sex education for our young people. Unfortunately, many of my colleagues would rather put cabbies and drivers in jail than take real steps to reduce the number of unwanted pregnancies in this Nation.

This bill is nothing short of a public misinformation campaign from the conservative religious right to hinder the safety and the health of women and girls throughout the country. This bill is intentionally dangerous, it is vague, it is harmful to women, it is harmful to women's health and the decisions that she must make about her body.

I urge a ''no'' vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I appreciate the gentleman's work on this bill and many bills throughout the years. I rise today in support of the Child Custody Protection Act because it returns the fundamental right of parenting back where it belongs: to parents.

Eight in 10 Americans favor parental notification laws. Forty-four States have recognized the important role of parents in a minor child's decision to have an abortion by enacting parental involvement statutes. Even so, many of these laws are being circumvented by individuals who simply transport girls across State lines to another State without parental notification laws. And, too often, these individuals are grown men who have sexually preyed on underaged girls and use abortions to cover up their crimes.

The U.S. Supreme Court has recognized that a parent's right to control the care of their children is among the most the fundamental of all liberty interests. The Supreme Court has consistently recognized that parents have a legal right to be involved in their minor daughter's decision to seek medical care, including abortion.

The Supreme Court has also observed that, and I quote, ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting. It seems unlikely that the minor will obtain adequate counsel and support from the attending physician at an abortion clinic where the abortions for pregnant minors frequently take place.''

The Supreme Court has also stated that, and I quote, ''minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them.''

Mr. Speaker, no one has a child's best interest at heart more than their parents. Minors have to have parental permission to be given an aspirin by the school nurse. Twenty-six States have laws requiring parental consent before minors can get body piercings or tattoos. Parents must be able to play a role when their minor daughter is contemplating such an important decision as what to do with an unplanned pregnancy.

Please join me in supporting the Child Custody Protection Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding and for his great leadership on this bill.

Mr. Speaker, young girls desperately need the modest protections against exploitation contained in the Child Interstate Abortion Notification Act, and they need these protections now, without any further delay.

It is inhumane and unjust that abortion mills in New Jersey and some other States aggressively advertise and market secret abortions for pregnant minors living in States that have enacted and enforce parental involvement statutes. The Yellow Pages in Pennsylvania, for example, are filled with ads for children to procure secret abortions in my home State. That is unconscionable.

The fact that older men, including statutory rapists, can secretly transport and perhaps pressure or coerce teenagers to go to abortion mills for an abortion even as late as 6 months is wrong.

Who protects the teenagers from abuse? The abortionist? The male who wants the baby dead to evade responsibility?

Policies that enable abortion clinics to circumvent State parental involvement laws recklessly and irreversibly endanger the health, safety, and well-being of young girls.

Mr. Speaker, not only are babies being slaughtered at abortion clinics, and let's not kid ourselves, the soothing rhetoric of the abortion industry has anesthetized many people to the inherent violence against children of every abortion. Chemical poison and dismemberment is violence against children. But minor girls as well have become physically wounded and emotionally wounded by the abortion. They become the walking wounded.

Ask yourselves, when health or emotional complications occur, do we really think a young girl and her shocked and broken parents return to the abortion mill? I think not.

Finally, I want to commend Chairman SENSENBRENNER and his staff for the exemplary work they have done on this bill, especially the highly persuasive, heavily footnoted majority commentary in the report accompanying the bill. I wish more Members had the time or made the time to read it. It makes a cogent case for this bill, and I urge support for this important bill.

Mr. SENSENBRENNER. I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I strongly rise in support of the Child Custody Protection Act.

Every State has laws that require minors to get parental consent before they are allowed to do simple things like getting an aspirin or going on field trips. In many States, parents must give permission before their children can get tattoos and body piercings. There are reasons for placing these restrictions on minors' freedom, because minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them. One of the main roles of parents is to protect children from their own inexperience, lack of perspective, and judgment.

Twenty-six States have considered this issue and determined that it is not appropriate for minors to have abortions without any parental involvement. Yet the considered judgment of those State legislatures and parents in general are easily circumvented by the simple act of driving across a State line.

It is time to restore the rights of parents and States. As a wife and a mother, I agree. We in Congress have a duty. I ask for your support.

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

Mr. Speaker, I have two questions about this bill that are completely aside from the merits. One is, why are we doing this bill? We passed the bill earlier. We passed essentially this bill earlier this session, the Senate passed a bill, and now we are passing a bill that isn't the same as the Senate bill. Why? So that no law, so nothing becomes law this year.

So I would like to ask the chairman, the distinguished chairman, why we are not passing the same bill the Senate passed? Because, otherwise, there is no possibility, as I see it, of getting an agreement before we leave.

I will yield.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

The Senate bill has loopholes wide enough to drive a 18-wheeler through. If we are doing something, we might as well do something that means a bit rather than simply passing a piece of paper.

Mr. NADLER. Then why are we passing a bill again that we already passed earlier this year if the Senate bill is not the same and is not satisfactory?

Mr. SENSENBRENNER. If the gentleman will further yield, this is in the hopes that the Senate will look at this modified bill in prayerful reflection and send it on to the President.

Mr. NADLER. Reclaiming my time. In other words, we pass the bill, the Senate passed a different bill which the distinguished chairman thinks has

many loopholes, and may have, I haven't read it, and so we are coming back.

Here we are, the last week before we adjourn, we haven't passed any of the appropriations bills into law, not one, and we are spending time on this bill when we have already passed it. And if the Senate has not passed it and they want to, they should negotiate with the Senate, they should have a conference committee. Instead, we are passing it again.

And I have to assume that the real reason we are doing it is just for political reasons, to rev up the troops of the antiabortion people for the election, and there is no real intent to pass a bill.

I have another question. This bill says in the key line: Whoever knowingly transports a minor across a State line with the intent that such minor obtains an abortion, blah, blah shall be fined or imprisoned.

My question, sir, and I will yield to you, is what does ''transport'' mean?

Mr. SENSENBRENNER. If the gentleman will yield, it means the same thing as the transportation of someone across the State line in violation of the Mann Act.

Mr. NADLER. Well, then reclaiming my time, I think that this bill is simply not very well drafted in that case, because in the Mann Act certain things are obvious.

Let's assume that you have a young woman and a young man, her boyfriend, who jointly go across State lines to get her an abortion. She is driving. She is transporting him, not the other way around. Should someone be guilty or not guilty depending on who is driving and who is not driving? That doesn't seem to make sense.

Mr. Speaker, the arguments against this bill are manifold.

Number one, the arguments against parental notification and consent are where you have a violent parent or where you have a parent that the child cannot confide in, you shouldn't require that. Ninety percent of the time there is no problem, it is fine. Sometimes there is, and you risk the life or the health of the child to require that she tell the parent that she is pregnant.

Number two, in such a situation, the child may confide, hopefully, there is someone she can confide in, her brother, her sister, her best friend, her clergyman, her teacher, and we would make them criminals if they help her.

The gentleman from New Jersey talked about the abortionist conspiring to take her across State lines. It is not the abortionist. It is a friend or a colleague or a clergyman or a grandparent. You shouldn't make criminals of them. Nor should we seek to enforce the law of one State in another State.

Mr. SMITH of New Jersey. Would the gentleman yield?

Mr. NADLER. And. Finally, and after this statement I will yield, this law also says that if someone is asked to perform, if a doctor is asked to perform an abortion on a young woman, on a minor from another State, he must notify the parents in that State whether or not that State requires parental notification. So we are expanding, we are now putting the Federal Government and saying to a State when only two States are involved, neither which have a parental notification law, you must because we say so. There is no justification for that.

I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Let me make it very clear. What I just said was that if you go to the Yellow Pages and look at some of the ads and in newspapers and in other media, the abortionists actively try to solicit young girls 13, 14, 15, 16, to go across State lines. And you know as well as I do adult males, including predatory males, read those ads and act. All they have to do is go to New Jersey or some State other than Pennsylvania, where there is no parental involvement law, and thereby circumvent the parental notification, parental consent in that particular State.

Mr. NADLER. Reclaiming my time. I can understand that particular concern if this bill made it a crime to transport a minor across State lines for the purpose of getting an abortion, et cetera, et cetera, for money. If that person transporting that young girl were being paid to do it, then I think that there might be something we would want to do about that. But we are not talking about that. Well, we may be talking about that, but the bill is certainly not limited to that.

The bill applies to the situation where the person, quote, unquote, transporting her may be her boyfriend, her brother or sister, her grandmother, her uncle, her aunt, her best friend or clergyman or a teacher. Anyone who is doing it with the best motives to help her, with whom some of us here may disagree that that is the best motive, but it is not a predatory motive.

So if you want to write a bill against a predatory person, write a bill against the predatory person. Write a bill against someone who does it for a commercial reason, for pay, but not against all these other people.

I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have been waiting for a while to yield a minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I want to thank the chairman for his leadership on this issue and his perseverence in allowing this bill to come to the floor.

Imagine a nation that has to rush to embrace abortion so much that a parent isn't notified that an individual that that family doesn't know is transporting their child, their minor teenager across State lines. It is the idea that the parents don't know who may be transporting their children and the parents don't know that their child is having an abortion that we debate today. This measure brings parental rights back into reasonable norms.

There are many groups out there working to influence our children. As the gentleman from New Jersey talked about, there is one Web site right now from the Coalition for Positive Sexuality, a charade that informs teens about abortions by stating, ''usually you can get around telling your parents by going to a clinic in a State without these restrictions or explaining your situation to a judge. But this takes time. So call us right away.''

In my own State of Arizona, there is currently a parental consent law that requires permission of at least one parent. So even if you do have a violent parent, you can still go to one of your other parents. But it means nothing. Because you can go to our neighboring States, California and New Mexico, and have an abortion. In many cases, our teenagers are being driven by people their parents don't even know.

This is reasonable to protect the rights of our children. Let's pass the bill.

□ 1715

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time and commend him for his leadership in this area. I rise in strong support of this amendment.

Despite widespread support for parental involvement laws and clear public policy considerations justifying them, substantial evidence exists that such laws are regularly evaded by individuals who transport minors to abortion providers in States that do not have parental notification and consent laws.

Confused and frightened young girls are routinely assisted by adults in obtaining abortions and are encouraged to avoid parental involvement by crossing State lines. Often these girls are guided by those who do not share the love and affection that most parents have for their children. Personal accounts indicate that sexual predators recognize the advantage they have over their victims and use this influence to encourage abortions in order to eliminate critical evidence of their criminal conduct and in turn allowing the abuse to continue undetected.

Although not an interstate abortion, in my district in Cincinnati there is an ongoing court case involving parental rights. A teenage girl, 13 at the time of the abortion, was given parental consent by a man posing as her stepbrother. This man, her abuser, was later convicted on seven charges of sexual battery.

Most recently, a judge ordered Planned Parenthood to turn over medical records in determining whether there was a pattern and practice within the clinic of violating parental consent laws.

Public policy is clear that parents should be involved in decisions that their daughters make regarding abortions. CIANA will assist in enforcing existing parental involvement laws that meet the relevant constitutional criteria and will provide for parental involvement when minors cross State lines to have abortions.

I urge my colleagues to support CIANA. There is no question that parents are the ones that should be involved in this type of critical decision. It shouldn't be the abuser or the rapist. I thank the chairman for pushing this legislation.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, first, this bill does nothing to prevent unwanted pregnancies and does nothing to stop a minor from crossing State lines to get an abortion on her own. Rather, it creates criminal penalties for those trusted confidants whom the woman turns to when she find herself in a difficult situation.

In an ideal world, young women should turn to their parents for advice, guidance, and comfort. But in the real world, this is not always the case. And in some scenarios, parental involvement is not even in the best interest of the girl.

This bill would impose criminal penalties on anyone who assists a young woman to cross a State line in order to obtain an abortion, whether it is a grandparent, an aunt, older sibling, or trusted friend. In addition, because of the way the law is written, it would even impose criminal penalties on a cab driver who drops off a young woman at an abortion clinic if that clinic happens to be across the State line.

Further, there are unrealistic and unworkable mandates involving the notice provisions in the bill which also potentially violate principles of confidentiality. And so this bill threatens to increase the risk of harm to young women in difficult family situations by delaying access to appropriate medical care, and that is why the bill is opposed by the American Academy of Pediatrics, the Society for Adolescent Medicine, the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association.

Mr. Speaker, finally, the bill raises numerous constitutional questions. The Supreme Court has made clear that any valid abortion law must have an adequate medical emergency exception. The Court has also ruled that access to medical care in emergencies must also be maintained. The provisions contained in the bill have limited access in situations, and so the bill is clearly inconsistent with established constitutional law.

Mr. Speaker, this bill sets a dangerous precedent. It does not prevent unwanted pregnancies or abortions. Rather, it encourages young girls to make difficult decisions on their own without help, increasing the potential harm to their physical and emotional well-being. That is why it is not supported by medical organizations with expertise in this field. Furthermore, it raises serious constitutional questions. I urge my colleagues to oppose the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, just in reference to comments that were made several times by people on the other side of the aisle that this would cover a cab driver or bus driver, I would hope that they would look at the language of the bill. It says whoever knowingly transports a minor across State line with the intent that the minor obtain an abortion, and thereby in fact abridges the right of a parent. So that is not just someone who gives them transportation, someone who intentionally brings them across a State line with the intent that they obtain an abortion.

Mr. Speaker, since merely identical legislation passed the House in April 2005 by a vote of 270–157, there have been several developments that make it clearer of the need to pass this bill. First, a Pew Research Center poll found that large majorities in all religious groups and about two-thirds of nonchurchgoers believe girls under 18 should receive parental consent before an abortion.

According to the Pew Research Center poll, as has been the case for more than a decade, most of the public favors requiring women under age 18 to obtain the consent of at least one parent before being allowed to get an abortion. Nearly three-quarters of Americans support such a requirement, while just 22 are opposed.

The point I make on this is that this bill is not out of the mainstream. This bill is right in the mainstream. This bill is to allow the enforcement of State laws that are constitutional with respect to parental notification. To evade parental notification laws by means of taking a young girl across a State line is what this bill is aimed at. Nothing more, nothing less than that. It is appropriate. It is consistent with the vast majority of people in the United States. It is consistent with the 33 States in the Union that have enacted such legislation.

What it does is it requires intent on the part of the actor, that is, they must intentionally act to evade the law in order to assist in procuring an abortion for a young person in a State where notification is required. Nothing more, nothing less.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished 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, our colleagues that are listening to this debate will probably claim its defining moment as redundancy. It is redundant because this is a bill that has been debated and discussed, and now it is an amendment to S. 403 which creates a lack of opportunity for any legislative initiative to get to the President's desk.

Far be it for any of us who happen to be parents and have young women as daughters in our family to try to allow legislation to drive a barrier between a child and her parents. Nor can we morally allow the creation of chilling factors that prevent a youth from seeking help when they desperately need it. There lies the angst and the confusion and the misrepresentation of this debate.

This is not a helpful legislative initiative. This is, in fact, a divisive initiative because we find that more than 61 percent of parents in States without mandatory parental consent or at least 61 percent with notice laws have knowledge of their daughter's pregnancy. The normal relationship of child and parent proceeds along a very helpful manner as long as we do not provide unnecessary intrusion beyond what has been accepted by the individual States.

The State of Texas has provided that kind of barrier. Twenty-three States have, but another 23 have not committed to dividing parent from child.

The greatest downside of this particular legislation is that it doesn't come to this floor with clean hands. If it did, it would have allowed us to have amendments, and this was a closed rule.

I offered just a year ago or so an amendment with Mr. NADLER that expanded the exceptions to the prohibitions in this act of being able to assist a young lady in her time of trouble, to give exemptions to clergy, godparents, aunts, uncles, and first cousins, family members and clergy that would be giving comfort to this particular individual who may be a victim of incest or rape and afraid and confused about the utilization or the act of going to their parents. Although I said that 61 percent do have that relationship, there may be others that don't.

And so that would have been a responsible approach so that clergy would not become felons, as well as godparents and aunts or uncles, close family members. This country is used to and welcomes an extended family, families of different configurations. And so this legislation attempts to ignore that.

And, sadly, what it does is it makes a political point just days away from elections, but it doesn't help our young people who may be suffering with the decision that they have to make. It may be because of incest or rape, or maybe they have been brutalized or they may be frightened, and the comfort this particular relative can give them is the kind of nurturing advice that will help them make a right decision.

Maybe we want to subject our young people who may be subjected to decisions by parents who are forcing an abortion. It happens on either side, and it happened in the case of a 19-year-old girl from Maine because she was impregnated by an incarcerated person. So this is not a question of getting an abortion or not getting an abortion. This is a question of imploding family relations, and also altering the health system of America.

It is a health issue. It is a health issue if the individual is injured, a health issue if it is jeopardizing the life of the young lady. And the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association, all oppose mandatory involvement laws because of the dangers they pose to young women and the need for confidential access to physicians.

So we are being redundant because this is around and around and around. This is over and over again. But there is no sincerity in passing this legislation because instead of taking S. 403, we have offered an alternative. That alternative will have to go back to the Senate. There is some tongue-in-cheek comment about we hope the Senate will consider our bill. Well, they are four days before the end of the session before we go off for our work in the district. Then, of course, there is a lame duck because this majority, Republican majority, has not finished its work, as usual. I don't think this is a reality that is going to happen.

My prayer is that we will come together for the young people and for those impacted by this great tragedy and allow families to make decisions as they should. Vote down this bill. It serves no purpose, and it hurts the young people of America and divides families.

Mr. Speaker, I oppose the legislation before the House, S. 403, the Child Custody Protection Act. The provisions contained within this proposal are very inflexible and unreasonably punitive.

Given the usual slant of my good colleagues on the other side of the aisle to favor uniformity in legislation, this bill is inconsistent with that purpose. Overall, S. 403 would force physicians to learn and enforce 49 other States' laws with respect to parental-involvement requirements. On its face, one of the policies that this bill seeks to enforce, the mandate that every parent will receive notice and can get involved when their daughter faces a crisis pregnancy, is a good one. However, one of its harmful effects is that it is unnecessarily punitive. In the absence of laws mandating parental involvement, young women come to their parents before or while they consider abortion. A study found that 61 percent of parents in States without mandatory parental consent or notice laws had knowledge of their daughter's pregnancy.

Major health associations such as the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association strongly oppose mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. This legislation poses such a risk by increasing the risk of harm to adolescents by obstructing their access to healthcare that could save their lives.

In addition, well-respected organizations such as Planned Parenthood, Pro Choice America, and People for the American Way have expressed their opposition to this bill, which effectively isolates young women in need of help, and forces to seek alternative illegal and unsafe venues for terminating their pregnancy. After all, if you cannot trust your parents or your doctor to help you, what are your alternatives?

According to an article by Lawrence B. Finer and Stanley K. Henshaw, only 13 percent of U.S. counties have abortion providers. Therefore, the fact that many young women seek abortions outside of their home state is not solely attributable to an avoidance of home state law.

The last time we saw this bill, I offered an amendment with Mr. NADLER of New York that expanded the exceptions to the prohibitions of this act to include "conduct by clergy, godparents, aunts, uncles, or first cousins." This amendment was a very simple but necessary dampening of the excessive punitive nature of this legislation. This amendment is also demonstrative of the negative consequences this bill would directly and inadvertently cause. A young woman should not lose her right to seek counsel and guidance from a member of the clergy, her godparent, or the family member if she so desires.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follow old provisions of the "Child Custody Protection Act" which make it a Federal crime for an adult to accompany a minor across State lines for abortion services if a woman comes from a State with a strict parental-involvement mandate. There are 10 States (CO, DE, IA, ME, MD, NC, OR, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 States (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case.

Given the disparity in State law requirements for the parental-notification requirement, not giving a young woman the right to seek assistance in deciding from a member of the clergy, a godparent, or family member could increase the health risks that she faces.

Young women as a population group are more likely to seek abortion later in their pregnancy. The Centers for Disease Control (CDC) have shown that adolescents obtain 30 percent of all abortions after the first trimester, and younger women are more likely to obtain an abortion at 21 weeks or more gestation. The provisions of S. 403 will exacerbate this dangerous trend.

Mr. Speaker, this bill will add an unnecessary layer of legality, travel time, and mandatory delay to the already difficult job that physicians have in providing quality care to their patients. My colleagues on the other side of the aisle have consistently advocated for protection of health care providers by way of tort reform. This legislation flies in the face of that initiative and is totally inconsistent with it.

We cannot let legislation drive a barrier between a child and her parents, nor can we morally allow the creation of chilling factors that prevents a youth from seeking help when it is desperately needed. I ask my colleagues to reject this bill.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, as I said before, some States have chosen to enact parental consent and notification laws, others haven't. There is a case against parental notification laws and consent laws because basically there are a certain number of parents, certain families where you can't ask the young girl to confide in her parents because they may subject her to violence. Or she feels she can't.

But you do want a young woman to confide in somebody, not to be alone in this time of great strain for her. You want her to be able to confide in a brother or sister or clergyman or priest or rabbi or uncle or aunt or grandparent or a teacher. And those people want to be able to help her.

Now, as I said before, there may be room for legislation to say that you shouldn't take people across State lines for the purpose of getting an abortion for commercial purposes.

□ 1730

But to make a criminal out of anybody who is trying to help a young girl, as they see helping her, as she sees helping her because she cannot confide in her parents, and especially if that helper may be the grandparent or the brother or the sister or a clergyman is simply wrong.

So this legislation is far too broad. It will place young women who need help in a situation where they cannot get help. It doesn't serve any useful purpose, and it should be defeated.

I urge my colleagues to vote against this bill, again.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is fairly simple and straightforward. It says that if a minor woman who is a resident of a State that requires some type of parental involvement is taken to another State that does not have a parental involvement law, it is a crime to do that. And it is as simple as that.

Now the only reason why a woman would be taken from a State with a parental involvement law to one that doesn't is to prevent the parents from knowing that the woman is having an

abortion. Now we are talking about minors here, girls under the age of 18. A parent is responsible for providing for the health, safety, and welfare of minor children that are either their own children or that they have been named as guardians of by a competent court; and to avoid the parents' responsibility of providing medical care by hiding the fact that the woman is going across a State line to have an abortion is wrong.

Now I think a lot of people don't like parental involvement laws. The polling shows exactly the opposite. In my opening remarks, I pointed out that half the people who call themselves liberal Democrats believe that the parents ought to be involved in this decision; and three-quarters of those who call themselves moderate or conservative Democrats feel the same way.

I think that this House ought to empower parents to at least know about these decisions, particularly if their minor daughters are taken across a State line; and the way to deal with that issue is to pass the bill.

I urge an ''aye'' vote.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Child Custody Protection Act, which purports to "give parents a chance to help their daughters during their most vulnerable times" and would require doctors to give 24 hours' notice to a minor's parent before allowing her to have an abortion.

I would like to remind my colleagues that what we are talking about are young girls who are in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. While it should be common for parents to be responsible, to be nurturing and not to be punitive, unfortunately that is not always the case or quite as simple.

In a perfect world, teenagers would be able to tell their parents that they are pregnant, but many are unable to due to fear of rejection at home, threats of physical and emotional abuse, and in the most troubling of situations, because it was a family member, such as a stepfather, that put them in that position in the first place.

These teenage girls should have a right to seek help from a trusted adult, such as a grandmother or a member of the clergy.

This bill will create a complicated patchwork of State and Federal law that will apply differently depending on the minor's state of residence and the state where the abortion is performed.

It will be nearly impossible for teenagers and physicians alike to understand.

This measure would make it a Federal crime for a caring adult other than a parent to accompany a young woman across State lines for an abortion. In addition, the Child Custody Protection Act, goes even further by mandating that doctors be fully aware and knowledgeable of the mandatory parental involvement laws in each of the 50 States, under the threat of fines and prison sentences.

The Child Custody Protection Act would make it a Federal crime for a doctor to perform an abortion on a minor who is a resident of another State unless the doctor notifies the minor's parent, in person, a minimum of 24 hours before the procedure, unless she is accompanied by a parent.

It is also disturbing that this measure, not unlike the partial-birth abortion ban law, does not include an exception for emergency circumstances where a minor's health would be threatened by this delay. It is no wonder that the constitutionality of this law is being challenged in Federal courts as we speak.

The intent of this measure is not to ensure that caring parents have access to their teenage daughters who are contemplating having an abortion. The true intent is to make it so difficult for doctors to comply with this law that they simply give up.

Instead of debating a bill that may not meet constitutional muster, we should be considering the Prevention First Act which would help to reduce the number of unintended teenage pregnancies by providing annual funding to both public and private entities to establish or expand teenage pregnancy prevention programs.

This measure would also require these entities to incorporate teenage pregnancy prevention programs that have been proven to delay sexual activity or reduce teenage pregnancy, through programs such as comprehensive sexual education.

Why are we not doing more to help the 820,000 teen girls who get pregnant each year?

I urge all my colleagues to vote against the Child Custody Protection Act, a regressive measure, which will have no impact on reducing the number of unintended teenage pregnancies and will do more harm than good.

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our Nation one step closer to a national police state by further expanding the list of Federal crimes and usurping power from the States to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those Members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of almost 40 years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the States. In the name of protecting parental rights, this bill usurps States' rights by creating yet another Federal crime.

Our Federal Government is, constitutionally, a government of limited powers, Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "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." Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass S. 403. S. 403 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents' rights to not have their children taken across State lines for contemptible purposes? Absolutely. Can a State pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the Federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some States. To the extent the Federal and State laws could co-exist, the necessity for a Federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for Federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more Federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in State courts . . . threatens to change entirely the nature of our Federal system." Meese stated that Congress' tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a Federal police force is that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for

preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to State autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate Federal law, or an ''adequate'' Federal law improperly interpreted by the Supreme Court, preempts States' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all States by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the Federal Government. There was a time when a popular bumper sticker read'' It's ten o'clock; do you know where your children are?'' I suppose we have devolved to the point where it reads'' It's ten o'clock; does the Federal Government know where your children are.'' Further socializing and burden shifting of the responsibilities of parenthood upon the Federal Government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, S. 403.

Mr. GRAVES. Mr. Speaker, I rise in strong support of this rule and the underlying bill, S. 403—the Child Custody Protection Act.

For too long, individuals have exploited State borders to disrupt and undercut important parental involvement laws that have been enacted to protect minors.

A teenage girl needs a parent's consent to get an aspirin at school. The decision to kill an unborn child is life-altering, and often results in unintended psychological and physical problems. So, I find it unconscionable that an individual would deliberately transport a minor across State lines for an abortion without a parent's consent. This type of exploitation has rendered State laws toothless, and in light of this situation, there is a strong demand for Congressional action.

In my home State of Missouri, we have a parental consent law that requires the involvement of a parent when a minor is seeking an abortion. Across the State line from my district is Kansas.

In Kansas, there is a parental notification law but not a consent law. This means that if the parent of a minor in Missouri denies permission for that minor to have an abortion in Missouri, that same minor—usually with the aid of a co-conspirator—can go to Kansas, notify that parent of the intention to have an abortion, and go forward against the will of the parent. In Illinois, it was reported that the mother of a 14-year-old from Missouri was denied the opportunity to even speak with her daughter as she waited for an abortion in an Illinois clinic just over the State line.

Congress must act to prevent the evasion of parental involvement laws. In Missouri, you can bring a civil action against any individual that assists a minor in evading the State parental consent law, but that is not enough, Mr. Speaker. Only a tough, Federal criminal statute will deter individuals from transporting teenagers across state lines in order to willfully violate the parental involvement laws of the teenager's home State.

Mr. Speaker, I was pleased to support H.R. 748, the Child Interstate Abortion Notification Act when it was considered by the House in April of last year. This rule gives us the opportunity to restore an important provision that was not included in S. 403, specifically the provision that places responsibility on the abortion provider to give a parent or guardian 24 hours' notice of a minor's abortion decision.

I urge my colleagues to pass this resolution and the Child Custody Protection Act. It is time for Congress to take action against all those who assist minors in circumventing a parent's right of involvement in the most serious decision a minor can make.

Mr. DINGELL. Mr. Speaker, the bill before us is a tangled web of legal intricacies which I found to be a muddled attempt to impose specific laws of individual States. After a careful reading of the bill, I am forced to rise in opposition to the legislation.

H.R. 748 is a two-part bill. The first part makes it a crime for anybody other than a parent to accompany a minor across State lines for an abortion if the minor's State of residence has parental notification laws. We have seen this language, known as the Child Custody Protection Act, in past Congresses, and I have hesitantly voted in favor of it. I say hesitantly because I have always been concerned that:

(1) The bill violates the Constitutional principles of federalism;

(2) There are no exceptions for another responsible adult family member to accompany the minor; and

(3) The language is so broad that it would allow a cab or bus driver to be prosecuted.

You are probably wondering, Mr. Speaker, why I voted for the bill even with these concerns. Well, as a parent, I feel strongly that parents should be involved in major decisions concerning the health and well-being of their children. The most knowledgeable resource regarding the minor's medical history is often their parent. Moreover, as is the case with any medical procedure, it is important that someone in the household be aware of the situation should there be side effects. Thus, I voted to move the process forward with the hope that my concerns would be addressed before the final legislation was sent to the President for signature. This did not happen because the Senate has never acted on the legislation.

The second part of the bill is new and would hold a doctor criminally liable for performing an abortion on a minor from another State. This, Mr. Speaker, is where the web gets really tangled. You see, in some cases, the minor would have to comply with the laws of two States, and in all cases, the doctor would have to get consent from the parent in person and a mandatory 24-hour waiting period would be instituted.

Probably the most striking scenario would be a minor who traveled between States with no parental consent law. In this case, the doctor would have to obtain consent in person from the parent, the mandatory 24-hour waiting period would be instituted, and in this specific case there would be no judicial bypass option.

This creates quite a burden on doctors, who would be required to have a near-encyclopedic knowledge of the parental involvement laws in each of the 50 States, their specific requirements and their judicial procedures.

Some States have strict parental consent laws, some have parental consent laws with reasonable bypass mechanisms, and some States have no consent laws at all. If this bill passes, we are saying to some States, ''Your law is good.'' To others we are saying, ''Your law is okay, but it is not quite good enough.'' And to still other States we are saying, ''Your law, or lack thereof, is wholly inadequate.'' This is no way to legislate in our federalist system.

While reading over the bill, Mr. Speaker, I tried to think of what precedent there is for this kind of law. It took a while, but the only law I could come up with was the Fugitive Slave Act. Going back to laws like this, Mr. Speaker, is not something this Congress should even consider.

Mr. Speaker, I often wonder why we don't focus more of our effort on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. As such, I would ask that all of my colleagues come to the table to discuss the ways we can further this mutual goal.

Mr. Speaker, I urge my colleagues to vote ''yes'' on the Scott and Jackson-Lee amendments and ''no'' on the underlying bill.

Mr. CROWLEY. Mr. Speaker, I feel like I am in a time wrap today. We already voted on and debated basically the same bill last year. We must be close to an election if this Republican Congress is bringing up an anti-choice piece of legislation that they have already passed.

While these types of bills may make good politics for some, they make bad policy for all.

We should all be in agreement on the need to lower the numbers of unintended pregnancies and abortions in the U.S.

While this bill purports to put the interests of minors and their parents first, as well as reduce the number of abortions—the facts over the last few years of the Bush Administration have demonstrated that the numbers of abortions increased from the numbers during the previous 8 years of policymaking under President Bill Clinton.

In fact, studies show the abortion rate, which hit a 24-year low when President Bush took office, and has risen throughout President Bush's first term of so-called anti-abortion policymaking.

Instead of focusing on this fact, addressing why hundreds of millions of taxpayer dollars have been spent on abstinence only programs with little result, and pushing programs to expand contraception, this majority wants to criminalize aunts and cousins. It just doesn't make any sense.

Fortunately, there are laudable programs that work with young people to help ensure that they get accurate and relevant information on how to protect themselves from pregnancy.

We should work to find common ground on real solutions to the problems of unintended pregnancies and abortions.

I urge my colleagues to join me in voting against this mean-spirited legislation.

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

The SPEAKER pro tempore (Mr. ADERHOLT). All time for debate has expired.

Pursuant to House Resolution 1039, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. 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, this 15-minute vote on passage of Senate 403 will be followed by 5-minute votes on passage of H.R. 2679, motion to suspend the rules and adopt House Resolution 723, and motion to suspend the rules and adopt House Resolution 992.

The vote was taken by electronic device, and there were—yeas 264, nays 153, not voting 15, as follows:

[Roll No. 479]

YEAS—264

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
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 Rodgers
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Green (WI)
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Nussle
Pombo
Strickland

□ 1800

Messrs. BUTTERFIELD, NEAL of Massachusetts, PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mrs. JOHNSON of Connecticut, and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS' MEMORIALS, BOY SCOUTS, PUBLIC SEALS, AND OTHER PUBLIC EXPRESSIONS OF RELIGION PROTECTION ACT OF 2006

The SPEAKER pro tempore (Mr. KUHL of New York). The pending business is the vote on passage of H.R. 2679, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 173, not voting 15, as follows:

[Roll No. 480]

YEAS—244

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Green (WI)
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Nussle
Pombo
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1810

Mr. MOLLOHAN changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''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.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, September 26, 2006. As a result, I was not recorded for rollcall votes Nos. 479 and 480. Had I been present, I would have voted "aye" on rollcall Nos. 479 and 480.

CALLING ON THE PRESIDENT TO TAKE IMMEDIATE STEPS TO HELP IMPROVE THE SECURITY SITUATION IN DARFUR, SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 723, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 723, 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 7, not voting 13, as follows:

[Roll No. 481]

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
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
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 (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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)
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
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
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)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
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 (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 Rodgers
McNulty
Meek (FL)
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
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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)
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
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Buyer
Duncan
Jones (NC)
McKinney
Paul
Rohrabacher
Taylor (MS)

NOT VOTING—13

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pombo
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1820

Mr. TAYLOR of Mississippi and Mr. JONES of North Carolina changed their vote from ‘‘yea’’ to ‘‘nay.’’

Mr. RADANOVICH changed his vote from ‘‘nay’’ to ‘‘yea.’’

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further proceedings today in the House, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

URGING THE PRESIDENT TO APPOINT A PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 992, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 992, 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 414, nays 3, not voting 15, as follows:

[Roll No. 482]

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 (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
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 (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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)
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
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
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)
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 (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 Rodgers
McNulty
Meek (FL)
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
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

McKinney
Paul
Slaughter

NOT VOTING—15

Brown (OH)
Castle
Davis (FL)
Evans
Ford
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Neal (MA)
Ney
Pombo
Strickland
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1830

Mr. GEORGE MILLER of California changed his vote from ‘‘nay’’ to ‘‘yea.’’

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''A resolution supporting the appointment of a Presidential Special Envoy for Sudan''.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, during rollcall vote No. 482 on H. Res. 992, I mistakenly recorded my vote as "nay" when I should have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 817

Mr. POE. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 817.

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

There was no objection.

PERSONAL EXPLANATION

Ms. HOOLEY. Mr. Speaker, earlier today I was unavoidably detained and as a result missed rollcall 478, a privileged motion offered by the minority leader.

Had I been present, I would have voted ''aye'' on the motion.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 5631.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 1037, I call up the conference report to accompany the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1037, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 25, 2006, at page H6996.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the conference report on H.R. 5631 which makes appropriations for the Department of Defense for fiscal year 2007. The agreement provides $377.6 billion for the United States military. In addition, $70 billion is provided in the so-called bridge fund for the operations of the war against terror. Finally, $200 million is included in emergency funding to help the Department of the Interior and the Forest Service combat wildfires.

Mr. Speaker, this conference report also carries a continuing resolution which will fund other activities of the government through November 17. It is a totally clean CR, and it merely establishes the date.

The House passed the defense bill on June 20 by a vote of 407–19. The other body completed its action on its version of the bill on September 7. By September 21, only 2 weeks after the Senate approval, we resolved conference and present a good conference report.

There was some difficulty about the total number, the top line, the 302(b) allocation, and I want to compliment the chairman of the full committee, Chairman LEWIS, for having stuck to his guns. We were able to get that top number up to the House number and this bill reflects very closely the bill as passed by the House.

I will say that a statement has been prepared in writing of the highlights of this legislation. I would advise the Members that there were no new earmarks, no new Member projects added in conference, and that in the bridge fund there are no Member projects whatsoever. It is a good conference report. It was agreed to unanimously by the conferees of both parties in both the House and the Senate.

Mr. Speaker, it is a good bill.

Mr. Speaker, I rise in strong support of the conference report on H.R. 5631, making appropriations for the Department of Defense for fiscal year 2007. This agreement provides $377.6 billion for the United States military. In addition, $70 billion is provided in the so-called "Bridge Fund". Finally, $200 million is included in emergency funding to help the Department of the Interior and the Forest Service combat wildfires.

This conference report also carries a continuing resolution, which will fund other activities of the government through November 17th.

The House passed the Defense appropriations bill on June 20th by a vote of 407 to 19. However, the Senate did not complete action on its version until September 7th. We reached a conference agreement on Thursday, September 21st, only two weeks after final approval by the Senate, despite having to resolve some major funding differences.

The centerpiece of this legislation is the funding for the Global War on Terror contained in title IX. This includes $17.1 billion to fully cover the fiscal year 2007 reset needs of the United States Army, and $5.8 billion to do the same for the Marine Corps.

The reset funding in this conference agreement will enable deploying units to have all the equipment they require to face the enemy in Iraq and Afghanistan. In addition, returning units can be reset and trained in order to be at full readiness for any future deployment. We owe it to our troops to ensure they have all the equipment they need to perform their missions. This funding keeps that commitment.

In addition, the conference agreement provides operating expenses for the services to conduct the Global War on Terror for the first half of fiscal year 2007. Finally, we provide funding for 10 additional C–17 aircraft in the Bridge Fund, for a total of 22 in this conference report.

Within the base bill, the conference agreement maintains the two littoral combat ships provided for the Navy in the House bill but eliminated by the Senate, as well one T–AKE ammunition ship. We have reluctantly agreed to the proposal of the Administration and the Senate to incrementally fund the two lead ships of the DDG–1000 destroyer series, formerly DD(X). However, we expect them to stay within the total funding envelop for both ships, which is currently projected at $6,582,200,000. In the future, I do not believe Congress should entertain any funding above this level.

The conference agreement also includes $2.7 billion to fully fund the procurement of 20 F–22A fighter aircraft, and $687 million for advance procurement of 20 aircraft in fiscal year 2008.

The Senate bill had eliminated procurement funding for the Joint Strike Fighter program. However, in the conference agreement we were able to restore full funding for 2 production aircraft and advance procurement for 12 additional aircraft in fiscal year 2008. Including research and development costs, the conference agreement contains $4.3 billion for the Joint Strike Fighter program, making it the largest single program in the Department of Defense.

We also responded to the emerging threat posed by North Korea and Iran by providing $9.4 billion for ballistic missile defense, an increase of $1.6 billion over fiscal year 2006. This includes funds to begin the establishment in Europe of a third ground-based interceptor site.

Mr. Speaker, there are a number of other important programs addressed in this conference report. Let me just conclude by stating that this bill provides essential funding for the war fighter in Iraq, Afghanistan, and around the world as we wage the Global War on Terror. Every member of the conference committee signed the conference report. It deserves the strong support of the House. I urge its adoption.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	24,028,651	25,423,998	25,259,649	25,392,568	25,911,349	+1,882,698
Military Personnel, Navy	19,048,651	19,135,950	19,049,454	19,050,950	19,049,454	+803
Military Personnel, Marine Corps	7,712,511	7,983,895	7,932,749	7,895,775	7,932,749	+220,238
Military Personnel, Air Force	19,805,780	20,220,539	19,676,481	20,006,359	20,285,871	+480,091
Reserve Personnel, Army	2,834,301	3,058,050	3,034,500	2,956,640	3,043,170	+208,869
Reserve Personnel, Navy	1,480,096	1,569,128	1,485,548	1,551,838	1,551,838	+71,742
Reserve Personnel, Marine Corps	467,736	507,776	498,556	492,356	498,686	+30,950
Reserve Personnel, Air Force	1,214,323	1,282,110	1,246,320	1,253,060	1,259,620	+45,297
National Guard Personnel, Army	4,418,846	4,784,471	4,693,595	4,788,971	4,751,971	+333,125
National Guard Personnel, Air Force	2,006,658	2,122,197	2,038,097	2,091,722	2,067,752	+61,094
Total, title I, Military Personnel	83,017,553	86,088,114	84,914,949	85,480,239	86,352,460	+3,334,907
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	22,031,807	23,091,606	22,292,965	22,199,406	22,397,581	+365,774
Operation and Maintenance, Navy	28,363,907	30,129,671	29,853,676	29,570,771	29,751,721	+1,387,814
Operation and Maintenance, Marine Corps	3,109,882	3,405,821	3,351,121	3,266,721	3,338,296	+228,414
Operation and Maintenance, Air Force	28,182,761	29,658,288	29,089,688	28,542,408	28,774,928	+592,167
Operation and Maintenance, Defense-Wide	18,199,977	19,989,270	19,883,790	19,832,789	19,948,799	+1,748,822
Operation and Maintenance, Army Reserve	1,751,322	2,083,312	2,064,512	1,942,388	1,957,888	+206,566
Operation and Maintenance, Navy Reserve	1,165,237	1,236,628	1,223,628	1,223,628	1,223,628	+58,391
Operation and Maintenance, Marine Corps Reserve	190,702	202,332	202,732	199,232	199,032	+8,330
Operation and Maintenance, Air Force Reserve	2,424,432	2,663,951	2,659,951	2,564,451	2,563,751	+139,319
Operation and Maintenance, Army National Guard	4,053,617	4,450,783	4,436,839	4,267,683	4,323,783	+270,166
Operation and Maintenance, Air National Guard	4,476,301	5,080,695	5,035,310	4,833,270	4,831,185	+354,884
Overseas Contingency Operations Transfer Account	---	10,000	---	---	---	---
United States Court of Appeals for the Armed Forces	11,124	11,721	11,721	11,721	11,721	+597
Overseas Humanitarian, Disaster, and Civic Aid	60,931	63,204	63,204	63,204	63,204	+2,273
Former Soviet Union Threat Reduction Account	411,394	372,128	372,128	372,128	372,128	-39,266
Total, title II, Operation and maintenance	114,433,394	122,449,410	120,541,265	118,889,800	119,757,645	+5,324,251
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	2,626,748	3,566,483	3,529,983	3,354,729	3,502,483	+875,735
Missile Procurement, Army	1,196,830	1,350,898	1,350,898	1,266,967	1,278,967	+82,137
Procurement of Weapons and Tracked Combat Vehicles, Army	1,377,698	2,301,943	2,047,804	2,092,297	1,906,368	+528,670
Procurement of Ammunition, Army	1,715,693	1,903,125	1,710,475	1,948,489	1,719,879	+4,186
Other Procurement, Army	4,548,090	7,718,602	7,005,338	7,724,878	7,004,914	+2,456,824
Aircraft Procurement, Navy	9,677,001	10,868,771	10,590,934	10,135,249	10,393,316	+716,315
Weapons Procurement, Navy	2,633,380	2,555,020	2,533,920	2,558,020	2,573,820	-59,560
Procurement of Ammunition, Navy and Marine Corps	843,323	789,943	775,893	799,943	767,314	-76,009
Shipbuilding and Conversion, Navy	8,936,959	10,578,553	10,491,653	10,393,475	10,579,125	+1,642,166
Other Procurement, Navy	5,389,849	4,967,916	5,022,005	4,731,831	4,927,676	-462,173
Procurement, Marine Corps	1,384,965	1,273,513	1,191,113	1,151,318	894,571	-490,394
Aircraft Procurement, Air Force	12,609,842	11,479,810	11,852,467	11,096,406	11,643,356	-966,486
Missile Procurement, Air Force	5,122,728	4,204,145	3,746,636	3,975,407	3,914,703	-1,208,025
Procurement of Ammunition, Air Force	1,006,718	1,072,749	1,079,249	1,046,802	1,054,302	+47,584
Other Procurement, Air Force	13,920,106	15,408,086	15,423,536	15,510,286	15,493,486	+1,573,380
Procurement, Defense-Wide	2,548,227	2,861,461	2,890,531	2,763,071	2,903,292	+355,065
National Guard and Reserve Equipment	178,200	---	500,000	340,000	290,000	+111,800
Defense Production Act Purchases	57,666	18,484	39,384	68,884	63,184	+5,518
Total, title III, Procurement	75,774,023	82,919,502	81,781,819	80,958,052	80,910,756	+5,136,733

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	11,060,666	10,855,559	11,834,882	11,245,040	11,054,958	-5,708
Research, Development, Test and Evaluation, Navy	18,803,203	16,912,223	17,654,518	17,048,238	18,673,894	-129,309
Research, Development, Test and Evaluation, Air Force	21,779,654	24,396,767	24,457,062	23,974,081	24,516,276	+2,736,622
Research, Development, Test and Evaluation, Defense-Wide	19,600,607	20,809,939	21,208,264	20,543,393	21,291,056	+1,690,449
Operational Test and Evaluation, Defense	166,774	181,520	181,520	187,520	185,420	+18,646
Total, title IV, Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	72,998,272	75,721,604	+4,310,700
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,143,391	1,345,998	1,345,998	1,345,998	1,345,998	+202,607
National Defense Sealift Fund: Ready Reserve Force	1,078,165	1,071,932	1,071,932	616,932	1,071,932	-6,233
Pentagon Reservation Maintenance Revolving Fund	---	18,500	18,500	18,500	18,500	+18,500
Total, title V, Revolving and Management Funds	2,221,556	2,436,430	2,436,430	1,981,430	2,436,430	+214,874
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	1,204,349	1,046,290	1,046,290	1,046,290	1,046,290	-158,059
Procurement	115,362	---	---	---	---	-115,362
Research, development, test and evaluation	67,108	231,014	231,014	231,014	231,014	+163,906
Total, Chemical Agents 1/	1,386,819	1,277,304	1,277,304	1,277,304	1,277,304	-109,515
Drug Interdiction and Counter-Drug Activities, Defense	908,474	926,890	936,990	978,212	977,632	+69,158
Office of the Inspector General	207,590	216,297	216,297	216,297	216,297	+8,707
Total, title VI, Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	2,471,813	2,471,233	-31,650
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	244,600	256,400	256,400	256,400	256,400	+11,800
Intelligence Community Management Account	418,121	634,811	597,111	597,011	621,611	+203,490
Transfer to Department of Justice	(38,610)	---	(39,000)	---	(39,000)	(+390)
Total, title VII, Related agencies	662,721	891,211	853,511	853,411	878,011	+215,290
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(3,712,500)	(5,000,000)	(4,750,000)	(4,500,000)	(4,500,000)	(+787,500)
Indian Financing Act incentives (Sec. 8018)	7,920	---	8,000	8,000	8,000	+80
FFRDCs (Sec. 8023)	-45,540	---	-25,000	-53,200	-53,200	-7,660
Overseas Mil Fac Invest Recovery (Sec. 8029)	1,000	1,000	1,000	1,000	1,000	---
Army Historical Foundation	2,970	---	---	---	---	-2,970
Rescissions (Sec. 8040)	-405,723	---	-823,122	-985,327	-870,143	-464,420
Shipbuilding & Conv. Funds, Navy	17,820	---	---	---	---	-17,820
Travel Cards (Sec. 8065)	45,000	51,000	51,000	51,000	51,000	+6,000
Special needs students (Sec. 8098)	5,445	---	---	5,500	5,500	+55
Fisher House (Sec. 8075)	2,178	---	2,500	---	2,500	+322
Other Contract Growth (Sec. 8077)	-262,350	---	-71,100	-92,000	-158,100	+104,250
Contracted Advisory and Assistance Services (Sec.8078)	-99,000	---	-22,000	-71,000	-71,000	+28,000
Working Capital Funds Cash Balance	-247,500	---	---	---	---	+247,500
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8085)	5,049	---	5,400	---	5,400	+351
Various grants (Sec. 8088)	33,017	---	13,000	---	11,100	-21,917
Travel costs (Sec. 8097)	-91,080	---	-45,000	-85,000	-85,000	+6,080
Procurement Offsets	-357,390	---	---	---	---	+357,390
Army Venture Capital Funds	15,000	---	---	---	---	-15,000
Revised Economic Assumptions (Sec.8106)	-763,587	---	-949,000	-1,272,300	-1,034,425	-270,838
Foreign Currency Fluctuation	---	---	-100,000	---	---	---
Drug Interdiction and Counter-Drug Activities (emergency)	---	---	---	700,000	---	---
Total, Title VIII, General Provisions	-2,136,771	52,000	-1,954,322	-1,793,327	-2,187,368	-50,597

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
TITLE IX - ADDITIONAL APPROPRIATIONS						
Military Personnel						
Military Personnel, Army (contingency operations)	4,713,245	---	4,346,710	5,054,502	4,346,710	-366,535
Military Personnel, Navy (contingency operations)	144,000	---	229,096	114,500	143,296	-704
Military Personnel, Marine Corps (contingency operations)	455,000	---	495,456	142,320	145,576	-309,424
Military Personnel, Air Force (contingency operations)	508,000	---	659,788	129,000	351,788	-156,212
Reserve Personnel, Army (contingency operations)	138,755	---	---	90,910	87,756	-50,999
Reserve Personnel, Navy (contingency operations)	10,000	---	10,000	---	---	-10,000
Reserve Personnel, Marine Corps (contingency operations)	---	---	---	15,420	15,420	+15,420
National Guard Personnel, Army (contingency operations)	234,400	---	251,000	214,100	295,959	+61,559
National Guard Personnel, Air Force (contingency operations)	3,200	---	---	---	---	-3,200
Total, Military Personnel	6,206,600	---	5,992,050	5,760,752	5,386,505	-820,095
Operation and Maintenance						
Operation & Maintenance, Army (contingency operations)	21,348,886	---	24,280,000	24,037,232	28,364,102	+7,015,216
Operation & Maintenance, Navy (contingency operations)	1,810,500	---	1,954,145	1,284,172	1,615,288	-195,212
(Transfer out) (contingency operations)	---	---	---	(-90,000)	(-90,000)	(-90,000)
Operation & Maintenance, Marine Corps (contingency operations)	1,833,126	---	1,781,500	1,809,466	2,689,006	+855,880
Operation & Maintenance, Air Force (contingency operations)	2,483,900	---	2,987,108	1,940,553	2,688,189	+204,289
Operation & Maintenance, Defense-Wide (contingency operations)	805,000	---	2,186,673	2,383,189	2,774,963	+1,969,963
(Transfer out) (contingency operations)	---	---	---	---	(-20,000)	(-20,000)
Operation & Maintenance, Army Reserve (contingency operations)	48,200	---	---	211,600	211,600	+163,400
Operation & Maintenance, Navy Reserve (contingency operations)	6,400	---	---	8,036	9,886	+3,486
Operation & Maintenance, Marine Corps Reserve (contingency operations)	27,950	---	---	---	48,000	+20,050
Operation & Maintenance, Air Force Reserve (contingency operations)	5,000	---	---	65,000	65,000	+60,000
Operation & Maintenance, Army National Guard (contingency operations)	183,000	---	220,000	2,033,100	424,000	+241,000
Operation & Maintenance, Air National Guard (contingency operations)	7,200	---	---	200,000	200,000	+192,800
Iraq Freedom Fund (contingency operations)	4,658,686	---	4,000,000	50,000	50,000	-4,608,686
Afghanistan Security Forces Fund (contingency operations)	---	---	---	1,200,000	1,500,000	+1,500,000
Iraq Security Forces Fund (contingency operations)	---	---	---	1,400,000	1,700,000	+1,700,000
Joint IED Defeat Fund (contingency operations)	---	---	---	1,500,000	1,920,700	+1,920,700
Total, Operation and Maintenance	33,217,848	---	37,409,426	38,122,348	44,260,734	+11,042,886
Procurement 4/						
Aircraft Procurement, Army	---	---	---	556,000	---	---
(contingency operations)	232,100	---	132,400	---	1,461,300	+1,229,200
Missile Procurement, Army (contingency operations)	55,000	---	---	---	---	-55,000
Procurement of Weapons and Tracked Combat Vehicles, Army	---	---	---	1,048,280	---	---
(contingency operations)	860,190	---	1,214,672	---	3,393,230	+2,533,040
Procurement of Ammunition, Army (contingency operations)	273,000	---	275,241	---	237,750	-35,250
Other Procurement, Army	---	---	---	1,817,527	---	---
(contingency operations)	3,174,900	---	1,939,830	---	5,003,995	+1,829,095
Aircraft Procurement, Navy	---	---	---	153,700	---	---
(contingency operations)	138,837	---	34,916	---	486,881	+348,044
Weapons Procurement, Navy (contingency operations)	116,900	---	131,400	---	109,400	-7,500
Procurement of Ammunition, Navy and Marine Corps	---	---	---	99,930	---	---
(contingency operations)	38,885	---	143,150	---	127,880	+88,995
Other Procurement, Navy	---	---	---	276,500	---	---
(contingency operations)	49,100	---	28,865	---	319,965	+270,865
Procurement, Marine Corps	---	---	---	1,281,068	---	---
(contingency operations)	1,710,145	---	621,450	---	4,898,269	+3,188,124
Aircraft Procurement, Air Force	---	---	---	720,100	---	---
(contingency operations)	115,300	---	912,500	---	2,291,300	+2,176,000
Missile Procurement, Air Force	---	---	---	25,400	---	---
(contingency operations)	17,000	---	32,650	---	32,650	+15,650
Other Procurement, Air Force	---	---	---	1,220,293	---	---
(contingency operations)	17,500	---	9,850	---	1,317,607	+1,300,107

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
Procurement, Defense-Wide	---	---	---	56,255	---	---
(contingency operations)	182,075	---	121,600	---	145,555	-36,520
National Guard and Reserve Equipment (emergency)	1,000,000	---	---	---	---	-1,000,000
Total, Procurement	7,980,932	---	5,598,524	7,255,053	19,825,782	+11,844,850
Research, Development, Test and Evaluation 4/						
Research, Development, Test & Evaluation, Army (contingency operations)	13,100	---	---	---	---	-13,100
Research, Development, Test & Evaluation, Navy	---	---	---	110,000	---	---
(contingency operations)	---	---	---	---	231,106	+231,106
Research, Development, Test & Evaluation, Air Force	---	---	---	33,064	---	---
(contingency operations)	12,500	---	---	---	36,964	+24,464
Research, Development, Test and Evaluation, Defense-Wide	---	---	---	155,144	---	---
(contingency operations)	25,000	---	---	---	139,644	+114,644
Total, Research, Development, Test and Evaluation	50,600	---	---	298,208	407,714	+357,114
Revolving and Management Funds 4/						
Defense Working Capital Funds	---	---	---	373,474	---	---
(contingency operations)	2,516,400	---	1,000,000	---	---	-2,516,400
Total, Revolving and Management Funds	2,516,400	---	1,000,000	373,474	---	-2,516,400
Other Department of Defense Programs						
Drug Interdiction and Counter-Drug Activities, Defense (contingency operations)	27,620	---	---	---	100,000	+72,380
Related Agencies 5/						
Intelligence Community Management Account (contingency operations)	---	---	---	219,265	19,265	+19,265
TITLE IX General Provisions						
Additional transfer authority	---	---	---	(2,500,000)	---	---
(Contingency operations)	(2,500,000)	---	(2,500,000)	---	(3,000,000)	(+500,000)
Global war on terror efforts in Afghanistan and Iraq	---	50,000,000	---	---	---	---
Equipment Reset Transfer Authority	---	---	---	(6,700,000)	---	---
Army and Marine Corps Reset (emergency)	---	---	---	13,100,000	---	---
Predators for SOCOM (emergency)	---	---	---	65,400	---	---
O&M to assist African Union forces (emergency)	---	---	---	20,000	---	---
Total, General Provisions	---	50,000,000	---	13,185,400	---	---
Total, Title IX 4/	50,000,000	50,000,000	50,000,000	65,214,500	70,000,000	+20,000,000
TITLE X-FY 2006 WILDLAND FIRE EMERGENCY APPROPRIATIONS						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland Fire Management 6/	---	---	---	100,000	100,000	+100,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland Fire Management 6/	---	---	---	175,000	100,000	+100,000
Total, Title X	---	---	---	275,000	200,000	+200,000
Total for the bill (net)	397,886,263	420,413,166	416,340,489	427,329,190	436,540,771	+38,654,508
OTHER APPROPRIATIONS						
Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (P.L.109-148, Division B)						
Title I, Chapter 2 (emergency)	3,456,512	---	---	---	---	-3,456,512
Transfer authority (emergency)	(500,000)	---	---	---	---	(-500,000)
Title II, Chapter 2 (emergency)	10,000	---	---	---	---	-10,000
Title III, Chapter 2 (rescissions)	-80,000	---	---	---	---	+80,000
Total	3,386,512	---	---	---	---	-3,386,512

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY,2006 (Public Law 109-234)						
Title I, Chapter 2 (emergency)	63,573,085	---	---	---	---	-63,573,085
Rescissions	-80,000	---	---	---	---	+80,000
Rescissions (emergency)	-39,400	---	---	---	---	+39,400
Transfer authority (emergency)	(3,250,000)	---	---	---	---	(-3,250,000)
Title II, Chapter 2 (emergency)	1,004,173	---	---	---	---	-1,004,173
Transfer authority (emergency)	(150,000)	---	---	---	---	(-150,000)
Title V, Chapter 1 (emergency)	708,000	---	---	---	---	-708,000
Total	65,165,858	---	---	---	---	-65,165,858
Total, Other Appropriations	68,552,370	---	---	---	---	-68,552,370
Net grand total (including other appropriations)	466,438,633	420,413,166	416,340,489	427,329,190	436,540,771	-29,897,862
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Lease of defense real property (permanent)	11,880	12,000	12,000	12,000	12,000	+120
Disposal of defense real property (permanent)	14,850	15,000	15,000	15,000	15,000	+150
Army Venture Capital Fund (reappropriation)	---	15,000	15,000	15,000	15,000	+15,000
O&M, Army transfer to National Park Service:						
Defense function	-1,980	---	-2,499	---	-2,499	-519
Non-defense function	1,980	---	2,499	---	2,499	+519
Title IX O&M, Navy transfer to Coast Guard, Op.Exp (By transfer) (contingency operations)	---	---	---	(90,000)	(90,000)	(+90,000)
Title IX O&M, Defense-wide transfer to Department of State (By transfer) (contingency operations).	---	---	---	---	(20,000)	(+20,000)
Tricare accrual (permanent, indefinite auth.) 2/	10,707,483	11,230,629	11,230,629	11,230,629	11,230,629	+523,146
Less Title IX FY 2006 supplemental appropriations.	---	---	---	-7,926,735	---	---
Less Title X FY 2006 emergency appropriations 5/6/	---	---	---	-275,000	-200,000	-200,000
Less emergency appropriations 3/ 5/	-118,712,370	-50,000,000	-50,000,000	-57,987,765	-70,000,000	+48,712,370
Adjustment to balance with CBO's ATB estimate	2,181	---	---	---	---	-2,181
Total, scorekeeping adjustments	-107,975,976	-38,727,371	-38,727,371	-54,916,871	-58,927,371	+49,048,605
Adjusted total (includ. scorekeeping adjustments)	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Appropriations	(359,028,380)	(381,685,795)	(378,436,240)	(373,397,646)	(378,483,543)	(+19,455,163)
Rescissions	(-565,723)	---	(-823,122)	(-985,327)	(-870,143)	(-304,420)
Total (including scorekeeping adjustments)	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Amount in this bill	(466,438,633)	(420,413,166)	(416,340,489)	(427,329,190)	(436,540,771)	(-29,897,862)
Scorekeeping adjustments	(-107,975,976)	(-38,727,371)	(-38,727,371)	(-54,916,871)	(-58,927,371)	(+49,048,605)
Total mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
Mandatory	244,600	256,400	256,400	256,400	256,400	+11,800
Discretionary	358,218,057	381,429,395	377,356,718	372,155,919	377,357,000	+19,138,943

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT-FY 2007 (H.R. 5631)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	House	Senate 7/	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	83,017,553	86,088,114	84,914,949	85,480,239	86,352,460	+3,334,907
Title II - Operation and Maintenance	114,433,394	122,449,410	120,541,265	118,889,800	119,757,645	+5,324,251
Title III - Procurement	75,774,023	82,919,502	81,781,819	80,958,052	80,910,756	+5,136,733
Title IV - Research, Development, Test and Evaluation	71,410,904	73,156,008	75,336,246	72,998,272	75,721,604	+4,310,700
Title V - Revolving and Management Funds	2,221,556	2,436,430	2,436,430	1,981,430	2,436,430	+214,874
Title VI - Other Department of Defense Programs	2,502,883	2,420,491	2,430,591	2,471,813	2,471,233	-31,650
Title VII - Related Agencies	662,721	891,211	853,511	853,411	878,011	+215,290
Title VIII - General Provisions (net)	-2,136,771	52,000	-1,954,322	-1,793,327	-2,187,368	-50,597
Title IX - Additional Appropriations (net)	50,000,000	50,000,000	50,000,000	65,214,500	70,000,000	+20,000,000
Title X - Wildland Fire Management (net)	---	---	---	275,000	200,000	+200,000
Total, Department of Defense	397,886,263	420,413,166	416,340,489	427,329,190	436,540,771	+38,654,508
Other defense appropriations	68,552,370	---	---	---	---	-68,552,370
Total funding available (net)	466,438,633	420,413,166	416,340,489	427,329,190	436,540,771	-29,897,862
Scorekeeping adjustments	-107,975,976	-38,727,371	-38,727,371	-54,916,871	-58,927,371	+49,048,605
Total mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743
RECAP BY FUNCTION						
Mandatory	244,600	256,400	256,400	256,400	256,400	+11,800
Discretionary:						
General purpose discretionary:						
Defense discretionary	358,216,077	381,429,395	377,354,219	370,144,545	377,354,501	+19,138,424
Nondefense discretionary	1,980	---	2,499	2,011,374	2,499	+519
Total discretionary	358,218,057	381,429,395	377,356,718	372,155,919	377,357,000	+19,138,943
Grand total, mandatory and discretionary	358,462,657	381,685,795	377,613,118	372,412,319	377,613,400	+19,150,743

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
3/ Includes Title IX contingency operations funds.
4/ If enacted before October 1, 2006, funds provided in Chapters III - VI of the Senate bill will be considered FY 2006 budget authority.
5/ If enacted before October 1, 2006, $494.265M of the Senate Bill will be FY 2006 emergency funds.
6/ Pursuant to Sec. 501 of H.Con.Res.376 (H.Res.818) and Sec. 402 of S.Con.Res.83 (Sec. 7035/P.L.109-234).
7/ Excludes $42,343,850 that will be considered under Military Quality of Life and VA Appropriations.

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

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

I hope as I see those pages fluttering over there it is not an indication that we are going to have a long debate. I hope for the record that we are not going to see that.

We worked assiduously for 6 months to get this bill together. It is the tightest, toughest bill I have ever seen in the 25 years I have been on this committee. We sure don't want a lot of rhetoric to elucidate on what happened here. So I am prepared to yield back my time.

Mr. YOUNG of Florida. Mr. Speaker, I have two requests for time.

Mr. Speaker, I am happy to yield such time as he might consume to the distinguished chairman of the full Appropriations Committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, at the admonition of my dear friend from Pennsylvania, I am simply rising to compliment these two gentleman for the fabulous work they have done and to make one single point: this is the first conference report of 11 that we should have. It is my intention before the year is over to complete all of those reports.

But the point I really want to make and have the House understand, it is not the committee's intention to have an omnibus of any form. An omnibus only complicates the process, causes us to spend more money, not less, and undermines the very fine work that has been done by this committee.

Mr. Speaker, I rise in support of the FY07 Department of Defense Appropriations conference report. This is the first of 11 individual conference reports I hope to bring to the House floor for consideration this year.

The conference report funds the DoD at $377.6 billion plus a bridge fund of $70 billion for military operations in Iraq and Afghanistan.

In addition, the DoD conference report contains a clean continuing resolution that funds government operations at the lower rate of House-passed, Senate-passed, or last year's funding level through November 17th.

The underlying bill in this conference report—the DoD Appropriations bill—is the most important of our annual appropriation bills for it funds our national security. I would like to praise Chairman YOUNG and ranking member MURTHA for their fine bipartisan work. Chairman YOUNG has spoken to the specifics of the conference report so I will direct my attention to the need to complete our work this year.

As the body knows, the Appropriations Committee has made tremendous strides over the last two years in reforming the process of adopting our annual spending bills.

The Appropriations Committee has been strongly committed to bringing to this floor individual conference reports for each and every bill. We were successful in doing so last year and I hope to replicate that success again this year.

Early in this process, I made it very clear to my leadership and to our members that the Appropriations Committee would not entertain the prospect of an omnibus spending bill. This Committee has done everything in its power to ensure that this does not happen.

The Appropriations Committee passed each of the 11 spending bills through full committee by June 20th, and passed 10 of 11 bills off the House floor by June 30th. We remain ready to pass the final appropriations bill at a moment's notice.

The Appropriations Committee made a commitment to move its spending bills individually—in "regular order"—and within the framework of the Budget Resolution. We have done that. My colleagues, the Appropriations Committee has kept its word.

Moving our spending bills individually is the only way for us to maintain fiscal discipline. If history is any guide, an omnibus spending bill would also become a vehicle for legislative mischief, a proverbial Christmas tree for unrelated legislative proposals by attaching the year's unfinished business onto must-pass legislation. The pursuit of an omnibus strategy is a budget-buster and an invitation to unrestrained spending.

Chairman COCHRAN and I urge our colleagues to avoid this approach and move forward in passing individual conference reports.

Together, we remain committed to completing our work at the earliest possible date.

I urge the adoption of this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the vice chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, taking Mr. MURTHA's admonition, I rise in strong support of the bill and especially draw attention to the need to get the money out the door through the bridge fund.

Mr. Speaker, I rise in strong support of H.R. 5631, making appropriations for the Department of Defense of FY '07.

I commend the leadership of the Committee—Chairmen LEWIS and YOUNG, and Ranking Members OBEY and MURTHA—for their hard work in producing well-balanced bill that meets the needs of our warfighters today and lays the foundation for a strong national defense in the future.

This conference agreement provides $447.6 billion, including $70 billion in "bridge funding" to support our missions in Iraq, Afghanistan, and global war on terrorism.

The total is about $4.1 billion less than the President's budget request, but it is over $19 billion more than last year's DoD appropriations act.

Yet still, within this limited allocation, the conference report provides important resources for our warfighters:

AIRCRAFT

F/A–22 Raptor—$2.7 billion to procure 20 F–22s next year, nearly double what was requested by the Administration.

F–35 Lightening Joint Strike Fighter—almost $5 billion for development and procurement of the Joint Strike Fighter (JSF).

Hercules Cargo Planes—$787 million for nine Air Force C–130Js, and $243 million for Marine Corps KC–130Js.

SHIPS

New Assault Ship—$2.6 billion for two of the Navy's next-generation surface combat ship, the DD(X).

LHA Amphibious Assault Ship—$1.1 billion for the LHA Amphibious Assault Ship.

Attack Submarine—$2.5 billion, equal to the administration's request, for procurement of the next Virginia-class new attack-submarine.

MISSILE DEFENSE

The conference report provides $9.4 billion for missile defense programs—$110 million more than the President's budget request, and almost $1.6 billion (20%) more than current funding. We also provide for the initial deployment of a national missile defense system based in Alaska and California.

FCS

Future Combat System—Appropriates $3 billion for the Future Combat System, the Army's most high profile weapons modernization program. However, this figure is $320 million less than requested.

FORCE PROTECTION

The bill provides funds for increased protection for U.S. troops in Iraq, including $725 billion for personnel protective gear, such as body armor; $5.6 billion for more up-armored Humvees, other tactical wheeled-vehicles and other equipment expended in Iraq and Afghanistan; and $1.5 billion to counter improvised explosive devices (IEDs).

BRIDGE

While these are the highlights of this important conference report, I would like to focus on the "Bridge Fund." The conference recommendation includes $70 billion in emergency funding for military operations in Iraq and Afghanistan.

IED

My colleagues, the standoff-weapon of choice for the insurgents in Iraq and Afghanistan is the IED—the roadside bomb, the suicide bomb, and recently in Afghanistan, the "bike" bomb.

Our enemy is aggressive, creative, and dangerous and this bridge fund contains $1.9 billion for the Joint IED Defeat Organization of the Department of Defense in order to stay one step ahead in protecting our warfighters.

CERP

The Commander's Emergency Response Program (CERP) is provided $500 million to help combatant commanders secure the peace by addressing emergency civilian needs in Afghanistan and Iraq.

Another $3.2 billion is provided to train and equip Iraqi and Afghan security forces—a vital mission that will allow American forces to hand over security responsibilities as soon as possible.

RESET—ARMY AND MARINES

Mr. Speaker, all of the resources in the "bridge fund" are important. But I would like to highlight the $5.8 billion to "reset" the Marines and the $17.1 billion provided to reset the Army. This funding is needed to fully equip deploying forces and to provide new and refurbished equipment for returning units.

Of the funds provided for the Army, $2.94 billion is for the Army Guard and Reserve, including $500 million to continue the effort initiated last year to outfit the Army National Guard with the equipment it needs for homeland defense and disaster response.

Mr. Speaker, the battle we wage in Iraq and Afghanistan is a tough battle. We're proud of the job of the Army and the Marines who are carrying the fight. But our forces are tearing up equipment at an alarming rate and without

this re-set funding, we run the risk of witnessing the return of a ''hollow Army'' that cannot serve our national interests.

WARFIGHTERS

Mr. Speaker, the very foundation of our national security is not weapons systems or vehicles or munitions. No, our primary asset in the global war against terrorism is our warfighter—the brave young men and women of our armed forces who are protecting our homeland every day.

This conference report supports an active-duty force of 482-thousand Army soldiers, 340-thousand Navy personnel, 334-thousand Air Force pilots and airmen and 175-thousand Marines.

I am pleased this bill provides for another pay hike (2.2%) for our warfighters.

SUMMARY

This House should be proud of this legislation. It provides our fighting men and women with the resources they need to be: more deployable; more agile; more flexible; more interoperable; and more lethal in the execution of their missions.

It provides for: better training; better equipment; better weapons; and better paychecks for the troops and support for their families at home.

I am pleased to support this legislation and the warfighters who proudly wear our Nation's uniform.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time. I want to say thank you very much to the members on both sides of the aisle of the subcommittee. They worked diligently in a lengthy series of hearings, oversight hearings, justification hearings. I would like to compliment the staff who have worked many, many long, hard hours in resolving the differences between the House version of this bill and the Senate version of the bill. It is a great honor to work with all of these members, men and women.

I would say that this, as has been suggested, is a good bill. I urge its passage.

Mr. BLUMENAUER. Mr. Speaker, this year's Defense Appropriations Conference Report is a step up from previous defense spending bills. It contains funding for some very inventive programs and industries located in my district and throughout Oregon that will prove vital to strengthening our national security and military preparedness.

This conference report also provides funding to the Department of Defense to begin researching and expanding its unexploded ordnance cleanup capabilities. Recently a pilot program has been implemented for the first wide area assessment which has already yielded valuable information for improving our ordnance removal methods. It is my hope that this is only the beginning of what will hopefully become a comprehensive approach to cleaning up unexploded bombs here at home as well as abroad.

Another important program that will receive funding from this bill is the Northwest Manufacturing Initiative, which gives small businesses from my area involved with defense and military applications the ability to contract on a level playing field with the rest of the defense industry. Through this program, a coordinated effort between state, local, and the private industry, the Pacific Northwest is able to make its contributions to our Nation's security. From this we can ensure that the inventive and cost-effective solutions generated locally are implemented into our national defense strategy.

Mr. JEFFERSON. Mr. Speaker, I wish to express my support for the fiscal year 2007 Defense Appropriations bill.

Today we reaffirm our support and appreciation for the members of the armed services. We have fully funded an across-the-board pay raise of 2.2 percent and increased military housing allowances. $2 billion in funding will go to countering one of the gravest threats our soldiers face in combat, the use of IEDs. An additional $3 billion will go to outfitting our service members and their combat vehicles with stronger armor. These are undoubtedly important priorities, and I support the funding levels in the conference report.

I am pleased with the commitment we have shown to both the Navy and to our Nation's shipbuilding industrial base. By funding five new ships this fiscal year, as well as continuing to adequately fund ships currently under construction like the LPD–17 and the LHA Replacement, we are ensuring the Navy will maintain its prominence on the world stage.

As our Nation is currently involved in a long-term war on multiple fronts, the importance of this defense funding cannot be understated. I am in favor of the conference report and I thank the Defense appropriations subcommittee for its hard work.

Ms. WATERS. Mr. Speaker, I rise to oppose the conference report for the Fiscal Year 2007 Defense Appropriations Act.

Among other things, this bill contains $50 billion for the war in Iraq, pushing the total amount U.S. taxpayers have paid for the Iraq war and the war in Afghanistan to more than $500 billion. The vast majority of these costs are for the Iraq war.

This conference report throws billions of dollars into the sands of Iraq, while at the same time this Administration and the Republican Congress call for drastic cuts to dozens of vital domestic programs.

This is immoral and wrong. We should be investing in schools and health care for all Americans. Certainly, we should fully fund the Department of Veterans Affairs, which the Republican-controlled Congress has under-funded by $9 billion over the past 6 years.

In 2002, in the lead-up to the war, the Administration assured the Congress and the American people that this war would be affordable.

How wrong they were! Not only is the Iraq war devastating the lives of thousands of U.S. service members and Iraqis, it is devastating our Nation's finances. The Administration must develop a plan to not only pay for this misguided endeavor but also to bring our troops home.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4942) to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments, as amended.

The Clerk read as follows:

H.R. 4942

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 Antiterrorism Capabilities Through International Cooperation Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.

(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of technologies that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.

(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.

(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial technologies in the areas of defense, agriculture, and telecommunications.

(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.

(6) The establishment of a program to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.

SEC. 3. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.

(a) IN GENERAL.—The Homeland Security Act of 2002 is amended by inserting after section 313 (6 U.S.C. 193) the following new section:

''SEC. 314. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (c)(1).

''(2) INTERNATIONAL COOPERATIVE ACTIVITIES.—The term 'international cooperative activities' includes—

''(A) coordinated research projects, joint research projects, or joint ventures;

''(B) joint studies or technical demonstrations;

''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

''(D) training of scientists and engineers;

''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

''(F) exchanges or sharing of scientific and technological information; and

''(G) joint use of laboratory facilities and equipment.

''(3) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary for Science and Technology of the Department of Homeland Security.

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(b) INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) AUTHORIZATION.—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

''(2) MECHANISMS AND EQUITABILITY.—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses, federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

''(3) COOPERATION.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

''(4) FOREIGN PARTNERS.—Under this section, the Under Secretary may form partnerships with United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, Singapore, and other countries as appropriate.

''(5) EXOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation's agricultural and public health sectors from exotic diseases.

''(c) PROGRAM AND DIRECTOR.—

''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Program to facilitate international cooperative activities throughout the Science and Technology Directorate. The Program shall be headed by a Director, who shall be selected by and shall report to the Under Secretary.

''(2) RESPONSIBILITIES OF THE DIRECTOR.—

''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in consultation with the Department of State and in coordination with other Federal agencies, mechanisms and legal frameworks to allow and to support international cooperative activities in support of homeland security research.

''(B) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

''(C) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with those of other components of the Department and of other relevant research agencies.

''(D) CONFERENCES AND WORKSHOPS.—The Director, periodically, shall support the planning and execution of international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

''(3) PROGRAM MANAGER AUTHORITY.—This subsection shall not be construed to limit the ability of a program manager to initiate or carry out international cooperative activities provided that such activities are appropriately coordinated with the Program established under this subsection.

''(d) BUDGET ALLOCATION.—There are authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, $25,000,000 for each of the fiscal years 2007 through 2010 for activities under this section.

''(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—

''(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

''(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

''(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

''(2) UPDATES.—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the item relating to section 313 the following new item:

''Sec. 314. Promoting antiterrorism through international cooperation program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. 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 New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I proudly rise in support of H.R. 4942. This is really legislation whose time has come. Let me at the very outset commend Ranking Member THOMPSON, Chairman REICHERT of the Emergency Preparedness Subcommittee, and my good friend from New Jersey, Mr. PASCRELL, for their tremendous cooperation and leadership on this legislation.

Mr. Speaker, we are engaged in a battle for survival. There is a war against international terrorism. It is a war in which we must know who our allies are, who our friends are. We have to know those who will stand with us through the tough times. We must know those who are willing to work with us and take risks with us.

The purpose of H.R. 4942 is to codify the right to assist in the sharing and developing of technologies, sharing of technologies between and among countries who share common values and who are dedicated to defeating international terrorism.

This legislation refers to certain specific allies in the global war on terrorism, such as Israel, the United Kingdom, Canada, Australia and Singapore. They have extensive experience with and technical expertise in homeland security, and we can benefit from them and they can benefit from us.

Really, the time has come for us to break down artificial barriers, artificial walls, and use the commonality of our cultures, of our traditions, of our beliefs, and use the benefit of our technological expertise to form a common bond as we go forward to defeat international terrorism.

This bill has a wide variety of support, as I believe it should. It is an aggressive step forward. It is a commonsense step forward.

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

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

Mr. Speaker, I rise in support of H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act. This is a true product of bipartisan effort and collegial dedication.

□ 1845

I am heartened at the process by which this bill has moved forward.

In particular, I want to commend the hard work of both the chairman and the ranking member, Mr. KING, Mr. THOMPSON, and my counterpart, Chairman DAVID REICHERT, chairman of the Emergency Preparedness, Science, and Technology Subcommittee. Their commitment to this vitally important legislation has been unwavering, and the collaboration offered epitomizes the very best of what the Homeland Security Committee can, should, and must be. Indeed, it is a tremendous achievement to see this proposal move forward.

This legislation will help to ensure that the Department of Homeland Security works with our allies in the war on terror to develop and share the best homeland security technologies possible, and we will all be the better off because of it. This must be part of a global strategy in order to finish off terror.

H.R. 4942 will establish what we call the Science and Technology Homeland Security International Cooperative Programs Office. Its objective will be to facilitate international cooperative activities throughout the Directorate of Science and Technology within the Department of Homeland Security.

The Director of the Office, who shall report directly to the Under Secretary for Science and Technology, will be responsible for developing mechanisms and legal frameworks to allow and support international cooperative activity in support of homeland security research;

To identify and match domestic entities engaged in homeland security research with foreign entities so that they may partner in homeland security research activities;

To ensure coordination of international cooperative activities carried out by the Office with the activities of other components of the Department and other relative research agencies; and

Holding international homeland security technology workshops and conferences.

We saw in a recent trip of the Homeland Security Committee to Europe the significance of working closely with our allies. These international cooperative activities will be supported through grants, cooperative agreements, contracts with U.S. governmental organizations and businesses, federally funded research and development centers, institutions of higher education, and foreign public and private entities.

The bill seeks to strengthen ongoing partnerships as well as encourage new ones. And the bill specifically says that we should seek to partner with our allies in this global war, as the chairman has pointed out. This global war or terrorism includes our closest allies, the United Kingdom, Canada, Australia, Israel, and Singapore.

To be sure, the United States would greatly benefit from joint international homeland security development programs between the United States and our allies in the war on terror. The fact is this: Many of our allies have substantial experience dealing with terrorism. By necessity, they have become hotbeds for counterterrorism research.

The bill authorizes $25 million for international cooperation and cooperative activities for each of the fiscal years 2007 to 2010. It requires that the funds come out of the existing budget of the directorate of Science and Technology. $25 million is not a lot of money when we consider the vast array of benefits that such cooperation can produce.

Forming partnerships and working together in a way that will ultimately help secure America is the main objective of the bill, again, of global strategy, and it should always be the main objective of this body. Passage of the legislation today shows that the House takes this austere responsibility seriously.

Mr. KING of New York. Mr. Speaker, let me just concur in what the gentleman from New Jersey said about the bipartisan cooperation; and I want to especially thank him and the ranking member for the tremendous cooperation he gave us on this legislation.

I yield as much time as he may consume to the author of the legislation, the Chairman of the Emergency Preparedness Subcommittee, Sheriff REICHERT from the State of Washington.

Mr. REICHERT. Mr. Speaker, I remember the day when this legislation first kind of came to our attention. I attended a meeting with some good friends from our Israeli community, Jewish community, and we had this idea. And to watch it come from that day many months ago, just a discussion around a concept, to today when the legislation has finally come together is indeed exciting; and to know, too, that it is a bipartisan effort.

I congratulate the chairman, Mr. KING, and his wisdom and foresight in seeing that this is an important project, an important piece of legislation and moving it forward; and his good friend and my good friend, Mr. BENNIE THOMPSON, the ranking member of that committee; and also my good friend, my colleague from the subcommittee, Mr. PASCRELL; all working hard together, the staff of the Democrats and Republicans working hard on this legislation to make it come to the floor of the House of Representatives today.

As the chairman of the Committee on Homeland Security Subcommittee on Emergency Preparedness, Science and Technology, I rise today to express my strong support for H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act. My subcommittee passed H.R. 4942 on March 15; and on June 14, 2006, it was approved by the full Homeland Security Committee.

I congratulate again the chairman of the full committee and the ranking member and Mr. PASCRELL for all their hard work and all members of the committee for their support.

In just over 2 weeks since the 5-year anniversary of September 11, the 9/11 Commission's recommendations have taken center stage again as a principal guide to our Nation's homeland security measures. It is important that they take that role.

In its report, the 9/11 Commission recommended, and I quote, ''the United States should engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. There are several multilateral institutions in which such issues should be addressed, but the most important policies should be discussed and coordinated in a flexible contact group of leading coalition governments.''

There is no question that one of these important policies is the development of homeland security technologies that keep our country safe. H.R. 4942 implements the Commission's recommendations by applying it to the homeland security technology we develop to help our Nation's first responders prevent, prepare for, respond to, and recover from acts of terrorism, national disasters, and other emergencies.

Echoing the 9/11 Commission recommendation on international cooperation in the war on terrorism, the title of 4942 says it all: The Promoting Antiterrorism Capabilities Through International Cooperation Act.

The United States, Israel, and our allies confront a common enemy and share similar homeland security challenges. Cooperation inside our government among Federal agencies and cooperation outside our government with Israel and our allies could very well prove to be the deciding factor in the war on terror.

Specifically, H.R. 4942 enables the Department of Homeland Security's research and development arm, the Science and Technology Directorate, to coordinate international cooperative programs with our allies to advance homeland security research. The Science and Technology Directorate at the Department would coordinate joint research studies, scientist exchange programs, cooperative field exercises, and technology sharing with our strongest and most trusted allies in the war on terrorism, including Israel, the United Kingdom, Canada, Australia, Singapore.

Today, the United States cooperates with these nations to develop the best technologies to defeat our shared terrorist threat. H.R. 4942 makes those partnerships even stronger, with the force of law and the will of Congress behind them.

H.R. 4942 is modeled after a partnership created by Congress in 1977 between the United States and Israel called the Bi-national Industrial Research and Development Foundation, or the so-called BIRD Foundation.

The mission of the BIRD Foundation is to stimulate, promote, and support industrial research and development of mutual benefit to both nations. In 29 years, the BIRD Foundation has invested $225 million in 690 cooperative research and development projects mutually beneficial to the United States and Israel. The BIRD model serves as a solid foundation of international cooperation in homeland security research and development.

The international cooperation enabled by H.R. 4942 will give our Nation access to a worldwide library of lessons

learned and scientific expertise that will no doubt strengthen our own homeland security measures. It is our duty, as allies united under a common purpose, to defeat terrorism, that we join forces in the laboratory to combat our shared adversaries and meet our similar technology needs.

H.R. 4942 incorporates the wisdom of the 9/11 Commission and the BIRD Foundation partnership between the United States and Israel to strengthen our hand in developing technologies that will make us all, the United States and its allies alike, safer and more secure.

I urge my colleagues to join me in voting in favor of this critical legislation.

Mr. PASCRELL. Mr. Speaker, I yield as much time as he wishes to consume to the ranking member of Homeland Security, my friend, and a gentleman in all sense of the word, from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank my colleague from New Jersey for those kind words.

I rise this evening in strong support of H.R. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act, which Chairman KING and I introduced along with Chairman REICHERT and Ranking Member PASCRELL and other Members. I am happy to see this bill finally make it to the House floor.

I first raised the idea of this bill in January 2005, soon after I became ranking member. I know my Democratic colleagues had pushed for it in the 108th Congress as well. While it took a while to get my colleagues on board, I was glad when they finally did. The product before us today is a good one.

Personally, I expressly want to thank Chris Beck and Todd Gee from my staff and Andy Weiss from the majority staff for their hard work on this bill.

The threat of terrorism is an international one. Terrorist attacks occur all over the world, and we must promote international cooperation to stop them.

Cooperation in developing antiterrorism technology should be a top priority. The different challenges faced by our many friends around the world have resulted in new approaches that the United States should leverage to protect our citizens.

In fact, Mr. Speaker, the United States has a history of conducting scientific and technological collaborations with Israel, the United Kingdom, Canada, Australia, and others. The Department of Homeland Security has participated in some of these partnerships with foreign governments and others. This legislation will encourage and further strengthen those efforts, as well as direct the Department to look to new partners beyond those we already have.

I am especially heartened that this bill will strengthen the means for protecting our Nation's agriculture and public health from exotic diseases. Emerging diseases that can affect both animals and humans are a threat to the world's population. Active collaboration with scientists in Africa, where many of these diseases originate, should be promoted. I am glad this bill encourages that collaboration.

Too often, Mr. Speaker, the United States presents a posture of unilateralism to the world. I hope that through programs like the one authorized in this legislation we encourage a more cooperative approach.

I strongly support this legislation, and I urge my colleagues to do the same.

□ 1900

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we stated, H.R. 4942 will enable us to work with certain allies, Israel, the United Kingdom, Canada, Australia and Singapore, to engage with them in cooperative endeavors, focus on research, development, the commercialization of high-priority technologies, and enable us to prevent acts of terrorism and address the homeland security needs of Federal, State and local governments.

The gentleman from New Jersey referenced the $25 million for each of the fiscal years from 2007 to 2010. That money is to be matched in each instance by the foreign partner organizations who participate in this international cooperative activity. This is very significant legislation. It is very vital. I would certainly urge the passage of the bill.

But before I yield back my time, I would like to include for the RECORD letters exchanged between the Committee on Homeland Security and the Committee on Science regarding jurisdiction over H.R. 4942. I certainly thank the Science Committee and the gentleman from New York (Mr. BOEHLERT) for their input on this bill and thank my colleagues for their bipartisan support.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 22, 2006.

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

DEAR MR. CHAIRMAN: Thank you for your recent letter expressing the Science Committee's jurisdictional interest in H.R. 4942, the "Promoting Antiterrorism Capabilities Through International Cooperation Act." The Committee on Homeland Security acknowledges your claim to jurisdiction over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security understands that nothing in this legislation or your 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 our response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor. The Committee on Homeland Security will also support your request to be conferees during any House-Senate conference on this legislation.

Thank you for your cooperation as we work towards the enactment of H.R. 4942.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 21, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security,
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. 4942, the Promoting Antiterrorism Capabilities Through International Cooperation Act, as amended by the Homeland Security Committee. The Science Committee has jurisdictional interest in this bill based on the Committee's jurisdiction over the Department of Homeland Security Science and Technology Directorate, "DHS S&T", and other DHS research and development (See Rule X(o)(14) which grants the Science Committee jurisdiction over "Scientific research, development, and demonstration, and projects therefore").

This bill would amend the Homeland Security Act of 2002 to establish a capability and office within DHS S&T to promote international "cooperative endeavors focused on research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events." All of the international cooperative activities authorized by the bill relate to homeland security research (e.g., "coordinated research projects, joint research projects, or joint ventures;" "training of scientists and engineers;" and "joint use of laboratory facilities and equipment"). In addition, the funding for such activities is to be derived from amounts otherwise authorized to DHS S&T.

The Science Committee acknowledges the importance of H.R. 4942 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this 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 Committee report and in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. PASCRELL. Mr. Speaker, I urge passage of H.R. 4942 and thank the cosponsors and sponsors of this legislation.

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

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4942, 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.

MORE BORDER PATROL AGENTS NOW ACT OF 2006

Mr. ROGERS of Alabama. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6160) to recruit and retain Border Patrol agents.

The Clerk read as follows:

H.R. 6160

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 ''More Border Patrol Agents Now Act of 2006''.

SEC. 2. BORDER PATROL AGENT ENHANCEMENT.

(a) PLAN.—In order to address the recruitment and retention challenges faced by the United States Border Patrol, the Secretary of Homeland Security shall, not later than six months after the date of the enactment of this Act, submit to the Committee on Homeland Security and the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents with the appropriate skills and training to effectively carry out its mission and responsibilities.

(b) CONTENTS.—The plan shall include, at a minimum, the following components:

(1) A strategy for the utilization of the recruitment authority provided in subsection (a) of section 9702 of title 5, United States Code (as added by section 3), as well as any other strategies the Secretary determines to be important in recruiting well-qualified Border Patrol agents.

(2) A strategy for the utilization of the retention authority provided in subsection (b) of section 9702 of title 5, United States Code (as added by section 3), as well as any other strategies the Secretary determines to be important in retaining well-qualified Border Patrol agents.

(3) An assessment of the impact that current pay levels for Border Patrol agents has on the Department's ability to recruit and retain Border Patrol agents, especially in high cost-of-living areas.

(4) An assessment of whether increased opportunities for Border Patrol agents to transfer between duty stations would improve employee morale and enhance the Department's ability to recruit and retain well-qualified Border Patrol agents.

SEC. 3. RECRUITMENT AND RETENTION BONUSES FOR BORDER PATROL AGENT ENHANCEMENT.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 9702. Border Patrol agent enhancement

''(a) RECRUITMENT BONUSES FOR BORDER PATROL AGENTS.—

''(1) IN GENERAL.—In order to carry out the plan described in section 2(a) of the More Border Patrol Agents Now Act of 2006, the Secretary of Homeland Security may pay a bonus to an individual to recruit a sufficient number of Border Patrol agents.

''(2) BONUS AMOUNT.—

''(A) IN GENERAL.—The amount of a bonus under this subsection shall be determined by the Secretary, but may not exceed 25 percent of the annual rate of basic pay of the position involved as of the beginning of the period of service referred to in paragraph (3)(A).

''(B) LUMP-SUM.—A bonus under this subsection shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(3) SERVICE AGREEMENTS.—Payment of a bonus under this section shall be contingent upon the individual entering into a written service agreement with the United States Border Patrol. The agreement shall include—

''(A) the period of service the individual shall be required to complete in return for the bonus; and

''(B) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of such termination.

''(4) LIMITATION ON ELIGIBILITY.—A bonus under this section may not be paid to recruit an individual for—

''(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

''(B) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

''(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''(5) TERMINATION.—The authority to pay bonuses under this subsection shall terminate five years after the date of the enactment of this section.

''(b) RETENTION BONUSES FOR BORDER PATROL AGENTS.—

''(1) IN GENERAL.—In order to carry out the plan described in section 2(a) of the More Border Patrol Agents Now Act of 2006, the Secretary of Homeland Security may pay a retention bonus to a Border Patrol agent.

''(2) SERVICE AGREEMENT.—Payment of a bonus under this subsection is contingent upon the employee entering into a written service agreement with the United States Border Patrol to complete a period of service with the Border Patrol. Such agreement shall include—

''(A) the period of service the employee shall be required to complete in return for the bonus; and

''(B) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of such termination.

''(3) BONUS AMOUNT.—

''(A) IN GENERAL.—The amount of a bonus under this subsection shall be determined by the Secretary, but may not exceed 25 percent of the annual rate of basic pay of the position involved as of the beginning of the period of service referred to in paragraph (2)(A).

''(B) LUMP-SUM.—A bonus under this subsection shall be paid in the form of a lump-sum payment and shall not be considered to be part of basic pay.

''(4) LIMITATION.—A bonus under this subsection may not be based on any period of service which is the basis for a recruitment bonus under subsection (a).

''(5) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this subsection shall expire five years after the date of the enactment of this section.

''(c) WAIVER AUTHORITY RELATING TO REEMPLOYED ANNUITANTS.—

''(1) IN GENERAL.—In order to help address the challenges faced by the United States Border Patrol, the Secretary of Homeland Security may appoint annuitants to positions within the United States Border Patrol in accordance with succeeding provisions of this subsection.

''(2) EXCLUSION FROM OFFSET.—An annuitant serving in a position within the United States Border Patrol pursuant to an appointment made under paragraph (1)—

''(A) shall not be subject to the provisions of section 8344 or 8468, as the case may be; and

''(B) shall not, for purposes of subchapter III of chapter 83 or chapter 84, be considered an employee.

''(3) LIMITATIONS.—

''(A) APPOINTMENTS.—The authority to make any appointments under paragraph (1) shall terminate five years after the date of the enactment of this subsection.

''(B) EXCLUSION.—The provisions of paragraph (2) shall not, in the case of any annuitant appointed under paragraph (1), remain in effect—

''(i) with respect to more than five years of service (in the aggregate); nor

''(ii) with respect to any service performed after the end of the ten-year period beginning on the date of the enactment of this subsection.

''(4) NO DISPLACEMENT.—No appointment under this subsection may be made if such appointment would result in the displacement of any Border Patrol employee.

''(5) DEFINITION.—For purposes of this subsection, the term 'annuitant' has the meaning given such term by section 8331 or 8401, as the case may be.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. Border Patrol agent enhancement.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. ROGERS) and the gentleman from Florida (Mr. MEEK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill under consideration.

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

There was no objection.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6160, the More Border Patrol Agents Now Act of 2006. This legislation will help Border Patrol put agents along our Nation's borders now, quickly and cost efficiently.

Securing our Nation's borders is an issue that ranks at the top of the list for many Americans. The President has responded by committing at least 6,000 new Border Patrol agents on our borders over the next 2 years. I wholeheartedly support this commitment, and the provisions in my bill will help us reach this goal.

Shockingly, the Border Patrol statistics show that an average of 33 applicants must be vetted before just one is hired. This means that 66,000 applicants must be screened before just 2,000 new agents are hired.

In addition, Border Patrol typically loses 700 agents annually to retirements and other law enforcement agencies. My bill addresses these personnel challenges.

First, it provides the Secretary of Homeland Security with the authority to pay recruitment and retention bonuses. Second, it allows the Border Patrol to rehire recently retired agents.

From the outset, my bill's incentives will encourage highly qualified individuals to become career Border Patrol agents; and once we make these investments to train each agent, we should also make sure these new agents are not recruited away by other law enforcement agencies. Therefore, retention bonuses are essential to maintaining a premier workforce.

My legislation also provides authority to the Secretary to rehire retired Border Patrol agents. While some agents hired recently will be able to work until age 60, current law requires most agents to retire at age 57. At a time when the American public is calling for a larger, stronger Border Patrol, it is wrong to overlook this talent pool. After all, most of these retired officers can provide cost-effective and valuable expertise almost immediately.

These officers could not only manage field operations and oversee agents, but also could serve as instructors. This provision would ensure the invaluable experience of knowledge of these retired agents is brought back to the field instead of going unused.

Mr. Speaker, I have toured the southwest border twice and visited the Border Patrol Training Academy in Artesia, New Mexico. I have heard firsthand about these personnel concerns from Border Patrol Chief David Aguilar and from the National Border Patrol Council.

This legislation has been crafted to directly and immediately address the Border Patrol's concerns. I am proud to note that the National Border Patrol Council has endorsed the legislation as well. The National Border Patrol Council president, T.J. Bonner, wrote: ''The council strongly supports this legislation and urges the United States House of Representatives to enact it swiftly in order to provide the Border Patrol with some of the essential tools that it needs in order to be able to recruit and retain well-qualified individuals to help secure our borders,'' and I include the entire letter for the RECORD.

NATIONAL BORDER PATROL COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, CA, September 25, 2006.

Hon. MIKE ROGERS,
Chairman, Subcommittee on Management, Integration, and Oversight, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: The National Border Patrol Council appreciates your leadership on homeland security issues, and is especially grateful for your commitment to ensure that the Border Patrol has adequate staffing in order to carry out its vital border security mission. At your invitation, we recently met and discussed this issue at length. H.R. 6160, the ''More Border Patrol Agents Now Act of 2006,'' incorporates the Council's central recommendations regarding this matter.

This legislation will enable the Border Patrol to substantially increase its ranks immediately through the addition of retired employees who possess invaluable experience and knowledge. It will also assist the Border Patrol in its efforts to attract and retain well-qualified individuals by establishing recruitment and retention bonuses for them, as well as by requiring the Department of Homeland Security to develop a comprehensive plan to enhance recruitment and retention incentives.

On behalf of the nearly 11,000 front-line employees that it represents, the National Border Patrol Council expresses its gratitude to you for introducing this important bill. The Council strongly supports this legislation, and urges the United States House of Representatives to enact it swiftly in order to provide the Border Patrol with some of the essential tools that it needs to be able to recruit and retain well-qualified individuals to help secure our borders.

Sincerely,

T.J. BONNER,
President.

I want to especially thank Chairman TOM DAVIS of the Government Reform Committee for his leadership on this bill. I would also like to thank Mr. ISSA for his cosponsorship and his leadership on this issue as well. I urge my colleagues to vote ''yes'' on H.R. 6160, the More Border Patrol Agents Now Act for 2006.

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

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Chairman ROGERS for both of us working together, along with the members of our subcommittee and also full committee. I think that this bill is about retention, recruitment and respect for the men and women of the U.S. Border Patrol.

Specifically, this bill will allow bonuses and recruitment and retention of the additional Border Patrol agents that are needed. Just today in committee we heard from the Department of Homeland Security Secretary, Mr. Chertoff, who talked about our SpyNet program that is now ongoing and was just awarded to the Boeing Company. We are going to need Border Patrol agents that can be on the border that can respond to what is seen on television on this recorded and tour system that they are going to put along the borders.

I think it is also important to recognize that the flexibility as it relates to this piece of legislation is going to be very, very important for us to make sure that we have enough border agents.

It would also allow the Department to rehire retired Border Patrol agents that are willing to serve their country. I think that is very, very important.

I think it is important that we have enough individuals on the border and also make sure that we take advantage of their full law enforcement capabilities.

I think it is important also to recognize that our Customs border protection officers who secure our borders and conduct inspections of people in vehicles and cargo are also facing staffing shortages. I think if we are going to protect our borders, I think it is important we don't leave these individuals behind. But I do want to recognize the fact that I am excited and encouraged that we are moving this bill forward today, tonight, to make sure that at least we have the individuals in question funded to the level that they need to be funded, maybe higher, but making sure that we are moving towards real security here in the United States of America.

I can tell you that it has been very, very fortunate for me to work with not only the chairman but also the full committee on this piece of legislation. We have had many hearings on it. We have also had those men and women on the front line, members of our committee have gone to the front line and met with these individuals. I think it is important as we move along with the SpyNet program that we have retired members that are willing to come back and serve. And also put forth the kind of bonuses for retention and break down on attrition on border protection.

I would also like to say that when we look at national security, Mr. Speaker, I think it is important that we work in a bipartisan way. I would like to see more of this spirit as we move on, hopefully implementing the full 9/11 recommendations. This is one part of it, and moving in that direction.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too want to recognize and thank my colleague from Florida. He has been a real ally in this effort to make sure that our Border Patrol have the resources they need and work in a very cordial and bipartisan way. I appreciate him.

I do want to acknowledge his concern over Border Patrol officers. I share that. It is my hope that as soon as we can get this agent issue behind us that we can turn our attention to try to make sure that these officer ranks are swelled as well.

But the thing that I want to most emphasize with my colleagues in the House is that with this legislation and with our circumstance on the border and the understaffing, time is of the essence; and so I urge my colleagues to favorably consider this legislation and vote ''aye.''

Mr. MEEK of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I thank the chairman, Chairman ROGERS, and Congressman MEEK.

Mr. Speaker, I would like to paraphrase the great Frederick Douglass, who reminded us that we may not get all that we have worked for; however, we will work for all that we get.

Clearly, we have worked to get more Border Patrol agents. It is important

that we do so. At the rate of 33 to 1, 66,000 before we can get 2,000, it will take a considerable amount of time to get the number of agents needed. So we should work and we have worked for more Border Patrol agents.

However, the record should also reflect, Mr. Speaker, that we have worked for more Customs and border protection officers. They are the people that inspect people as well as cargo at ports of entry. They are the persons who caught the Millennium Bomber. They need help, too. I thank the chairman for his indication that we will move in that direction.

This bill is not all that we have worked for, but it is all that we can get right now, and I urge my colleagues to support the bill. I thank the chairman and Congressman MEEK.

Mr. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to the chairman by saying I appreciate his recognition of our Customs border protection officers and their need of being able to be a part of something good and something in protecting America.

I think that it is important that not only on the minority side but on the majority side we make a commitment to these very fine men and women. They put their lives on the line every day serving our country. These are individuals that are conducting inspections of people, vehicles, and cargo. As long as we hold them in our heart and also in our mind, as we move forward from this point on, I think it will protect America even further.

I join Mr. GREEN and also Mr. ROGERS in encouraging all of our Members to vote in the affirmative in making sure that we pass this very important piece of legislation.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairman for his leadership and the ranking minority member. It is clear that we have had the goal for adding Border Patrol agents for some time in this Congress.

A number of years ago when the Homeland Security Committee was first being created and we were looking at how better to protect our border, it became apparent that as we went to air marshals, we had more people leaving the Border Patrol than we could hire. When we were hiring into the Border Patrol, we were pulling them out of State and local police, and then they would move over to other agencies.

Unless we take special efforts in this Congress to do more to retain our Border Patrol and pay additional money to them, we are not going to be able to meet the hypothetical goals that we have set for ourselves.

When we debated about fencing on the border, we heard that we need to have more Border Patrol. We have had difficulty holding the Border Patrol we have and meeting the numbers of our current assessments which would only put us to a fraction of actually controlling the border.

That is why in the House, and most on our side at least support border fencing and virtual fencing, but we also support dramatic increases in the number of Border Patrol and changing and making adaptations in their pay scales and in their retention because without that, we will not have adequate Border Patrol.

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So I thank the chairman for his leadership with this because this is an important part of a comprehensive border strategy for the people who are on the ground who have in many cases jobs where they sit there for long periods of time, where they may or may not see somebody coming in through the southern border in particular in very hot environments, and to retain somebody in that job requires additional assistance. And I am glad to see that we are authorizing that, that we are starting to move ahead, because this is one of the most critical steps, along with the fencing, in controlling the Southwest border.

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank Chairman ROGERS and Ranking Member MEEK both for their leadership.

This has been a committee that has found common ground in many instances, and certainly I rise to support the More Border Patrol Agents Now Act of 2006, which would help develop a plan that would give us a long-term opportunity to plan over the years for recruitment of our Border Patrol agents.

Let me tell you what else I think is needed that I hope will be included in our long-range plan, an affirmation of the Border Patrol agents, of the value of their work, the necessity of their work. Certainly we know that there have been some ups and downs. Right now, we are confronting an issue in Texas about the prosecution of Border Patrol agents and whether the facts were in order, but I think it is important that they know the rules, they have professional development, and as well there is a definitive way to recruit. But let me say to you that I hope that as we move toward legislation that addresses the question of Border Patrol agents, we will address the question of professional development, their civil service status.

And I would commend to you H.R. 4044, legislation that I wrote, that I had the endorsement of the National Border Patrol Council. Mr. T.J. Bonner is president, who is seeking to ensure that there is a civil service protection for Border Patrol agents and there is a certain elevation of their level that speaks to their compensation. So that has to be a part of the package of recruitment as well. And, of course, advancement, salary increases, these are real, hard-core issues that will help retain those that we hire.

Lastly, let me say that, in addition, we do want to ensure that they have the equipment; and I know we have had a series of amendments taken from H.R. 4044, the leadership of Mr. THOMPSON and the full committee for body armor and special weapons and night vision and computers. We have to give them the equipment that they need to ensure that they can do the job. And I know, as I see Mr. ROGERS and my good friend, the ranking member, I see the word ''accountability,'' not wasting dollars and making sure that we go in the right direction in terms of expending these dollars for our Border Patrol so that we make sure that we are an efficient department. I want to do that, too.

I close on this note: The question is always asked whether or not we are safer today than we were 5 years ago. Certainly what is missing is we have not kept up with the 9/11 Commission report in providing Border Patrol agents in the numbers that we should have provided. Certainly any statement that we make today on the floor that commends Border Patrol agents and thanks them but also talks about having more of them is a step in the right direction. And I would only ask my colleagues to realize that in being safe at home, we have to confront the issues dealing with our conflict in Iraq.

But I do rise to support this legislation. I thank the gentleman for yielding, and I ask my colleagues to support the More Border Patrol Agents Now Act of 2006. And I thank the distinguished gentleman from Florida and the full committee.

I rise in support of the More Border Patrol Agents Now Act of 2006, H.R. 6160. The More Border Patrol Agents Now Act would require the Homeland Security Secretary to develop a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents. It also would establish bonuses for agents who agree to serve for a specified period of time. In addition, it would waive the offset that reemployed annuitants currently have to pay if they return to government service after retirement. The authority to provide these incentives would terminate five years after the enactment of H.R. 6160.

I agree that we should require the Homeland Security Secretary to develop a plan to determine how the Border Patrol can better recruit and retain Border Patrol agents. I also agree that we should authorize the incentives. But much more is needed to deal effectively with the retention and recruitment issues of the Border Patrol.

We also need to provide the Border Patrol with the equipment and resources they need to secure the border. I have introduced a bill that would provide the Border Patrol with the equipment and resources they need, the Rapid Response Border Protection Act of 2005, H.R. 4044.

H.R. 4044 would add 15,000 Border Patrol agents over the next five years, increasing the

number of agents from 11,000 to 26,000. With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that this increase is desperately needed, particularly if they are to be able to respond in sufficient numbers when heavily armed smugglers are encountered. H.R. 4044 also has provisions for body armor, special weapons, and night vision equipment.

H.R. 4044 is strongly endorsed by the National Border Patrol Council and the National Homeland Security Council, organizations that represent the front-line employees who enforce our immigration and customs laws.

I have said often that a piecemeal approach to immigration reform will not work. We need comprehensive immigration reform that will fix our broken immigration system, such as would be provided by my Save America Comprehensive Immigration Act, H.R. 2092. But even a good immigration system will not stop drug smugglers from crossing our borders illegally. For that, we need a Border Patrol with enough agents to patrol the entire border effectively, and they have to have the weapons and other equipment that is necessary for confrontations with heavily armed drug smugglers and the other dangerous criminals who cross the border illegally.

Nevertheless, the More Border Patrol Agents Now Act is a step in the right direction. I urge you to vote for it.

Mr. ROGERS of Alabama. Mr. Speaker, I would like to close by once again thanking Ranking Member MEEK for his support and hard work; and I urge my colleagues to vote ''aye'' on H.R. 6160.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6160, the More Border Patrol Agents Now Act of 2006.

This legislation takes an important step toward making our borders more secure and our country safer. More agents along our Nation's borders will lead to better enforcement of our immigration laws. The President's commitment of 6,000 more Border Patrol agents in the next two years is a good start to enhancing border security, but if these agents cannot be easily hired, or if current Border Patrol agents are lost to other employment, this enhanced security cannot be maintained.

Personnel concerns should not be a factor limiting the effectiveness of the Border Patrol.

H.R. 6160 addresses some of these concerns. By streamlining the hiring process and offering recruitment and retention bonuses, H.R. 6160 takes steps to ensure that the Border Patrol will be an effective first line of defense at our borders.

Numerous times, I have met with Border Patrol agents in and around my district in Southern California. On several occasions, the issue of the age limit for new hires has been brought up. Currently, the Border Patrol is covered under law enforcement retirement provisions, meaning new hires must be under the age of 40, unless they presently serve or have previously served in a position covered by federal civilian law enforcement retirement. This precludes retired members of our armed forces from employment by the Border Patrol if they are 40 years of age or older. Because of this arbitrary provision, the Border Patrol is unable to hire extremely qualified individuals, many of whom would need little further training to be effective Border Patrol agents. It is my hope that Congress will address the age limit issue so even more qualified agents can be hired.

I want to thank Mr. ROGERS for his leadership on this issue. I would also like to thank Chairmen KING and DAVIS and both the Homeland Security and Government Reform Committees for responding to the needs of the Border Patrol Agency so it can better secure our Nation's borders.

Mr. THOMPSON of Mississippi. Mr. Speaker, the Administration requested that the Border Patrol increase its ranks by 6,000 more agents by 2008. This Congress has failed to act to meet this goal.

This bill is a good start towards ensuring we at least provide better salaries to the Border Patrol agents we already have.

But this bill only addresses part of the border security equation. It fails to address the other half—Customs and Border Protection Officers.

Mr. Speaker, we have heard that the Border Patrol and the Customs and Border Protection Officer Corps both face recruitment and retention problems.

As we know, the Border Patrol agents guard our borders, which is a tough job. But this bill overlooks the demanding and dangerous job that Customs and Border Protection Officers perform when they inspect cargo and people entering the United States at the various Ports of Entry. Both of these jobs are an important part of efforts to protect our borders, and the people doing these jobs should be justly compensated.

The only way we can address these employment issues is by exploring all options available to this Congress and the Department through the legislative and oversight process, not simply relying on an election year gimmick of passing a bill that will not likely be acted on by the Senate nor enacted into law.

A meaningful full-step forward would be having a hearing on this bill and requesting all of the stakeholders to come and testify before our Committee on how to address the employment problems in the Customs and Border Protection Directorate.

Mr. Speaker, I will support this bill because I know this is a good step towards fully securing our country. But, we will only be making real progress when we hire enough Border Patrol agents and Customs and Border Protection Officers and make sure both these groups are better paid and equipped.

Mr. WAXMAN. Mr. Speaker, border security is an issue of great concern to all Americans. It deserves serious deliberation and congressional consideration. Unfortunately, the bill before us now, H.R. 6160, the More Border Patrol Agents Now Act, was introduced yesterday and is being considered on the floor today without benefit of committee action by either the Homeland Security or Government Reform Committee.

H.R. 6160 would grant the Department of Homeland Security the ability to award Border Patrol agents lump-sum recruitment and retention bonuses of up to 25 percent of annual pay. It would also allow the Department to rehire retirees. The Department can already do this under current Governmentwide authorities as long as it works with the Office of Personnel Management, OPM, the agency which best understands hiring needs.

Giving the Department this direct authority to circumvent OPM may or may not be a good idea. Appropriate action by the committees of jurisdiction would have allowed us to determine whether or not this independent authority is needed.

In short, we should not view this bill as a magic bullet to cure the ills of the Border Patrol. The Director of the OPM already has the authority to authorize the head of an agency to pay these bonuses. So the only real effect of this measure will be to cut the Federal agency with the most expertise in Federal personnel issues out of the decisionmaking process with regard to the Border Patrol.

Mr. ROGERS of Alabama. 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 Alabama (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 6160.

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 THE HOUSE THAT THE BORDER PATROL IS PERFORMING AN INVALUABLE SERVICE

Mr. ROGERS of Alabama. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1030) expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents.

The Clerk read as follows:

H. RES. 1030

Whereas Border Patrol agents are a highly trained and qualified group of men and women;

Whereas Border Patrol agents protect the United States from an influx of illegal immigration, illicit drugs, counterfeit goods, and terrorists;

Whereas Border Patrol agents protect our borders in some of the most remote and dangerous areas of the country; and

Whereas Border Patrol agents continue to perform their duties under tough circumstances: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the men and women of the United States Border Patrol should be supported for their dedication to the United States and to their mission to secure our borders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. ROGERS) and the gentlewoman from California (Ms. LORETTA SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. ROGERS of Alabama. 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 Alabama?

There was no objection.

Mr. ROGERS of Alabama. Mr. Speaker, as a strong supporter of this resolution, I further ask unanimous consent that the sponsor of this legislation, the gentleman from North Carolina (Mr. JONES), be allowed to control the time in support of H. Res. 1030.

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

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Alabama and because the resolution is short, I would like to read the remainder of the resolution and then make my comments and yield time to those who would like to speak.

To continue as the Reading Clerk read:

''Whereas Border Patrol agents are a highly trained and qualified group of men and women;

''Whereas Border Patrol agents protect the United States from an influx of illegal immigration, illicit drugs, counterfeit goods, and terrorists;

''Whereas Border Patrol agents protect our borders in some of the most remote and dangerous areas of the country; and

''Whereas Border Patrol agents continue to perform their duties under tough circumstances: Now, therefore, be it

''Resolved, that it is the sense of the House of Representatives that the men and women of the United States Border Patrol should be supported for their dedication to the United States and to their mission to secure our borders.''

Mr. Speaker, the reason I wanted to come forward with this resolution, and I know that certainly Ms. SHEILA JACKSON-LEE from Texas and others in the other party as well as my own party, we have been very concerned about two Border Patrol agents, Mr. Ramos and also Mr. Compean, two Border Patrol agents that joined their colleagues, over 12,000 Border Patrol agents, who I think, in my humble opinion, have a very, very difficult job. I would compare their job, quite frankly, to our men and women in uniform overseas in Afghanistan and Iraq, because they are trying to protect the borders of those citizens of Iraq and Afghanistan and we are trying to protect the borders of the American citizen.

Mr. Compean and Mr. Ramos I have had the opportunity to talk with by telephone, and I talked to their attorneys. These men were doing their job to protect the American citizen in Texas. And a drug smuggler from Mexico was trying to flee the United States, and in his van he had over 700 pounds of marijuana. These men stopped him. There was a confrontation that took place. The drug smuggler started across the border. There were shots fired, and he was hit in the buttocks as he was trying to cross the border.

Since that time, Mr. Speaker, these two men have been found guilty in a court of law. They have the possibility of spending 20 years in a Federal pen.

I hate to say this, but the U.S. Attorney gave immunity to the drug smuggler, who still had indictments over his head here in this country. He was given immunity; and these two men, who have families, are now financially broke from trying to defend their honor and the fact that they did their job for the Border Patrol.

I felt that it was important tonight, and I know my colleagues do, which some will be speaking later, that so many times there are law enforcement all over this Nation as well as our men and women in uniform that do a very, very invaluable job for this country. They ask nothing but to be respected for the tough job that they do. Whether it is the military or the Border Patrol or law enforcement, the pay never meets the requirements that we ask of those individuals; and tonight I felt that it was important to put this resolution in.

This resolution will not have to go to the Senate, by the way. This will be a resolution of the Members of the House of Representatives that are not speaking to the charges and the penalty of Compean and Ramos, but we will be saying to the Border Patrol of this country you are appreciated by the House of Representatives. We know you have a very difficult and tough job.

Because, Mr. Speaker, we are not only talking about people who come to this country illegally, between 8,000 and 10,000 every week that come across the border illegally. We are talking about the possibility of terrorists. I have said many times on the floor of this House that I am more concerned about terrorism coming from Central and South America than I am coming from Iraq and Afghanistan, quite frankly. And these are the men and women who are in the remote areas of America trying to defend the borders to protect the American citizen.

So I am pleased tonight to say that we will have a chance tonight, or tomorrow, I guess, to vote on this resolution to say to those in the United States Border Patrol, we appreciate you. You are doing a very valuable job, a very important job for this country.

I live in North Carolina. I do not have Border Patrol in my State, but I do appreciate those that are on the border in the Southwest and other parts of the United States.

So, with that, Mr. Speaker, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1030, legislation honoring the United States Border Patrol. Without a doubt, the United States Border Patrol provides a critical service to this Nation. We rely on them to be highly trained, to be very qualified, to carry out the challenging and important job of securing our Nation's borders. And not just at the Southern border, like what we have in California.

But I was recently at a hearing that we had up in Seattle to talk about the issues going on at our northern border; and, of course, our Border Patrol was there. And the issues that they have, the things that they confront are vast, and it is such a difficult, difficult job to do.

So we really do want to honor and let them know, as the House of Representatives, that we understand that their jobs are done in difficult conditions, in the desert, forest, and with professionalism and with unfailing dedication.

So I support the work that the United States Border Patrol is doing. And for that reason I think that we should not only honor them with words but also provide our Border Patrol agents with the resources that they need to do their job.

As I said, when I was up in Seattle, one of the things we kept hearing over and over from the Border Patrol is that they need more resources. They need more people at the borders. They need more technology at the borders.

In the 9/11 Act, Congress promised to increase the numbers of Border Patrol agents, of immigration agents and of the detention beds that we need when we get these people who are coming without the right documents and that we would also provide state-of-the-art technology to help the Border Patrol actually secure the borders. But, unfortunately, time after time in this House, that has been voted down. We have not lived up to the promise, and the Border Patrol remains understaffed and without access to necessary space and equipment that they need.

So I expect that this House Resolution 1030 will receive broad bipartisan support. I can't imagine too many people who would vote against it, and I am looking forward to working with my colleagues who cast this vote to actually fulfill the promise of this vote, and that would be to give the much-needed resources to the United States Border Patrol.

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

Mr. JONES of North Carolina. Mr. Speaker, I would like to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of House Resolution 1030.

Let me just note that platitudes are not enough. When it really counts, the Border Patrol does need our support, and that includes building a fence, which some people who perhaps would be happy to sing the praises of the Border Patrol are not willing to help them with something that they consider to be essential to securing their job.

Tonight, we are commending the service of 12,000 men and women of the U.S. Border Patrol. They are, in fact, performing an invaluable service on our border, putting their lives on the line daily to protect us, all of us.

□ 1930

They are protecting us from the effects of illegal immigration which are being felt in my State dramatically. They are protecting us from drug smugglers, human traffickers, and, yes, terrorists.

Yet, as we declare our support today for these brave people who have been protecting us, we should note that this administration, that this administration's U.S. Attorney's Office has targeted two U.S. Border Patrol agents, Ignacio Ramos and Jose Compean.

The U.S. Attorney's Office has destroyed their careers and destroyed their lives and thrown their families into turmoil. This administration, which has a questionable record on border security, has decided to throw the book at these two agents seeking the harshest possible punishment. What for? For procedural violations that should have only resulted in a reprimand and this now has been turned into felonies by the U.S. Attorney's Office.

To say that Ramos and Compean have been treated unjustly and unfairly is an understatement. Adding insult to injury, the U.S. Attorney's Office has granted immunity to the Mexican drug dealer, the smuggler who these two officers intercepted. This criminal alien was caught with 743 pounds of marijuana, and the U.S. Attorney's Office has treated this criminal as if he were a victim.

At the same time, the book was thrown at our border patrol agents. I will submit for the RECORD, Mr. Speaker, my letter to the Attorney General regarding this outrageous case. The brutal treatment of the two border guards has demoralized our Border Patrol agents. I hope as we sing our praises today, that we understand that we are, yes, grateful to all of these people who protect us at the border, including the two Border Patrol agents that are now under attack.

In the meantime, let the case of Border Patrol agents Ramos and Compean be revisited and the outrageous criminal charges against them dropped.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 21, 2006.

Hon. ALBERTO R. GONZALES,
Attorney General of the United States, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing today to ask you to personally intervene in the prosecution of U.S. Border Patrol Agents Compean and Ramos. This proceeding has garnered national attention calling into question the Administration's commitment to secure our borders and demoralizing the frontline men and women of the U.S. Border Patrol.

I have examined the statement by U.S. Attorney Johnny Sutton regarding the conviction of Border Patrol agents Compean and Ramos. It is disturbing to see that the limited resources available for investigation and prosecution were directed not at drug smugglers, but rather aimed at two veteran border patrol agents. These agents, who have risked their lives guarding our borders, did not follow the prescribed procedure concerning the discharge of their weapons. However, their lapse of compliance occurred during a tumultuous confrontation with an illegal immigrant, a criminal who was in the process of smuggling 743 pounds of illegal drugs into the United States. Subsequently, the agents did not fully report what had happened, which also violated standard operating procedures. Such violations certainly deserve a reprimand. Instead of a measured response, the U.S. Attorney has demanded the harshest possible punishment on two otherwise outstanding Border Patrol agents. There seems to be an uncompromising commitment to bring down these two border guards, while an illegal drug smuggler is being treated with great respect and elevated to the status of victim. If there ever was a classic example of distorted priorities, this it.

As to the specifics of the case: The two border agents intercepted a suspicious vehicle. The driver fled on foot, running toward the border. Officer Compean, armed with a shotgun, cut off the drug smuggler. A witness heard someone yell "hit him, hit him" and then Compean shouted for the fleeing criminal to stop. Officer Compean could have shot him at close range. Instead, he refrained from deadly force by using the butt of his shotgun. A struggle ensued with Officer Compean ending up on the ground with dirt in his eyes, rendering the Officer vulnerable and at risk. Officer Ramos, seeing his partner laying bloodied on the ground, only then shot at the assailant as he ran toward the border. The fleeing criminal was wounded in the buttocks as he raced away from the altercation. After the incident the officers did not report the discharging of their weapons and failure to do so was a violation of standard operation procedures. Furthermore, they attempted to conceal this mistake, which dug them in even deeper.

Bad decisions or mistakes are never easy to acknowledge to superiors. The desire to cover up bad decisions is a human temptation and always makes an error even worse. Nevertheless, the Herculean prosecutorial effort and huge allocation of time and resources mobilized against Officers Compean and Ramos was not justified. Nor was the prosecution's demand for a sentence that could put these two officers in prison for 20 years. This action will destroy not only their careers, but the lives of two veteran patrol agents and their families. The statement made by U.S. Attorney Sutton is not persuasive enough to warrant the severity of the penalty being sought against Officers Compean and Ramos.

Did the two officers make a mistake? Yes. Did they violate procedures, not report those errors, and then obscure the facts? Yes. Does this case justify a severe reprimand, or perhaps a month-long suspension? Yes. Does it justify the egregious legal retaliation demanded by the U.S. Attorney? NO!

Common sense should guide authorities in such matters. Throw the book at criminals who threaten our families and society, not at public servants protecting us because they've made an error and not admitted it. Of course, had the fleeing drug dealer been an honest U.S. citizen peaceably surrendering to authorities, shooting him would then justify the severe punishment sought by the U.S. Attorney's Office. But that's not what happened!

The criminal was clearly not a benign individual who Border Patrol agents erroneously targeted. An honest citizen doesn't abandon his car, run for the border, and flee from a law enforcement officer. This was not an attack on an innocent victim. He was an illegal alien, a criminal involved in smuggling 743 pounds of illicit narcotics into our country that could have ended up in the hands of our children.

The border patrol agents are heroes, good guys who protect us. In this one case they did not follow the prescribed procedures when they discharged their weapons and then tried to conceal their error. So, let these two public servants who risk their lives to protect us, be properly disciplined, not destroyed.

The American people see this case as an illustration of the Administration's inexplicable support of illegal immigration. Please demonstrate this is not true by personally intervening in this case. The sentencing of Agents Compean and Ramos should be postponed so there can be a more thorough investigation of the facts and a more rational, balanced and just response from the U.S. Attorney's Office.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of our committee, the gentlewoman from California, and we acknowledge her ongoing leadership on these issues, certainly Mr. SOUDER for his leadership, and my good friend, Mr. JONES from North Carolina.

We have had a common discussion on those very important issues. Let me applaud you for bringing this resolution to the floor of the House which gives us an opportunity to affirm our commitment and appreciation for the Border Patrol agents that serve America's front lines.

Let me share with you the good work, impressive work that our Border Patrol agents have been involved in. First of all, they have patrolled our borders since 1924. They are, in fact, the Nation's front liners.

For example, in fiscal year 2005, Border Patrol agents made almost 1.2 million arrests of people for illegally entering the country. They seized more than 12,300 pounds of cocaine, more than 1.2 million pounds of marijuana. The total street value of drugs interdicted in fiscal year 2005 was more than $1.4 billion.

We are long overdue in affirming and applauding the Border Patrol agents of America, both on the northern and southern border. The Border Patrol also is charged with the responsibility of preventing terrorists and terrorists' weapons, including weapons of mass destruction, from entering the United States.

They are there day in and day out. They are there Sunday through Sunday, 7 days a week, year in and year out, holidays and nonholidays.

The Border Patrol agents are there when we are asleep, and they are there when we are awake. But of course in terms of responding to the concerns that they have, I would be remiss if I did not mention that we have legislation, H.R. 4044, to provide more equipment, 15,000 Border Patrol agents over the next 5 years, increasing the number of agents from 11,000 to 26,000.

With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that an increase is

needed, but more importantly resources are needed and professionalism is needed.

Mr. Speaker, let me speak for a moment on professionalism. This tragedy that has occurred in Texas, my own State, cries out for relief. We are looking to address this question by getting the facts and moving, hopefully expeditiously, for hearings in this Congress.

Mr. JONES, I hope that you will encourage, as I am, the committees of jurisdiction to go ahead and hold hearings. Because what we are are fact finders. We do not misspeak, we hope. We do not pass myths and untruths, we hope. We tell the American people the truth, we hope.

I say that, because, of course, I have debated many bills on this floor where there is a great disagreement on the facts that are involved. And many of us have had our differences on the Iraq war and still believe in the misdirection of that issue.

But in this instance, I think we can find common ground that the men and women that are on the front lines, whether they are DEA, drug enforcement agents, FBI, whether they be ATF, whether they are U.S. marshals, deserve the opportunity to have their story fairly told.

And what I can glean from the facts of this case in Texas is there are questions about whether their facts have been told correctly and whether or not they have been told appropriately. So to the Border Patrol agents as we stand here and congratulate you, I know that you ask us whether there is a bite in our bark, whether or not as we stand here and affirm you, we promise that we will look into the issues of professionalism and your civil service status and your right to arbitration and your right to address your issues of workplace questions in an organized manner.

You are asking us whether we are going to provide you with the necessary new Border Patrol agents, whether or not we are going to give you the equipment that includes power boats and includes night goggles and computers and a number of other equipment, helicopters, that will give you what you need to have.

And then you ask the question, when you are in the line of duty, will we stand by you with the facts? Will we have the wherewithal to ensure that all of the facts are on the table, so that the miscarriage of justice, prosecution, ultimate incarceration, destruction of your family, does not occur on the clock of Members of the United States Congress?

So I rise to support this initiative of my friend, Mr. JONES from North Carolina, H. Res. 1030, and I enthusiastically affirm the invaluable service that the United States Border Patrol agents are performing for America as they stand in the way, in the bridge, if you will, on the northern and southern border. In the darkness of night, in the coldness of night, in the warmness of night, in the rainiest of nights, and in the greatest disasters that may face us, Border Patrol agents are there to protect us.

I ask my colleagues to support this amendment, and I ask that we be able to address the questions that are being raised in Texas in fairness and opportunity for fairness.

I rise in support of House Resolution 1030, which would express the sense of the House of Representatives that the Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents.

Border Patrol agents have patrolled our borders since 1924, and they have an impressive record of accomplishments. For instance, in FY 2005, Border Patrol Agents made almost 1.2 million arrests of people for illegally entering the country, and they seized more than 12,300 pounds of cocaine and more than 1.2 million pounds of marijuana. The total street value of drugs interdicted in FY 2005 was more than $1.4 billion. The Border Patrol also is charged with the responsibility of preventing terrorists and terrorists weapons, including weapons of mass destruction, from entering the United States.

Although we should express our support for the Border Patrol, we also should provide the Border Patrol agents with the equipment and resources they need to secure the border. We need a Border Patrol with enough agents to patrol the entire border effectively, and they have to have the weapons and other equipment that is necessary for confrontations with heavily armed drug smugglers and the other dangerous criminals who cross the border illegally.

I have introduced a bill that would provide the Border Patrol with the equipment and resources they need, the Rapid Response Border Protection Act of 2005, H.R. 4044.

H.R. 4044 would add 15,000 Border Patrol agents over the next five years, increasing the number of agents from 11,000 to 26,000. With more than 8,000 miles of land and coastal borders to patrol continuously, it is evident that this increase is desperately needed, particularly if they are to be able to respond in sufficient numbers when heavily armed smugglers are encountered. H.R. 4044 also has provisions for body armor, special weapons, and night vision equipment.

H.R. 4044 is strongly endorsed by the National Border Patrol Council and the National Homeland Security Council, organizations that represent the front-line employees who enforce our immigration and customs laws.

Nevertheless, it also is important to express our support for the hard work and dedication of the men and women in the Border Patrol, and of course I further salute all of the men and women who provide service in the securing of our Homeland at the northern and southern borders and at our ports, ports of entry and coastlines. I ask my colleagues to vote for H. Res. 1030.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr Speaker, I thank the gentleman from North Carolina for yielding me time and thank him for this resolution.

Mr. Speaker, we also want to, in addition to the Border Patrol, praise all of the people in the Department of Homeland Security, in the Coast Guard, in ICE, and Customs and Border Protection at the points of entry.

For those who may not be completely familiar, the Border Patrol are the people who are in between the points of entry. Obviously, the men and women at the point of entry, the ICE agents internally, as they pursue the investigations which often cross into the zones of the Border Patrol, and at ports of entry, and the Coast Guard which are at water points of entry, are all working together in a seamless organization.

Unfortunately, the Border Patrol often gets the least attention of those different agencies. And this resolution correctly gives them some of the credit that they are due. Often they are not only in these very hot zones in the south, at times cold in the winter, and in the north, very cold; often we forget we have a northern Border Patrol as well. That is actually, not the numbers, but a bigger percent increase than the south. They are often also alone.

One of the reasons we need a fence and virtual fencing and other technological things to help our Border Patrol agents is often there is one there, or there may be four scattered over a mile and a half, and all of a sudden there is a group of seven SUVs coming at them, as we have had in Arizona, armed to the teeth. Even when we get a tip and put a Blackhawk in, you are looking at heavily armored vehicles coming at a few agents with no warning.

It may be a case of where you may have groups of 300 to 400 illegal immigrants coming at one or two or three or four agents. They have no idea whether they are armed or not armed. There are zones along the border where there is not as much pressure on illegal immigrants, but which are huge drug-trafficking areas, not only on the south border, but on the north border, along Blaine, Washington.

Going east from there is the trafficking of so-called BC Bud, this high-grade marijuana that is basically the same as cocaine. Arms trafficking going back into Canada. The largest export right now in British, Columbia is not timber; it is not any other product other than marijuana.

And the reason cocaine and heroin and guns are going into BC where we now see violence breaking out, first RCMP officers killed in British, Columbia, are going through those zones where the Border Patrol in the north border are trying to protect it. Often one or two agents with armed, heavily armed people coming at us.

And Neely's Crossing, just east of El Paso, where they have a bulldozer on the Mexican side. The drug lords have a bulldozer on their side. It is one of the only areas of the Rio Grande which

is basically spotty puddles of water in that zone, has a gravel base. And they push additional gravel in there. Anytime we put a barrier up, they put it there.

And as they brought one vehicle across at one point, some of our Border Patrol were tipped off. As this vehicle tried to get back across on the Mexican side, it got stuck. We know there were at least, the guess is, 10 tons of marijuana. We got about a 1½ tons out.

They jumped out of their vehicles with AK–47s, armed heavily at our Border Patrol who then back up, which brings us to this fundamental question. Not only do these men and women deserve our credit for putting themselves at risk, not only do they have difficult jobs, and often are they outnumbered, but then this case that is occurring in Texas, without understanding all of the legal formalities, will have a chilling effect on the Border Patrol's willingness to defend us.

Because, if they think they are going to be prosecuted if they try to defend us, depending upon the particular angle at a given time of what someone is doing, and they are in a shootout, and the other side has guns, deliver poison into the United States in the terms of narcotics, or potentially chemical or nuclear weapons, or potentially high-risk terrorists who are willing to pay high dollars, and our Border Patrol are afraid to even risk any type of confrontation because they are going to be prosecuted by our government, how are we going to stay safe?

We need to praise them for taking the risk. We need to praise them for being willing to stay out in the cold and in the heat and be outnumbered and not know what kind of guns are at them. We certainly do not need to be prosecuting them. So I hope this resolution makes it clear where this House stands. I am sure we will have committee hearings. We may have to wait until the case goes through, but the Border Patrol needs to know that this Congress stands behind them, that we are going to get to the bottom of the type of procedures that are involved in this and make sure that they can defend not only themselves, but defend us, our children, our families and our Nation.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would just like to say to the previous speaker that I would really like to see the information on 300 or 400 people running across the border at one time.

Because I have just never heard of a case like that. Having said that, we do support the Border Patrol. We are glad that Mr. JONES has this resolution up on the floor tonight.

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

Mr. JONES of North Carolina. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. SOUDER) to respond to Ms. SANCHEZ.

Mr. SOUDER. Mr. Speaker, as the gentlewoman knows, in San Diego we used to have, I saw with my own eyes in the middle of the night, about 1,200. But as we fenced that area, we broke up the big groups there in San Diego.

And so in San Diego you no longer have the huge groups of 1,000. We thought we were down to groups of basically, I have seen 50 or 100 with my own eyes, but as the gentlewoman had probably heard, I cannot remember if you were there when Secretary Chertoff was speaking to our Homeland Security Committee this morning, but that Congressman PEARCE from New Mexico said that there are a number of cases, particularly in New Mexico right now, because as we worked on the Arizona border, pushed them into New Mexico where he said this morning that he had seen 300 to 400 at a time in New Mexico.

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That is questioning the statement of a Member from New Mexico who just saw this in the last 7 to 14 days. I myself have seen 50 to 100, and I used to see 1,200 before we built a fence in San Diego.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume, and I am just going to make a couple of comments, and then I am going to finish.

I want to first thank Ms. SANCHEZ and Ms. SHEILA JACKSON-LEE for her comments and what she stated as well as Ms. SANCHEZ and my friend, Mr. SOUDER from Indiana, and Mr. ROHRABACHER from California.

I think that we all agree that this resolution is important, and I just want to say that I would agree with the comments made by Ms. SANCHEZ that we need to make sure that the border patrol has what it needs to secure the borders for this great Nation.

I want to say to Ms. JACKSON-LEE, as well as Mr. ROHRABACHER, that we do need to make sure that these agents had been treated fairly in the process as it related to the indictment.

I would say to Mr. SOUDER, I thank you as well as other Members who serve on the Homeland Security Committee for your leadership to make sure that we do protect our borders.

The only other point I would like to make, Mr. Speaker, is that it has been made by these people who live in California and Texas and even my friend from Indiana, as well as my friends from California, that this is a very difficult job. These are men and women that are dedicated. They are not doing it for the money. They are doing it for the love of this country. And what they are doing is the same thing that our military does and that is try to make America secure.

Mr. HIGGINS. Mr. Speaker, I have every intention of voting for the resolution on the floor today because it honors the men and women of the U.S. Border Patrol.

But I think the greatest way to honor the men and women who risk their lives to protect us against terrorist attacks is by passing legislation that provides the funding and tools they need to do their job effectively. It is unfortunate, however, that my colleagues on the other side of the aisle show this appreciation only through rhetoric.

The Bush Administration has had almost six years to secure the border, the Republican Congress eleven. Yet in the past two weeks they have chosen to honor our border agents by recycling legislation that has no funding.

The sponsor of today's resolution voted "yes" only once of the last 5 border security bills proposed to enhance the resources of the Border Patrol. That vote, taken on May 2, 2005, was a $284 million emergency spending bill to secure the nation's border. It would have allowed 550 additional border patrol agents and 200 additional immigration investigators. Unfortunately, the Republicans voted "no" on motion.

Similarly, last December, my Republican colleagues voted against the Democratic Motion to Recommit for H.R. 4437 which would have:

Created 3,000 new U.S. Border Patrol agent positions every year through FY 2010 (a total of 12,000 new agents);

Added 25,000 new detention beds every year through FY 2010 (a total of 100,000 new beds) to permanently end catch-and-release;

Developed a comprehensive, technologically superior, round-the-clock, fully interoperable surveillance system to monitor every mile of the border;

Required plans to integrate high altitude monitoring technologies, radiation portal monitors, K–9 detection teams, and other technologies; and,

Make physical infrastructure enhancements, including additional checkpoints, all weather access roads, and vehicle barriers, while maintaining the speed of commerce through such points of entry.

Honoring the men and women of the Border Patrol should not only consist of rhetoric. We need comprehensive policy accompanied by dollars and resources to support the Border Patrol.

I will vote for House Resolution 1030, but I am disheartened with the lack of support that my colleagues across the aisle have repeatedly shown toward our men and women securing the border.

A pat on the back is nice. But allocating resources would go a long way to securing the border.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to support H. Res. 1030 to express a sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents. As a member of the Committee on Homeland Security, I know well the important role the Border Patrol plays in defending and protecting our homeland from foreign threats.

I strongly support this resolution because Border Security is an issue of utmost importance to my district the U.S. Virgin Islands and have in the past, proposed legislations to require the Department of Homeland Security, DHS, to establish a Border Patrol Unit in the U.S. Virgin Islands.

The security of the residents of the U.S. Virgin Islands as well as the mainland residents is greatly compromised. The U.S. V.I. contains over 175 miles of open unprotected borders which provides a viable alternative for terrorists, human smugglers and drug smugglers to

gain access to the U.S. mainland because we are only 1,600 kilometers away from the U.S mainland.

Since 1998 Mr. Speaker, close to 1000 Chinese nationals have entered the U.S. Virgin Islands to transit undetectably into the mainland. These landings have occurred mainly during the pre-dawn hours at one of the several cays on the Island of St. John. The shear number of individuals who are able to infiltrate the island is indicia of vulnerability to a possible terrorist attack.

The lack of a Border Patrol Security Unit, has placed an unreasonable burden on other Federal agencies such as the Immigration and Customs Enforcement, ICE, which has to now spend considerable amount of man-hours apprehending, processing and detaining aliens in custody. This detracts from the time ICE would have to carryout its investigatory duties.

Just last month, there was an article published in the Economist Magazine describing the V.S. V.I as "America's most vulnerable point, a lovely place" but "woefully unprepared for a terrorist attack." The article points out that "illegal aliens land in the Virgin Islands openly and regularly, yet they are rarely caught." Having a Border Patrol unit in the Virgin Islands, Mr. Speaker, will not only greatly enhance the security of the Virgin Islands, but the entire Nation as well.

I urge my colleagues to support H. Res. 1030.

Mr. JONES of North Carolina. Mr. Speaker, I have no other speakers on H. Res. 1030, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. ROGERS) that the House suspend the rules and agree to the resolution, H. Res. 1030.

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

A motion to reconsider was laid on the table.

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 and a concurrent resolution of the House of the following titles:

H.R. 5187. An act 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.

H. Con. Res. 480. Concurrent resolution to correct the enrollment of the bill H.R. 3127.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3421. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

BIODEFENSE AND PANDEMIC VACCINE AND DRUG DEVELOPMENT ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5533) to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5533

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 ''Biodefense and Pandemic Vaccine and Drug Development Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Authority; National Biodefense Science Board.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Technical assistance.
Sec. 6. Procurement.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY; NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

''SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

''(a) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

''(2) IN GENERAL.—The Secretary shall coordinate and oversee the acceleration of countermeasure and product advanced research and development by—

''(A) facilitating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) promoting countermeasure and product advanced research and development;

''(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

''(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

''(4) DUTIES.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

''(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

''(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

''(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

''(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

''(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

''(iii) carry out the activities described in section 6 of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

''(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

''(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

''(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

''(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

''(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

''(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

''(ii) ensure that, with respect to persons performing countermeasure and product advanced research and development funded under this section, such offices or employees provide such advice in a manner that is ongoing and that is otherwise designated to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

''(i) innovation in technologies that may assist countermeasure and product advanced research and development;

''(ii) research on and development of research tools and other devices and technologies; and

''(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

''(5) TRANSACTION AUTHORITIES.—

''(A) OTHER TRANSACTIONS.—In carrying out the functions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have authority to enter into other transactions for countermeasure and product advanced research and development.

''(B) EXPEDITED AUTHORITIES.—
''(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.
''(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.
''(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.
''(iv) AVAILABILITY OF DATA.—The Secretary may require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, relevant data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.
''(C) ADVANCE PAYMENTS; ADVERTISING.—The authority of the Secretary to enter into contracts under this section shall not be limited by section 3324(a) of title 31, United States Code, or by section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).
''(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.
''(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people and are consistent with National security.
''(F) ESTABLISHMENT OF ADVANCED RESEARCH CENTERS.—The Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)), provided that such centers are consistent and complementary with the duties described in paragraph (4), and are consistent and complementary with, and deemed necessary after considering the availability of, existing federally-supported basic research programs.
''(6) VULNERABLE POPULATIONS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to the emergency health security needs of children and other vulnerable populations.
''(7) PERSONNEL AUTHORITIES.—
''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—In addition to any other personnel authorities, the Secretary may—
''(i) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and
''(ii) compensate them in the same manner in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.
''(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may—
''(i) appoint special consultants pursuant to section 207(f); and
''(ii) accept voluntary and uncompensated services.
''(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—
''(1) DISCLOSURE.—
''(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.
''(B) OVERSIGHT.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years to determine the relevance or necessity of continued nondisclosure.
''(2) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a working group of BARDA or to the National Biodefense Science Board under section 319M.
''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out advanced research and development under this section, there are authorized to be appropriated $160,000,000 for each of the fiscal years 2007 and 2008. Such authorizations are in addition to other authorizations of appropriations that are available for such purpose. Amounts appropriated under the preceding sentence are available until expended.
''(e) DEFINITIONS.—For purposes of this section:
''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.
''(2) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.
''(3) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.
''(4) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.
''(5) ADVANCED RESEARCH AND DEVELOPMENT.—
''(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—
''(i) are conducted after basic research and preclinical development of the product; and
''(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.
''(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—
''(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;
''(ii) design and development of tests or models, including animal models, for such testing;
''(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;
''(iv) activities to improve the shelf-life of the product or technologies for administering the product; and
''(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.
''(6) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material, reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.
''(7) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.
''(8) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

''SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

''(a) IN GENERAL.—
''(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.
''(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—
''(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;
''(B) four individuals representing the pharmaceutical, biotechnology, and device industries;
''(C) four individuals representing academia; and
''(D) five other members as determined appropriate by the Secretary.
''(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.
''(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.
''(5) DUTIES.—The Board shall—
''(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats to biodefense or public health security posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;
''(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and
''(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.
''(6) MEETINGS.—

''(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2006, the Secretary shall hold the first meeting of the Board.

''(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

''(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(9) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(10) PERSONNEL.—

''(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(b) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for each of the fiscal years 2007 and 2008.''.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURES.—Section 319F–1(a)(2) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, or from any chemical, radiological, or nuclear agent, that may cause a public health emergency affecting national security; or'';

(2) in subparagraph (B), by striking ''treat, identify, or prevent harm'' and inserting ''diagnose, mitigate, prevent, or treat harm''; and

(3) by adding after and below subparagraph (B) the following:

''If through publication in the Federal Register the Secretary makes a determination that there is credible evidence that a biological agent has the potential to cause an epidemic or pandemic that may constitute a public health emergency, a countermeasure to such agent shall, without further administrative action, be considered a qualified countermeasure within the meaning of this paragraph.''.

(b) SECURITY COUNTERMEASURES.—Section 319F–2(c)(1)(B)(i)(I) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(1)(B)(i)(I)) is amended by striking ''to treat'' the first place such term appears and all that follows through ''from a condition'' and inserting the following: ''to diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin or from any chemical, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii), or to diagnose, mitigate, prevent, or treat harm from a condition''.

SEC. 5. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 6. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(C) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ''Homeland Security Secretary'' and inserting the following: ''INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary''; and

(ii) by striking clause (ii);

(D) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advance payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) PROCUREMENT OF MULTIPLE PRODUCTS AND TECHNOLOGIES.—The Secretary may enter into multiple transactions for the procurement of multiple technologies and products from multiple manufacturers of security countermeasures in order to mitigate against the risks associated with dependence on a single supplier or technology.

''(VIII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

''(IX) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(X) ADDITIONAL CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(E) in paragraph (8)(A), by adding at the end the following: ''In the case of such agreements by the Secretary, the Secretary may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary, and such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this section for the procurement of countermeasures.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. 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 Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

Like the NIH Reform Act that we will be considering later this evening, this legislation is the end product of a cooperative, bipartisan effort to help improve research outputs for the benefit of all Americans should the unspeakable happen here again on American soil.

As my colleagues are no doubt aware, biodefense is an area where the Federal Government must take a strong role because there is no business model that will support the investments we need without a clear path from the Federal Government. However, we also know that the expertise in this area mostly lies with the private sector, so we must make sure that we facilitate a strong working partnership.

Project BioShield was signed into law on July 21, 2004, to help encourage the development of new bioterrorism countermeasures. The legislation provided procedures for bioterrorism-related procurement, hiring and awarding of research grants in an effort to make it easier for United States Department of Health and Human Services to quickly commit substantial funds to countermeasure projects.

This past April, the Subcommittee on Health held a hearing on Project BioShield; and at this hearing our expert witnesses identified a number of barriers to fully realizing Project BioShield's potential. They highlighted the fact that there is no single point of authority within the Department of Health and Human Services for the advanced research and development of medical countermeasures to make important procurement decisions. Additionally, HHS has limited purchasing and contractual flexibility, and this inefficient structure and limited flexibility exacerbates the shortcomings of the status quo.

Drug and vaccine development is unnecessarily lengthy, often taking between 8 and 12 years, and many potential products fail prematurely following basic research due to limited funding for advanced research and development. There simply is not enough motivation for academic researchers, drug and vaccine manufacturers and other possible partners to commit substantial resources to bring new and improved products to the market quickly.

I believe that the legislation before us today helps address the problems raised in our hearing and represents a huge improvement over the status quo.

I would like to commend the chairman of our Energy and Commerce Committee, Chairman BARTON of Texas; Congressman MIKE ROGERS of Michigan; and Congresswoman ANNA ESHOO of California for their strong leadership on this legislation that builds on the achievements of the Project BioShield Act and takes further steps to identify and promote medical countermeasures to bioterrorism and other public health emergencies, including potential pandemic infectious diseases.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I am really proud to be the Democratic sponsor of this bill; and I want to salute my friend and my colleague, Representative ROGERS, for the work that he has done. We have really enjoyed working together, and I think that the best part of this all is that our work has really produced something that is important for the American people. So I want to thank him for everything that he has done to see that the bill is on the floor today.

This legislation really addresses a very urgent issue which is critical to our Nation's security and our public health.

A month after the 9/11 attacks on New York and Washington, our country was attacked again. When we were attacked that second time, it was when envelopes of anthrax spores were mailed to several media outlets and congressional offices. The attacks killed five people, they crippled our mail service here on the Hill and cost hundreds of millions of dollars to clean up.

We are now observing the spread of a virulent new strain of Avian influenza, the so-called Asian bird flu, in Asia and around the world, causing nearly 150 deaths and threatening to become the next deadly pandemic.

Whether the threat is man-made bioterrorism or a highly infectious disease, our country is at risk, and we are losing precious time in the race to develop effective countermeasures that could save thousands or even millions of lives.

In hearings earlier this year on the Project BioShield Act, it was apparent that gaps remained in our effort to address these threats to the public health.

In particular, we learned that very few companies are willing to risk their limited resources to develop the vaccines and the antidotes to respond to chemical, biological, radiological or nuclear attacks or to a fast-spreading influenza.

Given the risks and the costs involved, it is not surprising that companies would rather pursue the next blockbuster cancer medicine or cholesterol medicine rather than take a chance on an uncertain market where the government is likely to be the only customer.

So having heard this in the hearings, we rolled our sleeves up. We understood that Project BioShield does not address the problem. While the law set aside $5.6 billion over 10 years to obtain drugs for the Strategic National Stockpile, companies receive very little compensation until they can deliver a minimum number of doses. As a result, many of these potential drugs languish in the laboratory in what is known as the ''Valley of Death.''

As with any drug, the development of biodefense drugs require efficacy trials, toxicity testing, production design and a range of other activities that are expensive but necessary to determine whether a drug will work, whether it is safe and how it will be manufactured.

The centerpiece of this legislation that we are on the floor on behalf of this evening develops a new, or places a new office within HHS, the Biomedical Advanced Research and Development Authority, BARDA, which would be a single point of Federal authority for the development of medical countermeasures.

This bill will empower BARDA to make milestone payments to drug developers at key stages of their work, helping to reduce financial risks of taking on this great challenge. In other words, we are going to get the job done.

I urge my colleagues to support this important legislation, which will ensure that our country does its best to prepare for the worst.

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

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. ROGERS), the author of the legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today in strong support of H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006.

I would like to thank Chairman BARTON and Chairman DEAL and the Energy Committee staff for their continued support on this effort.

I want to thank my colleague and friend, Congresswoman ANNA ESHOO, and her staff for your commitment, your energy, your counsel and your enthusiasm to get this bill as far as we have come. Thank you very much. It has been a joy to work with you.

And I have to say at the time of this intense pre-election partisanship, I am thankful that we might serve as an example to many, that you can reach across the aisle to pass important legislation that affects the American people so deeply as their future security, the security of their children and their families and the well-being of the United States of America. Thank you for working with us. I appreciated the opportunity to do that.

I would also like to recognize the administration and their willingness to work with us to build upon Project BioShield, of which they really led the charge. We found that it was not sufficient, it needed some improvement, but it was very forward leaning of this President to come out and establish for the first time BioShield, knowing that the threat was real from terrorists around the country and trying to develop at least a program that would deal with the bioterror threat to the

United States. They have been so willing to work with us in finding out what worked and what did not work and this second round we think improves BioShield dramatically and really has to happen if we are going to have protection against biothreats in the future.

The efforts include both offensive and defensive ways to find new developments and better treatments for those infected by bioterrorist attacks and naturally occurring attacks, as was mentioned by the mention of the bird flu.

The problems that we have discovered in looking at BioShield was that there was no single point of authority within HHS for the advanced research and development of countermeasures and quick procurement decisions, and, really, there is only one customer for these type of vaccines, and this is the place where we found some difficulty. There is really only one customer, and that customer is the people of the United States, the government of the United States. With a single source contract it is very hard to attract venture capital, very hard to get private industry excited about developing something if they did not know where the Federal Government was going to be when it came to purchasing something that we are the only ones that were going to buy it, a hard place to be.

So we came up with the single point of authority to make quick decisions; and the Valley of Death takes a long time, 8 to 12 years, to develop these vaccines, very labor intensive, a lot of intellectual power applied to coming up with the right vaccine to be the right prophylactic for what we know is a bioterrorism or natural-occurring event. That Valley of Death, because we are the single source of those contracts, was very real and stalling what we know is great research to happen for the cure and the development of these vaccines.

Also, we found that it did not motivate academic researchers, drug and vaccine manufacturers and other possible partners to commit substantial resources.

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What this bill does, Mr. Speaker, is address all those issues and gives us a framework to go forward and bring out the best in our scientific community, our academic community, our producing community to come up with the right safety net for the protection of the United States when it comes to bioterror threats and natural occurring threats in and around our societies, which we know is already here, bird flu mentioned, but we also know the real threat of bioterrorism as well.

I would hope, Mr. Speaker, that we could encourage the Senate to take our lead here and set aside any partisanship that may arise in the course of this bill in the Senate and take quick action. This really means the safety and security of every family in this country. Bioterrorism is, unfortunately, a reality in 2006 and beyond; and they need to set aside any differences they may have in the Senate and take this bill up. So I would encourage Senate Democrat leadership to do just that.

I would also commend Senator BYRD, who has created this bipartisan product, and urge they move this product as soon as possible. And I would also urge, Mr. Speaker, that this important piece of legislation be passed as quickly as possible.

Ms. ESHOO. Mr. Speaker, I just want to close. I do not think I have any other individuals to come to the floor to speak on this this evening.

I also want to thank our staffs, because they have worked exceedingly hard and exceedingly well with one another, both from Mr. ROGERS' staff, certainly mine, with Steve Keenan and Jennifer Nieto, and everyone that helped them in my office, as well as John Ford on the minority staff of the committee, as well as the majority staff. I salute all of you. I thank you. I am proud of the work we have been able to do.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5533, the "Biodefense and Pandemic Vaccine and Drug Development Act of 2006".

In an effort to respond to the new era of heightened threats to our national security and the increased risk of harm to Americans, Congress passed the "Project Bioshield Act" in July of 2004. The basic purpose of Project Bioshield was to support research that would lead to the development and availability of "countermeasures" to combat public health emergencies that threaten our national security. The main provisions of this law included: (1) flexible procedures for bioterrorism-related procurement, hiring of personnel, and awarding of research grants; (2) guaranteeing a Federal Government market for new biomedical countermeasures; and (3) permitting emergency use of unapproved countermeasures.

Building on the Project Bioshield Act, H.R. 5533 takes further steps to identify potential medical countermeasures to protect the public health and national security from biological, chemical, radiological, and nuclear threats. Additionally, this legislation ensures the rapid development of medical countermeasures against such threats, including potential pandemic infectious diseases and it seeks to expand the collaboration and coordination between government and the private sector so that we can effectively respond in the event of a public health emergency.

Since the implementation of Project Bioshield, it has become apparent that certain barriers still exist to the development of countermeasures. Many promising countermeasures are not making it through the advanced research and development stages necessary to bring products to the point of eligibility for procurement. H.R. 5533 seeks to rectify this impediment to advanced-stage countermeasure development.

This legislation seeks to streamline the countermeasure research and development process and create a single point of Federal authority by creating a new office called the Biomedical Advanced Research and Development Agency (BARDA) within the Department of Health and Human Services. BARDA would establish a "one stop shop" agency for advanced research and development of medical countermeasures, including drugs and vaccines to respond to bioterrorism and natural disease outbreaks. This agency would be responsible for directing and coordinating collaboration among HHS entities, other Federal agencies, relevant industries, academia, and other individuals with respect to countermeasure research and development.

I commend my colleagues, Representatives ESHOO and ROGERS, for their diligent and impassioned work on this issue. This is a good bill and I urge my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, please include this exchange of correspondence in the RECORD for H.R. 5533.

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

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: I acknowledge and appreciate your willingness not to exercise your referral of H.R. 5533, Biodefense and Pandemic Vaccine and Drug Development Act of 2006. In doing so, I agree that your decision to forgo further action on the bill will not prejudice the Committee on Government Reform 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 Government Reform'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 floor consideration of H.R. 5533.

Sincerely

JOE BARTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC., September 26, 2006.

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On September 20, 2006, the House Committee on Energy and Commerce reported H.R. 5533, the Biodefense and Pandemic Vaccine and Drug Development Act of 2006. As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform, specifically section 3 of the bill that would exempt the Authority proposed to be created by this legislation from portions of the Federal Advisory Committee Act and the Freedom of Information Act. Section 3 would also authorize the Secretary of Health and Human Services to utilize "other transaction" procurement authority.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the

Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

Mr. WAXMAN. Mr. Speaker, the bill before us would create a new agency within the Department of Health and Human Services, the Biomedical Advanced Research and Development Authority, or BARDA. I support creating this new agency. However, some provisions in the bill raise concerns because they waive a number of existing Federal statutes enacted to ensure proper government oversight. I want to express my reservations over these provisions, and urge that they be addressed in conference.

This bill contains exemptions from important federal open government laws designed to ensure accountability and transparency, like the Freedom of Information Act (FOIA) and federal procurement law. These open government laws are within the jurisdiction of the Committee on Government Reform, on which I am the ranking member, but unfortunately, the Government Reform Committee did not have an opportunity to consider the bill.

FOIA is the central law that guarantees public access to government information. It establishes the presumption that people should be able to access information held by the government. FOIA contains exemptions that prevent the disclosure of information in the case where harm could result from disclosure—including exemptions for classified information, trade secrets, information compiled for law enforcement purposes, and internal agency documents that would be exempt from discovery in litigation.

H.R. 5533 establishes a new FOIA exemption, requiring the Secretary to withhold from public disclosure "specific technical data of scientific information that is created or obtained during countermeasure research and product advanced development funded by the Secretary that reveal vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats." While this exemption appears narrow in scope, the Administration has a long record of interpreting narrow language broadly to withhold public information. Unless there is a compelling reason why the existing FOIA exemptions are inadequate—which there does not appear to be in this case—it is unwise to add new exemptions to FOIA. Moreover, the language of the new exemption is not clear. The language applies to any "advanced research and development that is funded by the Secretary," which may inappropriately extend the exemption far beyond BARDA to other research funded by the Department of Health and Human Services.

Another issue is so-called "other transaction authority." This authority is essentially a waiver from most federal procurement law—everything from competition requirements, to auditing and pricing safeguards, to the Buy America and Drug-free workplace laws. The authority was originally developed to help DOD in attracting smaller contractors to federal research and development contracts, though in practice it has not often been used to accomplish that objective. While I am not necessarily opposed to granting BARDA other transaction authority, I have yet to hear a convincing rationale for its necessity. If such a rationale exists, we should explore ways to limit its application at BARDA to those instances where it is truly needed, as opposed to the blanket grant of authority currently in H.R. 5533.

Finally, H.R. 5533 exempts all advisory committees established under the bill from section 14 of the Federal Advisory Committee Act. Section 14 was added to the FACA law because Congress decided that there was a proliferation of advisory committees and that it is important to ensure that they should continuously be reviewed to ensure their ongoing necessity. Again, there is no clear explanation for why this waiver of current law is necessary, or what interests would be protected by exempting the committees from renewal requirements.

All of these issues are within the jurisdiction of the Government Reform Committee, and I hope they can be addressed as this bill moves forward in the legislative process.

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

Mr. DEAL of Georgia. Mr. Speaker, I have no other 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 Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5533, 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.

ARROWROCK PROJECT HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4377) to extend the time required for construction of a hydroelectric project, and for other purposes.

The Clerk read as follows:

H.R. 4377

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

SECTION 1. ARROWROCK HYDROELECTRIC PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, on request of the licensee, the Commission shall—

(1) if the license for the project is in effect on the date of the enactment of this Act, extend the period for commencing construction of project works for a period of 3 years beginning on the date of enactment of this Act; or

(2) if the license for the project has been terminated before the date of enactment of this Act, reinstate the license and extend the period for commencing construction of project works for an additional 3-year period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. 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.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4377, the Arrowrock Project Hydroelectric License Extension Bill, which extends the time in the hydroelectric license to begin construction of a 15-megawatt project by 3 years from the date of passage of this bill. The facility will be built at the existing Arrowrock Dam on the Boise River in Idaho and has been designated to minimize impacts there.

Over the past decade, this project has been delayed by a number of factors not necessarily within the control of the project developer, including delays related to the bull trout being declared threatened under the Endangered Species Act. We have now solved that problem and we have been assured that the project is ready to go once the license is extended.

This project has bipartisan support. It will further develop the hydroelectric facilities at existing dams, something we promoted in the Energy Policy Act of 2005, so I urge my colleagues to support the bill.

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

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

I rise today in support of H.R. 4377, a bill which would require the Federal Energy Regulatory Commission to extend for a 3-year period the deadline for commencing construction on the proposed Arrowrock Hydroelectric Project in the State of Idaho.

The project was originally licensed in 1989, but due to extenuating circumstances, construction has not begun on the project as of this time. One reason for the delay was the need for required consultations with regard to the bull trout, a species which was listed as threatened only after the original license had been issued. The project is now moving forward with those required consultations.

The bill before us would simply extend the license to give the licensee more time in order to finalize the project and get construction under way. This measure was approved by the Energy and Commerce Committee by voice vote, along with four other hydroelectric licensing bills which we are also considering this evening.

I urge my colleagues to approve this measure.

Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. OTTER. Madam Speaker, I yield back the balance of my time, and I urge the immediate passage of 4377.

The SPEAKER pro tempore (Mrs. McMORRIS RODGERS). The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 4377.

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.

TYGART DAM PROJECT HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4417) to provide for the reinstatement of a license for a certain Federal Energy Regulatory project.

The Clerk read as follows:

H.R. 4417

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

SECTION 1. REINSTATEMENT OF LICENSE FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to project numbered 7307 of the Federal Energy Regulatory Commission, the Commission shall, upon the request of the licensee for the project, in accordance with that section (including the good faith, due diligence, and public interest requirements of that section and the procedures established under that section), extend the time required for commencement of construction of the project until December 31, 2007.

(b) APPLICABILITY.—Subsection (a) shall apply to the project upon the expiration of any extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the time required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license of the Commission for the project expires before the date of enactment of this Act, the Commission shall—

(1) reinstate the license effective as of the date of the expiration of the license; and

(2) extend the time required for commencement of construction of the project until December 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 4417, the Tygart Dam Project Hydroelectric License Extension Bill, extends the time in the hydroelectric license to start construction on the project until December 31, 2007. This is another project that has experienced delays. In this case, unfavorable market conditions delayed the start of the project. Today, those conditions have been resolved and the project is ready to begin. The project will be built at an existing dam, thus minimizing impacts. It is anticipated that the project will provide a substantial economic boost to the city of Grafton, West Virginia, as well as valuable hydroelectric power, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 4417, legislation which would require the Federal Energy Regulatory Commission to extend, upon the licensee's request and subject to compliance with commission procedures, the deadline for the commencement of construction of the proposed Tygart Dam Hydroelectric Project in West Virginia. That extension in this bill would be for a period of 1 year.

The project was originally licensed in 1989, but has not begun construction due to a lack of utility contracts in order to make the project financially viable. Those dynamics have now changed and the contractor is actively negotiating for the purchase of electricity to be produced by the facility.

The project enjoys strong local support in the community in West Virginia in which it will be located. The bill was also approved by the Energy and Commerce Committee by voice vote and is noncontroversial, and I urge approval of the legislation.

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

Mr. OTTER. Madam Speaker, I also yield back the balance of my time, and I urge the immediate passage of H.R. 4417.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 4417.

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.

SWIFT CREEK HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 244) to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

The Clerk read as follows:

S. 244

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

SECTION 1. EXTENSION OF TIME FOR THE FEDERAL ENERGY REGULATORY COMMISSION HYDROELECTRIC PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 1651, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the Senate bill now under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 244, the Swift Creek Hydroelectric License Extension Bill, authorizing the Federal Energy Regulatory Commission to extend the time specified in the project license to begin construction of the Swift Creek Hydroelectric Project for three 2-year periods, a total of 6 years.

The Swift Creek Project is a 1.5 megawatt project in Wyoming. This bill has passed the Senate with unanimous consent, and passage of the bill today will send this bill directly to the President's desk and allow the further development of clean renewable hydroelectric power. I urge my colleagues to support S. 244.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of this legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of construction deadline for the Swift Creek Hydroelectric Project in Wyoming for three 2-year periods. The license was originally issued in 1997, and the bill before us would provide a routine extension of the commencement of construction deadline.

The legislation is noncontroversial and was approved by voice vote of the

House Committee on Energy and Commerce, and so I urge the House approve the legislation.

Madam Speaker, I yield back the balance of our time.

Mr. OTTER. Madam Speaker, I yield back the balance of my time, and I urge the immediate passage of S. 244.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the Senate bill, S. 244.

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

A motion to reconsider was laid on the table.

REYNOLDS CREEK HYDROELECTRIC LICENSE EXTENSION BILL

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 176) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

The Clerk read as follows:

S. 176

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11480, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the legislation now under consideration.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 176, the Reynolds Creek Hydroelectric Licensing Extension Act, which authorizes the Federal Energy Regulatory Commission to extend the time specified in the project license to begin construction of the Reynolds Creek hydroelectric project for three 2-year periods, a total of 6 years. The Reynolds Creek project is a five megawatt project on Prince of Wales Island in Alaska.

This bill has passed the Senate by unanimous consent. Passage of this bill today will send it to the President's desk and allow further development of clean, renewable hydroelectric power.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of the legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of the construction deadline for the Reynolds Creek hydroelectric project in Alaska for three 2-year periods. The license was originally issued in the year 2000, and the bill before us would provide a routine extension of the commencement of construction deadline.

The legislation is non-controversial and was approved by voice vote of the House Energy and Commerce Committee. I urge that the House approve this measure.

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

Mr. OTTER. Madam Speaker, I yield back the balance of my time and urge the immediate passage of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the Senate bill, S. 176.

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

A motion to reconsider was laid on the table.

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS IN CONNECTICUT

Mr. OTTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 971) to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes.

The Clerk read as follows:

H.R. 971

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT NUMBERED 11547.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11547, the Commission shall, upon enactment of this Act, extend the time period during which the licensee is required to commence the construction of the project to and including May 30, 2007. Thereafter the Commission shall, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 2 consecutive 2-year periods.

(b) REINSTATEMENT OF EXPIRED LICENSE.—The Commission shall reinstate the license for Federal Energy Regulatory Commission project numbered 11547 effective as of the date of its expiration, and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

SEC. 2. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECTS NUMBERED 10822 AND 10823.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 10822 and 10823, the Commission shall, upon enactment of this Act, extend the time period during which the licensee is required to commence the construction of each such project to and including May 30, 2007. Thereafter the Commission shall, at the request of the licensee for each such project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 2 consecutive 2-year periods.

(b) REINSTATEMENT OF EXPIRED LICENSE.—The Commission shall reinstate the licenses for Federal Energy Regulatory Commission projects numbered 10822 and 10823 effective as of the date of their expiration, and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. OTTER) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. OTTER. Madam 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 on the bill.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 971, a bill to provide license extensions of time to begin construction of three hydroelectric projects in Connecticut: the 440 kilowatt Hale project, the 373 kilowatt Collinsville Upper and the 1.1 megawatt Collinsville Lower projects. The bill extends the start time period for construction until May 30, 2007, for all three projects, and also authorizes the Federal Energy Regulatory Commission to extend the time and the start date by two additional 2-year periods.

These renewable hydroelectric projects will provide a boost to the local economy, remove river debris and enhance fishery resources by constructing fish ladders. They also provide a valuable new resource of hydroelectric energy in the New England area.

Madam Speaker, I urge my colleagues to support the bill.

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

Madam Speaker, I rise in support of the legislation which would authorize the Federal Energy Regulatory Commission to extend the commencement of construction deadline for three hydroelectric projects in the State of Connecticut. The legislation would enable the Commission to extend until May of 2007 the deadline, with the ability to issue two additional 2-year extensions, for commencing construction on the proposed Hale hydroelectric project. In addition, the bill would require the FERC to extend the commencement of construction deadlines for the Collinsville Upper hydroelectric project and the Collinsville Lower hydroelectric project.

This measure is noncontroversial and was approved by voice vote of the House Energy and Commerce Committee. It is my pleasure to urge its approval by the House.

Madam Speaker, I would say to the gentleman from Idaho, I have no additional requests for time, and seeing that he has one, we will yield back the balance of our time. I am sure these will be friendly comments.

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

Mr. OTTER. Madam Speaker, I thank the gentleman for his consideration.

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

Mr. SIMMONS. Madam Speaker, I rise today in strong support of H.R. 971, to extend the deadline for commencement of construction of certain hydroelectric plants in my State of Connecticut. I thank the gentleman for yielding time; and I also thank the chairman of the full committee, Chairman BARTON, for his leadership and work on this important legislation.

The Federal Energy Regulatory Commission has approved licenses for three hydroelectric plants in Connecticut. Unfortunately, due to reasons beyond their control, Summit Hydroelectric has been unable to begin construction on these approved projects. The delays have been caused by regulatory changes and lease negotiations with the State of Connecticut.

We know that section 13 of the Federal Power Act requires that the construction of a licensed project begin with 2 years from the date the license is issued. FERC is authorized under the law to extend this deadline upon a finding that such extension is ''not incompatible with the public interest.'' FERC did provide a one-time extension, but more time is needed, and that is why we have this legislation before us here tonight, to enable these projects to go forward.

Like two other operational hydroelectric facilities located in my district in eastern Connecticut, these facilities will benefit local communities by adding historical value, because many of the dams are of historic nature, increasing property tax revenues to the town and providing for economic stimulation.

In addition, the facilities would significantly reduce trash and pollution in the rivers. For example, one such facility is estimated to remove about three tons of trash each year from the rivers through the screening process. Each of these facilities will remove 36 tons a year of sulfur dioxide pollution, 15 tons per year of nitrogen oxide pollution, and 5,000 tons a year of carbon dioxide pollution. So these facilities are not only important to generate electricity, they are also important to clean up the rivers and to clean up the air. In addition, they will all include fish ladders that are beneficial to our native salmon migration.

Finally, Madam Speaker, we know that increasing renewable energy sources has never been more important. Hydropower serves to help lessen our dependence on imported oil, which is paramount to increasing our Nation's security and reducing pollution.

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

Madam Speaker, I thank the gentleman from Connecticut for the information that he has given us; and I appreciate his personal perspective on the continuation of the licenses for these dams and the construction.

Madam Speaker, I yield back the balance of my time and urge the immediate passage of H.R. 971.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. OTTER) that the House suspend the rules and pass the bill, H.R. 971.

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.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. BARTON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The Clerk read as follows:

H.R. 6164

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Institutes of Health Reform Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Organization of National Institutes of Health.
Sec. 3. Authority of Director of NIH.
Sec. 4. Authorization of appropriations.
Sec. 5. Reports.
Sec. 6. Certain demonstration projects.
Sec. 7. Foundation for the National Institutes of Health.
Sec. 8. Applicability.

SEC. 2. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

''SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

''(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

''(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

''(1) The National Cancer Institute.

''(2) The National Heart, Lung, and Blood Institute.

''(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

''(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

''(5) The National Institute on Aging.

''(6) The National Institute of Allergy and Infectious Diseases.

''(7) The National Institute of Child Health and Human Development.

''(8) The National Institute of Dental and Craniofacial Research.

''(9) The National Eye Institute.

''(10) The National Institute of Neurological Disorders and Stroke.

''(11) The National Institute on Deafness and Other Communication Disorders.

''(12) The National Institute on Alcohol Abuse and Alcoholism.

''(13) The National Institute on Drug Abuse.

''(14) The National Institute of Mental Health.

''(15) The National Institute of General Medical Sciences.

''(16) The National Institute of Environmental Health Sciences.

''(17) The National Institute of Nursing Research.

''(18) The National Institute of Biomedical Imaging and Bioengineering.

''(19) The National Human Genome Research Institute.

''(20) The National Library of Medicine.

''(21) The National Center for Research Resources.

''(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

''(23) The National Center for Complementary and Alternative Medicine.

''(24) The National Center on Minority Health and Health Disparities.

''(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

''(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the 'Division').

''(2) OFFICES WITHIN DIVISION.—

''(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

''(B) AUTHORITIES.—Each office in the Division—

''(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and

''(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

''(d) ORGANIZATION.—

''(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(2) REORGANIZATION OF INSTITUTES AND CENTERS.—

''(A) IN GENERAL.—Notwithstanding subsection (b), and subject to paragraph (1), the Director of NIH may, with the approval of the Secretary, reorganize the national research institutes and the national centers, including the addition, removal, or transfer of functions of such institutes and centers, and the establishment or termination of such institutes and centers, if the Director determines that the overall mission of the National Institutes of Health, or the management and operation of programs and activities conducted or supported by the National Institutes of Health, would be more efficiently carried out under such a reorganization.

''(B) ADMINISTRATIVE UNIT.—For purposes of paragraph (1), an administrative unit within the National Institutes of Health that is established under authority of subparagraph (A) shall be considered a national research institute or a national center, without regard to whether the administrative unit is designated by the Director of NIH as such an institute or center.

''(C) PUBLIC PROCESS.—Any reorganization under subparagraph (A) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code.

''(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

''(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization.

''(5) NOTICE TO CONGRESS; EFFECTIVE DATE.—A reorganization under paragraph (2), (3), or (4) may not take effect before the expiration of 90 days after the Secretary submits to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate written notice of the reorganization.

''(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the 'Board').

''(2) DUTIES.—

''(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as 'organizational authorities'). Not less frequently than once each 7 years, the Board shall—

''(i) determine whether and to what extent the organizational authorities should be used; and

''(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

''(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

''(i) Reviewing all programs of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and cost-effectiveness of such programs and the allocation among the programs of the resources of NIH.

''(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

''(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

''(I) analyzing the budgetary and operational consequences of the proposed changes;

''(II) estimating the level of resources needed to implement the proposed changes; and

''(III) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers.

''(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

''(i) the heads of national research institutes and national centers whose directors are not members of the Board;

''(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

''(iii) advisory councils of the national research institutes and national centers;

''(iv) organizations representing the scientific community; and

''(v) organizations representing patients.

''(3) COMPOSITION OF BOARD.—The membership of the Board may not exceed 21 individuals, all of whom shall be voting members. The Board shall be composed of the following:

''(A) The Director of NIH, who shall be a permanent member on an ex officio basis.

''(B) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

''(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

''(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

''(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

''(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

''(v) national centers.

''(C) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

''(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

''(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

''(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the appointed members of the Board, except that the Secretary may select the Director of NIH as the Chair. The term of office of the Chair shall be 2 years.

''(5) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

''(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

''(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

''(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

''(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

''(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

''(7) REPORTS.—

''(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

''(i) the Committee on Energy and Commerce within the House of Representatives;

''(ii) the Committee on Health, Education, Labor, and Pensions within the Senate;

''(iii) the Secretary; and

''(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

''(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

''(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

''(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

''(1) IN GENERAL.—With respect to an official who has organizational authorities within the meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraph (2) of this subsection, make the change in accordance with the following:

''(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

''(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

''(2) OBJECTION BY DIRECTOR OF NIH.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

''(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

''(g) DEFINITIONS.—For purposes of this title:

''(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

''(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

''(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

''(B) established by the Director of NIH under such subsection.

''(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.''.

(b) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking ''National Center for Human Genome Research'' each place such term appears and inserting ''National Human Genome Research Institute''; and

(C) by striking ''Center'' each place such term appears and inserting ''Institute''.

SEC. 3. AUTHORITY OF DIRECTOR OF NIH.

(a) IN GENERAL.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting ''and'' after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking ''paragraph (6)'' and inserting ''paragraph (16)''; and

(6) by striking paragraphs (1) through (3) and inserting the following paragraphs:

''(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

''(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

''(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary, duplicative research, and takes advantage of collaborative, cross-cutting research;

''(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

''(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

''(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

''(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

''(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

''(ii) include information on such research in reports under section 403; and

''(iii) in the case of such research supported with funds referred to in subparagraph (B)—

''(I) require as appropriate that proposals include milestones and goals for the research;

''(II) require that the proposals include timeframes for funding of the research; and

''(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

''(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

''(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

''(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

''(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

''(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

''(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

''(10) shall approve the establishment of all centers of excellence recommended by the national research institutes, other than centers recognized under section 414;

''(11) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487;

''(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

''(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;''.

(b) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(c) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (b) of this section, is amended by adding after subsection (j) the following subsection:

''(k) COUNCIL OF COUNCILS.—

''(1) ESTABLISHMENT.—The Director of NIH shall establish within the Office of the Director an advisory council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

''(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

''(i) the representation of a broad range of disciplines and perspectives; and

''(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

''(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who have been nominated to serve on the Council, which list shall consist of the following:

''(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

''(I) two shall be scientists; and

''(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

''(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

''(3) TERMS.—

''(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

''(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

''(i) nine for a term of 6 years;

''(ii) nine for a term of 4 years; and

''(iii) nine for a term of 2 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.''.

(d) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)) is amended by inserting before the period the following: '', and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval''.

(e) CONFORMING AMENDMENT.—Section 402(a) of the Public Health Service Act (42 U.S.C. 282(a)) is amended by striking ''Director of the National Institutes of Health'' and all that follows through ''who shall'' and inserting ''Director of NIH who shall''.

(f) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Director of NIH under section 401 of the Public Health Service Act (as amended by section 2(a) of this Act). For purposes of the preceding sentence, the terms ''national research institute'', ''national center'', and ''Director of NIH'' have the meanings given such terms in such section 401.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

''SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated—

''(1) $29,747,874,000 for fiscal year 2007;

''(2) $31,235,268,000 for fiscal year 2008; and

''(3) $32,797,032,000 for fiscal year 2009.

''(b) OFFICE OF THE DIRECTOR.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH the following amount, as applicable to the fiscal year:

''(1) $1,000,000,000 for fiscal year 2007.

''(2) $1,050,000,000 for fiscal year 2008.

''(3) $1,102,500,000 for fiscal year 2009.

''(c) TRANS-NIH RESEARCH.—

''(1) COMMON FUND.—

''(A) ANNUAL RESERVATION OF AMOUNTS.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve the applicable amount under subparagraph (B) for allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), which reservations shall constitute an account to be known as the Common Fund.

''(B) AMOUNT OF RESERVATION.—Subject to subparagraph (C), the amount reserved by the Director of NIH under subparagraph (A) for a fiscal year shall be the sum of—

''(i) the base amount determined under subparagraph (D); and

''(ii) any additional amount determined under subparagraph (E).

Amounts reserved under the preceding sentence shall remain available until expended.

''(C) MAXIMUM RESERVATION.—

''(i) IN GENERAL.—The amount reserved by the Director of NIH under subparagraph (A) for a fiscal year shall not exceed 5 percent of the total amount appropriated under subsection (a) for such fiscal year, subject to clause (ii).

''(ii) APPLICABILITY.—Clause (i) may not apply with respect to any fiscal year beginning after the submission of recommendations under subparagraph (F).

''(iii) PRESERVATION OF RESERVATION.—For any fiscal year following the first fiscal year for which the percentage that applies for purposes of clause (i) is 5 percent, the reservation under subparagraph (A) for the fiscal year involved may not be less than 5 percent of the total amount appropriated under subsection (a) for such fiscal year. For fiscal year 2008 and each subsequent fiscal year, the percentage constituted by the reservation under subparagraph (A) relative to the total amount appropriated under subsection (a) for the fiscal year involved may not be less than the percentage constituted by the reservation under such subparagraph for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year.

''(D) BASE AMOUNT.—The base amount referred to in subparagraph (B)(i) for a fiscal year is—

''(i) for fiscal year 2007, the amount reserved by the Director of NIH for fiscal year 2006 for research described in section 402(b)(7)(A)(i); and

''(ii) for fiscal year 2008 and each subsequent fiscal year, the amount reserved under subparagraph (A) for the preceding fiscal year.

''(E) ADDITIONAL AMOUNT CORRESPONDING TO INCREASES IN APPROPRIATIONS.—The additional amount referred to in subparagraph (B)(ii) is 50 percent of the amount by which the total amount appropriated under subsection (a) for the fiscal year involved exceeds the total amount appropriated under such subsection for the preceding fiscal year, except that for any fiscal year beginning after the submission of recommendations under subparagraph (F), such percentage may be adjusted by the Director of NIH, and such percentage shall be adjusted by the Director to the extent necessary for compliance with subparagraph (C)(iii).

''(F) EVALUATION.—During the 6-month period following the end of the first fiscal year for which the amount reserved by the Director of NIH under subparagraph (A) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes to the amount of the reservation under subparagraph (A).

''(2) TRANS-NIH RESEARCH REPORTING.—

''(A) LIMITATION.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

''(B) REPORTING.—Not later than January 1, 2008, and each January 1st thereafter—

''(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

''(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

''(C) DETERMINATION.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

''(D) VERIFICATION OF AMOUNTS.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and verify the accuracy of the amounts specified in the report.

''(E) WAIVER.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

''(d) TRANSFER AUTHORITY.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

''(e) RULE OF CONSTRUCTION.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.''.

(b) ELIMINATION OF OTHER AUTHORIZATIONS OF APPROPRIATIONS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 3(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking ''under subsection (e)'' and inserting ''to carry out this section''; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;

(27) in section 447A—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(28) by striking subsection (d) of section 447B;

(29) by striking subsection (g) in section 452A;

(30) by striking paragraph (7) in section 452E(b);

(31) in section 452G—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a) ENHANCED SUPPORT.—'';

(32) by striking subsection (d) of section 464H;

(33) by striking subsection (d) of section 464L;

(34) by striking paragraph (4) of section 464N(c);

(35) by striking subsection (e) of section 464P;

(36) by striking subsection (f) of section 464R;

(37) by striking subsection (d) of section 464z;

(38) in section 467—

(A) by striking the first sentence;

(B) by striking ''for such buildings and facilities'' and inserting ''for suitable and adequate buildings and facilities for use of the Library''; and

(C) by striking ''The amounts authorized to be appropriated by this section include'' and inserting ''Amounts appropriated to carry out this section may be used for'';

(39) by striking section 468;

(40) in section 481A—

(A) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking the term ''under subsection (i)(1)'' and inserting ''to carry out this section''; and

(ii) by striking ''under such subsection'' and inserting ''to carry out this section''; and

(B) by striking subsection (i);

(41) in subsection (a) of section 481B, by striking ''under section 481A(h)'' and inserting ''to carry out section 481A'';

(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;

(43) by striking subsection (e) in section 485C;

(44) by striking subsection (l) in section 485E;

(45) by striking subsection (h) in section 485F;

(46) by striking subsection (e) in section 485G;

(47) by striking subsection (d) of section 487;

(48) by striking subsection (c) of section 487A; and

(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) RULE OF CONSTRUCTION REGARDING CONTINUATION OF PROGRAMS.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 5. REPORTS.

(a) REPORT OF DIRECTOR OF NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 4(a) of this Act, is amended—

(1) by redesignating section 403A as section 403C;

(2) in section 1710(a), by striking ''section 403A'' and inserting ''section 403C''; and

(3) by striking section 403 and inserting the following sections:

''SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

''The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

''SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

''(a) IN GENERAL.—The Director of NIH shall submit directly to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

''(1) An assessment of the state of biomedical and behavioral research.

''(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

''(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

''(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

''(A) The catalog shall, for each such activity—

''(i) identify the agency or agencies involved;

''(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

''(iii) identify whether the activity was carried out through a center of excellence.

''(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on health disparities.

''(C) Research activities listed in the catalog shall include the following:

''(i) Epidemiological studies and longitudinal studies.

''(ii) Disease registries, information clearinghouses, and other data systems.

''(iii) Public education and information campaigns.

''(iv) Training activities, including National Research Service Awards and a breakdown by demographic variables and other appropriate categories.

''(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

''(vi) Translational research activities with other agencies of the Public Health Service.

''(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories:

''(A) Cancer.

''(B) Neurosciences.

''(C) Life stages, human development, and rehabilitation.

''(D) Organ systems.

''(E) Autoimmune diseases.

''(F) Genomics.

''(G) Molecular biology and basic science.

''(H) Technology development.

''(I) Chronic diseases, including pain and palliative care.

''(J) Infectious diseases and bioterrorism.

''(K) Health disparities.

''(L) Such additional categories as the Director determines to be appropriate.

''(b) REQUIREMENT REGARDING DISEASE-SPECIFIC RESEARCH ACTIVITIES.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

''(1) present information in a standardized format;

''(2) identify the actual dollar amounts obligated for such activities; and

''(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

''(c) ADDITIONAL REPORTS.—In addition to reports required by subsections (a) and (b), the Director of NIH may submit to the Congress such additional reports as the Director determines to be appropriate.

''SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

''(a) COLLABORATION WITH OTHER HHS AGENCIES.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

''(b) CLINICAL TRIALS.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(j).

''(c) HUMAN TISSUE SAMPLES.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

''(d) FIRST REPORT.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

''(a) WHISTLEBLOWER COMPLAINTS.—

''(1) IN GENERAL.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

''(2) CONTENTS.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

''(A) Each agency of the National Institutes of Health involved.

''(B) The status of the complaint.

''(C) The resolution of the complaint to date.

''(b) EXPERTS AND CONSULTANTS.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

''(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

''(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

''(3) describes the qualifications of such experts and consultants;

''(4) describes the need for hiring such experts and consultants; and

''(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

''(c) FIRST REPORT.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.''.

(b) STRIKING OF OTHER REPORTING REQUIREMENTS FOR NIH.—

(1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—Title IV of the Public Health Service Act, as amended by section 4(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

''(3) COORDINATION OF CENTERS.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers.''; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding ''and'' after the semicolon at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking ''(a)'' and all that follows through ''The Secretary,'' and inserting ''The Secretary,''; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking ''(a) If the Secretary'' and inserting ''If the Secretary''; and

(ii) by striking subsection (b).

(2) PUBLIC HEALTH SERVICE ACT; OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking ''(a) From the sums'' and inserting ''From the sums''; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking ''(b) EVALUATION AND REPORT'' and all that follows through ''Not later than 5 years'' and inserting ''(b) EVALUATION.—Not later than 5 years'';

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) OTHER ACTS.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

(I) in paragraph (2), by inserting ''and'' at the end;

(II0) in paragraph (3), by striking ''; and'' and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 6. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the ''Secretary'') in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 3(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Director of NIH may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding

sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 3(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Director of NIH shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms ''Director of NIH'', ''national research institute'', and ''national center'' have the meanings given such term in section 401 of the Public Health Service Act.

SEC. 7. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

''(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.''; and

(ii) in subparagraph (G), by inserting ''appointed'' after ''that the number of'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.''; and

(C) in paragraph (5), by inserting ''appointed'' after ''majority of the'';

(2) in subsection (j)—

(A) in paragraph (2), by striking ''(d)(2)(B)(i)(II)'' and inserting ''(d)(6)'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including an accounting of the use of amounts transferred under subsection (l)'' before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''; and

(C) in paragraph (10), by striking ''of Health.'' and inserting ''of Health and the National Institutes of Health may accept transfers of funds from the Foundation.''; and

(3) by striking subsection (l) and inserting the following:

''(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.''.

SEC. 8. APPLICABILITY.

This Act and the amendments made by this Act apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the matter under consideration.

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

There was no objection.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a big day for me, or I guess I should say a big evening for me. When I became chairman of the Energy and Commerce Committee 3 years ago, I asked the staff to do two things: number one, prepare a list of all of the major agencies and major pieces of legislation that were under the jurisdiction of the committee; and then, number two, to prepare a list of those agencies and those major bills that were not authorized.

I was extremely surprised to find out that the National Institutes of Health, which at that time we were doubling the budget of, had not been authorized in 10 years. I said that is a very, very important agency, and because there is tremendous bipartisan support for the NIH, let's make that the first agency that we bring up to speed and reauthorize and, if necessary, reform. I thought, quite frankly, that that effort might take 3 to 6 months.

Well, 3 years later, as one of the last acts of this Congress, we are bringing to the floor an NIH reauthorization bill. It is a bill that has been the result of tremendous cooperation in the stakeholder community and within this Congress, Mr. DINGELL and myself as leaders of the committee, and many, many Members on both sides of the aisle, rank and file Members in terms of input.

The bill has gone through three to four drafts. We had a very intense markup on this bill in committee last week, and the result is a work product that is before us.

Fifty-one stakeholder groups have endorsed the bill, and I will put the endorsement sheet into the record. I am not going to read all 51 out, but I do want to read some of them: the American Cancer Society, the American Heart Association, the American Physical Therapy Association, the Association of American Medical Colleges, the Association of America and Universities, the Christopher Reeve Foundation, the Federation of American Societies for Experimental Biology, the Friends of Cancer Research, the Juvenile Diabetes Research Foundation, the Lance Armstrong Foundation, the March of Dimes, the National Association of State Universities and Land Grant Colleges, the National Coalition for Cancer Research, and the Parkinson's Action Network are just a few of the national organizations that have endorsed or supported this legislation.

Why is NIH reauthorization important, beyond the mechanical aspect of trying to have funding that is authorized and is given full oversight? Well, I think when you talk about major pieces of legislation you tend to talk in abstract terms, but I want tonight to personalize it a little bit.

My brother, John Barton, died of liver cancer 6 years ago. At the time that he passed away, he was taking an experimental NIH drug that, had it worked, would have saved his life. We were told by his doctors there was an 80 percent chance it would really, really help him, but there was a 20 percent chance it would exacerbate the disease. We took that risk. He signed the protocol, took the medication and, obviously, in his case it didn't work. He is no longer with us, but that NIH research program later did make a significant breakthrough that is helping liver cancer patients today.

My father passed away 10 years ago from complications of diabetes. The NIH has invested and is investing tremendous resources in trying to find a way to combat the scourge of diabetes.

I had an aunt who passed away from breast cancer 16 years ago. As we all know, that is one of the priority areas for NIH research.

I myself had a heart attack last December 15th, but I was able to be successfully treated because of NIH research that has created what we now call these coated stents. I have a number of these stents in my heart; and, because of prior NIH research, I am able to give this floor speech.

□ 2030

So when I talk about the need to reauthorize and reform the NIH, I am talking in an academic sense, but I am also talking very personal. It helps my

family. It helps every American's family sense.

The bill before us would authorize the NIH for 13 years. It would freeze the number of existing institutes, there are 27, at 27. It would set up an internal time line controlled by the scientists and the administrators at NIH to review their internal organizations. If they want to make some changes, they can. They have to report to the Congress what those changes are.

For the first time, it would set up a common reporting system so that we know all the research that is being done at NIH and give the public an opportunity to track that research. It would set up for the first time a common fund which, over time, we would put sufficient funds in so that you could have peer-reviewed grants across the NIH structure so that the scientists in one institute that were working on, let's say, lung cancer in the Cancer Institute might work with people in the Lung Institute might work with the people at the Institute of Applied Biology. So they would all come together, and they would share their research on a merit-based research grant project.

It sets up a formal reporting system with NIH and again requires that those reports be standardized in a format that the public can easily understand and easily have access to. It gives the director of NIH some discretionary funding in which he can apply towards specific projects that he thinks are high-priority areas.

The bill before us sets up and maintains the merit-based peer review program that is already in existence at NIH, but it creates a reporting system, an accounting system of transparency that allows the public to see what is going on, and through the creation of this common fund actually gives the ability on a merit-based, peer-reviewed process to put the research dollars where they will do the most good and have the biggest impact.

So I think this is a very, very important piece of legislation. I consider it the signal achievement of the Energy and Commerce Committee in this Congress. I hope that, if we pass it this evening, that we can get the other body to take it up very quickly and also pass it over there. It will really, really help the NIH maintain its status as one of the crown jewels of the Federal Government.

I do want to thank Ranking Member DINGELL for his cooperation and his staff. John Ford of his staff has worked very, very hard working with the majority staff. Katherine Martin has worked on the majority side. And from the leadership side, Cheryl Jeager has worked very, very hard. We could not have done it at the Member level if it had not have been for the hard work at the staff level.

Again, I am very proud of this piece of legislation. I hope everybody in the body votes for it this evening.

SUPPORT FOR NIH REAUTHORIZATION

American Association for Cancer Research
American Cancer Society
American Heart Association
American Physical Therapy Association
American Society of Clinical Oncology
American Society for Microbiology
American Society for Therapeutic Radiology and Oncology
American Stroke Association
Association of American Medical Colleges (AAMC)
Association of American Universities (AAU)
American Urological Association
Autism One
Autism Society of America
Autism Speaks
California Healthcare Institute
Cancer Research and Prevention Foundation
Christopher Reeve Foundation
Coalition of Cancer Cooperatives Groups
C3: Colorectal Cancer Coalition
Community Oncology Alliance
COSAC
Cure Autism Now Foundation
Federations of American Societies for Experimental Biology (FASEB)
First Signs
Friends of Cancer Research
Generation Rescue
Intercultural Cancer Council Caucus
International Foundation for Anticancer Drug Discovery
International Myeloma Foundation
Juvenile Diabetes Research Foundation
Kidney Care Partners
Lance Armstrong Foundation
Lung Cancer Alliance
March of Dimes
Men's Health Network
National Alliance for Eye and Vision Research
National Association of State Universities and Land-Grant Colleges (NASULGC)
National Autism Association
National Coalition for Cancer Research
National Prostate Cancer Coalition
Oncology Nursing Society
Organization for Autism Research
Pancreatic Cancer Action Network
Parkinson's Action Network (PAN)
Society of Gynecologic Oncologists
Southwest Autism Research & Resource Center
The Deirdre Imus Environmental Center for Pediatric Oncology
Translating Research Across Communities (TRAC)
Unlocking Autism
University of California System
US Autism and Asperger Association

Madam Speaker, I reserve the balance of my time.

Ms. ESHOO. I yield myself such time as I might consume.

Madam Speaker, I want to start off by saluting Chairman BARTON. This is a great achievement for the chairman and for the country. JOE, you did everything for the right reasons; and you did it the right way with everyone.

This jurisdiction of NIH, which I very affectionately call the National Institutes of Hope, is really a crown jewel in the jurisdiction of the Energy and Commerce Committee. But it has been 13 years, I believe, since there has been a reauthorization; and it is extraordinary that a bill of such import has been brought to the floor and will receive the support, I think almost unanimously, of Members in the House of Representatives. And that is a tribute to you of how you have done this and how much you have cared about it.

There is the letters of endorsement from, it is really one of the greatest honor rolls of endorsers and stakeholders in the country, and the chairman made reference to them. So, to Chairman BARTON, congratulations, job well done, something really important for the people of our country.

We are considering this bill. It is the National Institutes of Health Reform Act of 2006, H.R. 6164. It is a very important piece of legislation that will reauthorize our foremost medical research center and the Federal focal point for medical research in our Nation.

The goal of the NIH is to acquire new knowledge to help prevent, to detect, to diagnose and to treat diseases and disabilities from the rarest genetic disorder to the common cold. The American people look to the NIH. They trust the NIH. They want us to make investments in it, because it does represent hope for the future.

The NIH conducts research in its own laboratories. It supports research of non-Federal scientists in universities. And I am proud that Stanford Medical School, under the great leadership of Dr. Phil Pizzo, is one of the supporters of this legislation. It supports medical schools, hospitals, and research institutions throughout the country and abroad. I think many people don't realize that, that there is a portion of this that takes place abroad. And it helps in the training of research investigators, and it fosters communication of medical health and health sciences information.

This Act is going to help to ensure the continued success of the NIH. There are many, many commendable provisions of this bill. The establishment of the common fund should serve to stimulate trans-NIH research in areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special attention and are going to benefit from additional research that involves collaboration between two or more institutes or centers.

Another significant provision of the legislation is the creation of an infrastructure to evaluate and report on the NIH research portfolio. It is very, very important, very difficult to go through and to document the contributions of the NIH in key areas, and this is going to provide for that.

The bill contains many admirable goals and provisions that are going to help NIH in its long-term battle to overcome human disease and disability.

What the bill does not address, and some Members raised this at the committee, is the issue of funding. Some of us think there could be more funding, that there is insufficient funding. This really is the largest problem facing the NIH today. After years of significant funding increases for NIH, this Congress has effectively chosen to flat-fund the agency. After adjusting for inflation, this could turn out to actually be a funding cut.

In an effort to address this problem, Representative MARKEY offered an amendment during our full committee markup last week. His amendment sought to ensure that this Congress provided a real 5 percent increase in funding for NIH, not one that could be diminished by inflation. But the amendment did not pass. It was defeated along a party line vote.

A significant increase in the number of grant applications combined with a frozen level of congressional funding has really taken its toll on the NIH. That is why some of us thought that it was very important to act and to provide more resources to ensure that NIH's funding levels don't fall any lower.

Despite the fact that this bill offers no assurances of what I just described, it is still a good bill, it is a solid bill, it makes progress, and I will support its passage, and I urge my colleagues to do that.

I also want to acknowledge the work of the Energy and Commerce Committee staff. Again, John Ford, who is a hero of so many of ours on the Democratic staff, Katherine Martin of the Republican staff, as well as Cheryl Jeager of Mr. BLUNT's staff, as well as my chief of staff, Jason Mahler. They all have had an important hand in this. We are all grateful to them.

Madam Speaker, I reserve the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BURGESS. Madam Speaker, it is now my pleasure to yield 3 minutes to the chairman of the Health Subcommittee, the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I would, as I rise in support of this legislation, first of all express appreciation to Chairman BARTON, who has previously spoken. Without his determination and hard work, we wouldn't be here tonight. It has been 3 long years, but he stuck by the issue, and I think the legislation that is here will be a great improvement. It will help improve research, the outcomes at NIH, by enhancing the agency's transparency by its reporting and its strategic planning for medical research.

During the 3-year development period, the Committee on Energy and Commerce and its Subcommittee on Health has held 11 hearings, had numerous interviews with NIH Institute and Center Directors, conducted consultations with NIH Director Zerhouni and Former NIH Director Harold Varmus, worked closely with experts in the area of public-sector organizational theory and design, piloted town-hall-style meetings with stakeholders, and the development of legislation to reauthorize programs of the NIH have been reached through a fully bipartisan process.

This is indeed a good day, and the National Institute of Health Reform Act I think is long overdue. That was reflected by the overwhelming vote in the committee of 42–1 as we passed this legislation out.

I would like to also join Chairman BARTON as he thanked the staff, and they have done tremendous work: Cheryl Jeager, Katherine Martin, and John Ford. They have worked long hours, and tonight we see the results of their efforts.

I hope, too, that as we pass this tonight that we will also be able to see our companion body do the same and that we will have this legislation on the President's desk by the end of this year and before the conclusion of this Congress. I urge my colleagues to join me in supporting this bill.

Ms. ESHOO. At this time I would like to yield 3 minutes to my wonderful colleague from California, Representative LOIS CAPPS, an extraordinary member of the committee and a great supporter of the NIH.

Mrs. CAPPS. Madam Speaker, I rise to also support this bill and hope that the initiatives taken in this legislation will enable the National Institutes of Health to best carry out its mission and achieve groundbreaking scientific discoveries.

Sometimes when constituents ask me what good is this place where I work, this Federal Government, I tell them just look out at Bethesda, Maryland, where the National Institutes of Health work every day, hard every day to achieve miracles that translate into lives changed in this country on a daily basis.

I also want to thank Chairman BARTON for his great efforts on this bill. He has been working tirelessly to see that this reauthorization actually did happen, and he did it in a bipartisan manner. As he demonstrated at this meeting, he added his own personal motivation for doing it, which, quite frankly, we could see more of in this House.

At the same time, we have missed some great opportunities, and I will mention two, one of which has been mentioned already by my colleague.

First, we are not providing the NIH with enough funds to carry out the amazing work that they do and that we ask them to do. The yearly increases to the NIH budget provided in this bill will probably not even keep up with inflation, especially following these last years of flat-funding the NIH.

But, in addition, during the Energy and Commerce Committee markup on the NIH Reform Act, Mr. WAXMAN and I introduced an amendment to include the language of H.R. 2231, the Breast Cancer and Environmental Research Act, which is authored by Congresswoman LOWEY. Although as Chairman BARTON pointed out during the markup, the bill's goal is to focus on structure and organization within the NIH, and I understand this, we felt that this amendment was a necessary vehicle to move legislation that has 255 bipartisan cosponsors.

The Breast Cancer and Environmental Research Act would direct the development and coordination of activities at the NIH to study the effects of the environment on the development of breast cancer. With National Breast Cancer Awareness Month upon us, let us do something really tangible to really combat the disease, instead of simply issuing proclamations or wearing ribbons. While those acts are very important, it is only through well-coordinated research that we will actually achieve our goal of eradicating this devastating disease.

The Breast Cancer Environmental Research Act fits perfectly into the new initiatives of the NIH Reform Act, considering the emphasis this bill places on trans-Institute research, transparency, and efficiency. We have very little time left in this Congress to pass legislation, and here was an opportunity to attach a related bill that enjoys wide support, but the majority said no to this opportunity.

□ 2045

So now that the NIH reauthorization has been completed in the House, I urge my colleagues to press for passage of the Breast Cancer and Environmental Research Act so we can make real a Federal commitment to an overall national strategy needed to discover the environmental correlations with breast cancer. It is time to take some real action to prevent, treat and cure this disease.

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

I would like to read a letter from Leo T. Furcht, M.D. who is the president of the Federation of American Societies for Experimental Biology. In his letter to Chairman BARTON Dr. Furcht wrote: ''We thank you for your leadership in protecting the National Institutes of Health from disease-specific funding set-asides. From the FASEB perspective, directed research initiatives fail to recognize several principles inherent to the nature of medical research. Thus, we doubly appreciate your legislation's emphasis on investigator initiated competitive research.''

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), an esteemed psychologist.

Mr. MURPHY. Madam Speaker, I want to commend Chairman BARTON for working so hard on moving this vitally important bill, and I am grateful for the opportunity to work with him and include in the committee report recognition of the positive impact NIH can have on patient safety by collaborating on research across institutes and centers.

It is extremely important to all of us that the 27 institutes work together. This is why the Common Fund in this legislation, where institutes will collaborate on their research efforts, is so important.

Many times the research which grabs the headlines spells out new discoveries on the molecular or cellular or genetic levels, new discoveries of pharmaceutical treatments or dynamic discoveries of the causes and treatment of

disease. But equally important to these laboratory results are the applications across disciplines. The Common Fund allows such collaborations.

We now know so much more about the cause and treatment of cancer, but we also have much to learn about how depression can exacerbate cancer and can double the cost of treatment.

Collaborating on research to improve patient safety will garner tremendous knowledge to improve the quality of care at the NIH as we work toward our Nation's next discovery.

Improving the reporting of research between the agencies of NIH can lead to a series of best practices to reduce the 90,000 American deaths caused from preventable infections acquired at health care facilities each year which contributes to $50 billion in unnecessary medical expenses. These efforts could also help to reduce the 195,000 preventable annual deaths due to medical errors.

Finally, I commend also the administration for virtually doubling the investment in NIH over the last few years. It is vitally important, and it is a great example to continue on. But this was also a time we had to reform some things in the agencies within NIH. This is an important bill, and I call upon my colleagues to support it enthusiastically. It will save more lives and more money.

Ms. ESHOO. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH), our colleague on the Energy and Commerce Committee.

Mr. RUSH. Madam Speaker, I thank the gentlewoman for yielding this time to me.

I rise in support of this important bill to reauthorize the National Institutes of Health, and I want to thank both Chairman BARTON and his committee staff and also the ranking member, Mr. DINGELL, for working with me and my staff to accommodate my objectives and address the enduring problem of racial disparities in medical research and health care.

As I said during the Energy and Commerce Committee markup, politics is the art of the doable, the art of the possible. With regard to racial health disparities, this bill reflects a thoroughly negotiated compromise, and it does four outstanding and exemplary things.

First, it mandates that the director of NIH assemble all relevant information and data on health disparities research at the institutes in his critical role as portfolio manager.

Secondly, the bill includes reporting requirements on specific demographic information for its training activities at NIH. This addresses our deep-seated desire to determine the number and percentages of people of color as researchers at NIH.

Third, the bill designates health disparities as one of the 10 major categories subject to the summary reporting requirements by which NIH must now abide.

Fourth, it strengthens the mandate to verify that clinical trials are diverse and inclusive of women and people of color.

Madam Speaker, while I don't think this bill is a perfect bill, and many of us would have preferred a more aggressive agenda to tackle health disparities, these four provisions are significant, and they are worthy of support.

Let me close the same way I concluded my remarks in the Energy and Commerce Committee. I emphasized that the bill before us, the NIH Reform Act of 2006, is indeed just the beginning and not the end. Not only do I believe we can do more to compel NIH to aggressively address racial disparities in medical research, but we can do more to address racial disparities in all aspects of health care. And while I appreciate this bill's efforts to partly address this enduring injustice, and I know that the chairman and the ranking member worked hard to accommodate my concerns, along with the concerns of my colleagues on the Energy and Commerce Committee, I hope we will continue to work on this problem in a bipartisan manner that achieves lasting results.

Mr. BURGESS. Madam Speaker, it is my great pleasure to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I rise today to echo the strong support for H.R. 6164. I want to thank Chairman BARTON and my colleagues on the other side of the aisle, Chairman DEAL, committee staff, everybody who put so much of their heart and soul into this bill, including my legislative assistant, Kelly Childress, who spent hours helping us put some of the provisions in this bill and the bill that was just before us.

This legislation does a lot of great things. The chairman of the committee stated why the NIH is our crown jewel. This bill does something very, very important. It is going to get more money to the people doing the research who come up with the solutions for so many ailments in this country. No other nation in the world has this kind of intellectual power in one place working to solve some of our most challenging health care problems. This bill accomplishes great things to that end.

I want to highlight one thing, if I may, a provision that for the first time addresses pain and palliative care. It is long overdue, but it is here. Fifty million Americans are either partially or completely disabled because of acute or chronic pain, and for the first time we elevate it in the eyes of NIH so they can study it. I always say lend me your EAR: Education, Access and Research can happen now because of this bill and because of the work of this House in a bipartisan way to reach out to 50 million Americans who suffer from pain, for people who suffer cancer and diabetes and arthritis and HIV–AIDS. The list is long. This House gives them hope tonight.

I want to say thank you to all who have put so much in it. This will make a difference in Americans' lives for now and in the future. I commend everybody who had a piece of it.

Ms. ESHOO. Madam Speaker, I am pleased to yield 4½ minutes to one of the most respected members of the Energy and Commerce Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentlewoman, and I thank her for her excellent work on this legislation. And I thank the Members of the majority for their work on this legislation as well.

But I come to the floor in order to identify the single most glaring deficiency in the legislation. This is a promise of a 5 percent increase in the NIH budget each year. But the reality is that this 5 percent is an imaginary 5 percent because this 5 percent does not account for the reality of health care inflation.

On an average year, health care inflation is 3 to 4 percent. In some years it is 5 to 10 percent, meaning that a 5 percent increase is actually in some years an actual reduction in the amount of money which can be used for health care research.

In fact, what we have seen over the last 3 years is that while the Republicans have flatlined the NIH budget, it has actually lost 11 percent of its purchasing power in new research that targets the diseases which affect American families. Research is medicine's field of dreams from which we harvest the findings that give hope to American families, the clues that can unlock the diseases which they fear will affect their family, and there is no family that doesn't have some disease that they believe runs through their family's history. It could be Alzheimer's, Parkinson's, heart disease, cancer, diabetes, you name it; but it goes right down to some diseases that have very small numbers of Americans that are affected, like cystic fibrosis, which might only have 30,000 Americans.

What happens in a situation like this is because of the huge tax cuts which the Republicans have pushed through Congress year after year, we are incapable here in Congress of then gaining their support in order to increase above inflation by 5 percent the NIH budget.

And so who do we quote on a subject like this? Who do we quote on the subject of inflation and the impact that it has on American families? Who has been the single most articulate American on the subject of inflation in our lifetime? That person is Ronald Reagan. This is what Ronald Reagan said about inflation. He said: ''Inflation is as violent as a mugger, as frightening as an armed robber, and as deadly as a hit man.''

Mr. Speaker, we don't want the NIH research budget to be robbed by inflation. That is what is happening. It has

happened since 2003. It is going to continue. Between 12 and 16 million American baby boomers are going to contract Alzheimer's. There is a belief that if we could make a breakthrough in Alzheimer's, we could delay its onset by 7 years, saving at least 50 to $60 billion because they won't need care during those years.

This is without question in my opinion the most important budget that comes through Congress because this is, more than terrorism, the one issue that puts the fear of God in the hearts of every family. It is that one of these diseases will come into one of their family members.

My belief is that there has been a series of choices made in the last 6 years to have these massive tax cuts that makes it impossible for us to give a cost-of-living increase on top of inflation. It is wrong, and I believe that this bill, as good as it is in so many places, is deficient in the one central area which is central.

□ 2100

Mr. BURGESS. Madam Speaker, I would remind the gentleman that President Reagan was no fan of high taxes, and I would also remind this body that the Republicans in this body have been responsible for the largest increase in NIH funding in America's history, period, end of discussion; except to add that Chairman BARTON was a leader in that regard.

Madam Speaker, I reserve the balance of my time.

Ms. ESHOO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself the balance of my time.

I want to add to the list that Chairman BARTON read about individuals and groups that support this NIH reauthorization: the American Society of Clinical Oncology, the Autism Society of America, the Colorectal Cancer Coalition, the Men's Health Network, the Society for Gynecologic Oncologists, and the Deirdre Imus Environmental Center for Pediatric Oncology. Truly a diverse group that supports this legislation.

Madam Speaker, last week, many of us had constituents from our districts come through our offices who were cancer survivors, and the question always comes up, and Mr. MARKEY asked it tonight, are we doing enough? Well, another question that we could ask, and we should ask, is do we know what we have already done?

Let me quote, Madam Speaker: ''This year, for the first time in history,'' for the first time in history, ''the absolute number of cancer deaths in the United States has decreased. We now have 10 million cancer survivors. We can detect and treat cancer at earlier stages. Targeted therapies have emerged, using specific molecular targeting to treat tumors with new agents.''

This quote was from Elias Zerhouni as he addressed our committee.

Madam Speaker, let me just add that, thanks to the tools and technologies developed by the Human Genome Project at the National Institutes of Health, changes in the genetic blueprints that are associated with all types of cancer are now known. A new generation of targeted diagnostics, therapeutics, and preventatives for all cancers will pave the way for more personalized cancer medicine.

What does this mean? It means that we are well on our way to a time when, should a person be diagnosed with cancer, their physician will be able to say whether or not certain therapeutics are appropriate. Think of the dollars that that will save. Not everyone who receives a diagnosis has to go through the same treatment. There are some genetic makeups that will be helped; there are some that will not be helped. Let us target our therapy where it does the most good. We are clearly moving in the right direction in this regard.

We heard the chairman, we heard people from the other side describe the National Institutes of Health as the crown jewel of the Federal Government. I believe that is correct, and we should all be proud of the organization's dedication to improving the health of Americans and mankind.

The bill before the full House tonight improves on that commitment by providing sustainable funding increases for medical research, granting the NIH Director more authority and increasing accountability, and it creates the Common Fund to put dollars toward trans-NIH research activities. These trans-NIH research initiatives will make historic breakthroughs in medical research.

Already, the National Cancer Institute and the National Human Genome Research Institute are collaborating on the Cancer Genome Atlas. This project will develop a useful atlas of the changes that occur in the human genetic blueprint associated with all types of cancers. This project will give medical professionals a new generation of targeted diagnostics, therapies and preventative services to treat a host of different cancers.

We are, indeed, Mr. Speaker, moving in the right direction. We are, indeed, doing good work for the American people with the reauthorization of this bill, and this bill maintains that important momentum. Be it a cure for cancer or greater understanding of the human genome or advances in heart disease, an avian flu vaccine, the National Institutes of Health has a proven record of innovation.

Mr. Speaker, this is a good bill. By increasing the authorized level by 5 percent, Chairman BARTON and Chairman DEAL have produced a bipartisan approach to capitalizing on the gains made by the NIH over the past several years.

Vote for your constituents and the future of medical care by voting in favor of H.R. 6164.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY,
Bethesda, MD, September 26, 2006.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: Please accept my thanks again for the opportunity to testify in support of your NIH reauthorization legislation on behalf of the Federation of American Societies for Experimental Biology (FASEB), The biomedical research community continues to support your vision for our nation's premier medical research agency.

I fully appreciate that one of the fundamental questions faced by your committee in producing this legislation was how to balance the responsibility of setting priorities for funding within NIH. FASEB strongly concurs with your view, as delineated in the reauthorization bill, that Congress continue to set overall funding levels for Institutes, Centers and the Common Fund, but that the selection of specific research areas to be funded remains principally the responsibility of NIH, through merit-based peer review. We believe that the NIH has the fullest understanding of not only the human and economic costs of a disease, but also of the scientific challenges and current opportunities that exist in specific areas and more broadly in biomedical research. Moreover, FASEB feels this role will only be strengthened by the portfolio management provisions of the NIH Reform Act.

We thank you for your leadership in protecting NIH from disease-specific funding set asides. From the FASEB perspective, directed research initiatives fail to recognize several principles inherent to the nature of medical research. Basic research, recognized universally as the foundation of most advances in disease-specific research, will inevitably suffer in a politically based system of allocating scarce dollars. Thus, we doubly appreciate your legislation's emphasis on investigator-initiated competitive research. ''Furthermore, earmarking by disease is not necessarily the way to produce breakthroughs in a particular area, since research in one area often produces unpredictable results that find specific use in another. There are numerous examples of the ''serendipity of science'' and there will be many more in the future. Disease specific funding runs counter to this well observed phenomenon.

In conclusion, FASEB reiterates its support for the NIH Reform Act of 2006. It is a tremendously successful balance that both improves upon the current system and preserves those aspects that have allowed NIH to achieve its global preeminence in medical research.

Sincerely,

LEO T. FURCHT,
FASEB President.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 6164, the "National Institutes of Health Reform Act of 2006". Despite certain shortcomings, this is an important piece of legislation that contains many significant and commendable goals.

I want to congratulate Chairman BARTON on crafting and moving the first National Institutes of Health (NIH) reauthorization bill in 13 years and I thank him for reaching out to stakeholders and colleagues on both sides of the aisle. In view of the numerous stakeholder endorsements of this bill, it appears that a careful balance has been struck in many of the bill's provisions.

The bill is based on several recommendations of the Institute of Medicine report, "Enhancing the Vitality of the National Institutes of

Health.'' I hope that the provisions on greater accountability and transparency will help NIH use its resources in the most effective, efficient, and equitable manner possible.

The greatest problem this Congress has created for NIH, however, is tight funding. After years of significant funding increases for NIH in its fight against disease, this Congress has effectively chosen to provide flat funding for NIH. After adjusting for inflation, this actually is a funding cut.

Further compromising NIH's funding stream is the House budget resolution, passed on a partisan basis, that has resulted in a budget allocation for the House Labor-HHS Appropriations Subcommittee that virtually guarantees the flat funding of programs in its jurisdiction, including NIH. Tax cuts for the wealthy have a higher priority than domestic programs such as education or preventing and curing diseases.

A vast increase in the number of grant applications coupled with a frozen level of funding has forced NIH into a fiscal crisis. This year, the NIH budget decreased for the first time in over 30 years. President Bush has asked that we keep NIH's funding at the same level as FY 2007, but doing so would demonstrate a lack of commitment to the goals and ideals of NIH.

We are voting today on a bill that purports to authorize a 5 percent increase in the NIH budget over each of the next 3 years. This is too small. And when the Congressional Budget Office scores this bill, it will score it as costing nothing. That is because it merely authorizes appropriations, and there is no reason to believe that there will be any increase this year, no matter what we do today.

But despite the shortcoming in authorization levels, the bill contains many useful reforms, and has the overwhelming support of those organizations in the front lines of the fight against disease. I urge my colleagues to support it.

Mr. LANTOS. Mr. Speaker, tonight's debate on the National Institutes of Health Reform Act of 2006 is extremely important to the well-being of our Nation. The National Institutes of Health (NIH) is the world's greatest medical research center with its 27 separate institutes and centers. The lives of millions of Americans are directly impacted by the work of NIH helping prevent, detect, diagnose, and treat disease and disability. Medical research conducted by NIH has a proven record and with our support NIH will provide medical miracles for tomorrow.

I am pleased that the University of California, San Francisco (UCSF), in my congressional district is a leader in providing biomedical research, educating health care professionals and providing patient care. Its medical research developed gene-splicing techniques that have revolutionized biology and opened the biotechnology industry to save lives. NIH provides essential funding for USCF's promising research to treat AIDS, cancer, and diabetes and leading the way in stem cell biology.

Mr. Speaker, this bill aims to restructure NIH and reauthorize the agency for the first time since 1993. Among its provisions are a 5 percent increase in the budget for fiscal years 2007–09, and the creation of a common fund that would finance research projects that involve multiple institutes or centers at NIH.

NIH is a beacon of hope for millions suffering from everything from the common cold to cancer, and we cannot fail in our commitment or turn our backs on those most in need of benefits of vital research.

One of the beneficiaries is my granddaughter, Charity. As many of you know, she has been diagnosed with Pulmonary Hypertension (PH), a chronic and progressive disease. Unlike systemic hypertension or ''high blood pressure'', PH is typically fatal. The blood vessel walls that make up the pulmonary artery and supply the lungs get thicker and often constrict. Reducing the capacity of the blood vessels makes them unable to carry sufficient blood to the lungs. This causes pressure to build up within the heart, which works harder to pump blood. Eventually, it cannot keep up, and there is less blood circulating through the lungs to pick up necessary oxygen. While PH is characterized as a disease of the lungs, patients ultimately die of heart failure.

This is why I joined with my dear friend, Congressman KEVIN BRADY of Texas, in introducing H.R. 3005, the Pulmonary Hypertension Research Act of 2005. This bipartisan legislation is cosponsored by almost 250 Members of Congress. Mr. BRADY and I have worked very hard for the passage of this bill. Senators MIKULSKI and CORNYN have introduced a companion bill in the Senate. Its bipartisan, bicameral support highlights this body's concern for PH patients.

The Pulmonary Hypertension Research Act requires the Director of the National Heart, Lung, and Blood Institute to expand the activities of the Institute with respect to research on Pulmonary Hypertension. Furthermore, it calls for the creation of centers of excellence to conduct research on PH, including basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of the disease. The bill also establishes a data system for the collection of data derived from patient populations with Pulmonary Hypertension and an information clearinghouse to facilitate the understanding of PH by health professionals, patients, industry, and the public.

It is my hope, Chairman BARTON, that there will be report language in the NIH reauthorization bill that directly addresses the looming specter of Pulmonary Hypertension. We need to deal with this disease during the I09th Congress and not put off our duty until next year.

NIH, impressively led by Dr. Elias Zerhouni, and the National Heart, Lung and Blood Institute, NHLBI, under the outstanding leadership of Dr. Elizabeth Nabel, are doing their utmost to tackle this issue that is so personal to me. They also are working on thousands of other diseases, which attack both large and small populations, to ensure the well being of our Nation's most vulnerable.

I particularly would like to thank Dr. Mark Gladwin at NHLBI for his tireless efforts and unbreakable optimism as Chief of the Vascular Medicine Branch. He has been an incredible example of the selfless efforts of so many thousands of investigators throughout the many branches of NIH whose sole purpose is to find a cure. They set their sights on the cure for HIV/AIDS, breast cancer, or Pulmonary Hypertension and they do not waiver from their cause.

Mr. Speaker, I urge my colleagues to join me in supporting NIH. NIH needs our support. We cannot hamper scientific progress. The lives of millions of Americans depend upon this critical Institute.

Mr. VAN HOLLEN. Mr. Speaker, I rise to today to express my strong support for H.R. 6164, the National Institutes of Health Reform Act of 2006.

I commend the Energy and Commerce Committee for bringing a bipartisan bill to this floor. It is long overdue for Congress to reauthorize the NIH—the last NIH authorization was 13 years ago. This bill authorizes 5 percent increases in funding for the NIH annually through FY 2009. In addition, it will increase the effectiveness of research efforts by reducing repetitive research and maximize strategic coordination and planning. This reauthorization will improve the transparency of research activities, accountability of research dollars and coordination of research efforts at the NIH. The reforms that are proposed in this bill will allow the NIH to continue to achieve groundbreaking scientific discoveries that will benefit millions of Americans.

While this NIH reauthorization bill provides for increased funding for each fiscal year, I am extremely disappointed that Congress has not recently followed suit the last few years. After successfully doubling the NIH budget over 5 years in a bipartisan manner that ended in 2003, funding for the NIH since 2004 has failed to keep up with inflation. And funding was cut in actual dollar terms for the first time in 36 years in 2006 by $62 million. For 2007, the President and the Republican congressional leadership have proposed a freeze in NIH funding. In addition, all 19 Institutes would receive less funding in the House version of the FY 2007 Labor-HHS-Education Appropriations bill. This is going in the wrong direction.

If Congress does not provide annual funding increases for the NIH, the reforms undertaken in the NIH Reauthorization bill will be less meaningful because we will not be able to provide the NIH and scientists the resources to discover new breakthroughs in biomedical research. Those discoveries, in turn, will lead to better ways of diagnosing and treating many diseases.

I am very proud of the fact that the National Institutes of Health has its home in my congressional district. We also have a flourishing biomedical research industry—with the help of the NIH—that is on the threshold of many new discoveries and many new cures. We have the potential for breakthroughs in so many areas. While I support the National Institutes of Health Reform Act of 2006, Congress must adequately fund the NIH at the level it deserves. Now is not the time to rest.

Mr. WAXMAN. Mr. Speaker, the NIH Reform Act of 2006 reauthorizes the authority for one of the preeminent health agencies of the Federal government, recognized for its fine work here and around the world.

This is not an agency that is broken or in need of fundamental reform. The single most important thing we could do to improve its function is to provide it with sufficient appropriations to expand its research activities and fund more grants. Instead, over the recent years of this Congress, we have consistently provided appropriations which are not sufficient to cover inflationary increases in research costs, let alone continue expansion of the work of this agency. In 2006, in fact, the budget was cut in actual dollar terms—the first time this has occurred in 36 years.

While I recognize Chairman BARTON is signaling with this legislation his belief that the growth in appropriations needs to be higher, it

is clear that what most needs to be done is to change the fiscal policies of this Administration and Congress, and the budgets they establish, so that indeed more funds can be directed to this valuable institution. Voting for higher authorizations, if in fact votes for higher appropriations do not follow, means little.

This bill establishes a ceiling in the authorization, and provides that half of all increased appropriations would go into a Common Fund in the Office of the Director. If we followed this combination, it would mean 3 more years where appropriations for the institutes won't cover inflation. I regret that our dismal record of recent years of failing to provide sufficient appropriations for the NIH has made the authorization levels in this bill seem generous. They are not.

Certainly, there are proposals in this legislation that are worthy of support, and I will support this bill moving forward. Mr. BARTON has worked hard to moderate his original proposal, and he has secured support from the community as a result of his efforts.

I do urge the Senate, however, as they consider this bill, to pay particular attention to provisions which allow the Administration to abolish institutes and offices established by law without the consent of the Congress. The bill also establishes a Scientific Management Review Board, with similar powers to change the organization of the NIH with no Congressional involvement. Although I recognize that the Secretary has authority to make these kinds of changes under current law, no Secretary has ever used it. So these provisions breathe life into an authority that has long lain dormant. In my view, it is not a wise move for the Congress to affirm and expand the authority of the Administration to undo the actions of the Congress. We should not put the Office of Women's Health, or the Office of AIDS Research, or the Office of Rare Diseases, at risk. These were established by the Congress because the Executive Branch did not recognize their need.

I will support the bill moving forward. And I look forward to its continued improvement.

Mrs. CHRISTENSEN. Mr. Speaker, I want to join my colleagues in applauding Chairman BARTON and Ranking Member DINGELL for their leadership on health matters and for ensuring that we could pass the reauthorization of NIH before we go home. I also commend my CBC colleague and friend, BOBBY RUSH, for leading the effort to preserve the integrity of the National Center for Minority Health Disparity Research.

I am pleased that the reauthorization of NIH will allow the nation's premiere research centers and institutes to continue to play a critically important role advancing efforts to beat HIV/AIDS, diabetes, and cancer, as well as racial and ethnic health disparities among men, women and children in this country.

As a physician, I know—first hand—how critically important and valuable sound research is to the medical and health care community. As the Chair of the CBC Health Braintrust, I know that racial and ethnic health disparities have and continue to leave millions of Americans in poorer health and more likely to die from preventable conditions.

Mr. Speaker, I also know that strategies to reduce and ultimately eliminate racial and ethnic disparities in chronic and acute conditions will never be successful without strong biomedical and bio-behavioral research—the very research the Center was created to lead, coordinate support and assess at NIH.

This center is the product of the hard work of many individuals in and out of Congress and embodies the promise of modern and future medicine to close the gaps in health care experienced by people of color and improve the health of all Americans as we also contribute to resolving some of the world's pressing health challenges.

It is my hope that as we reform the NIH and place more authority in the office of Director that the integrity of the scientific process will continue to be respected and protected from political and ideological interference. I urge my colleagues to support the adoption of H.R. 6164.

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

The SPEAKER pro tempore (Mr. BONNER). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 6164.

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. BURGESS. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6166, MILITARY COMMISSIONS ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–688) on the resolution (H. Res. 1042) providing for consideration of the bill (H.R. 6166) to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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: motion to suspend on H. Res. 989, by the yeas and nays; motion to suspend on H. Res. 1017, by the yeas and nays; motion to suspend on H.R. 6164, by the yeas and nays; conference report on H.R. 5631, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

COMMENDING UNITED KINGDOM FOR ITS EFFORTS IN THE WAR ON TERROR

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 989, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. POE) that the House suspend the rules and agree to the resolution, H. Res. 989, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 17, as follows:

[Roll No. 483]

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
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
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
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
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
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 Rodgers
McNulty
Meek (FL)
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
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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
Stupak
Sullivan
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Hinchey
Kucinich
McKinney

NOT VOTING—17

Boehlert
Castle
Costa
Davis (FL)
Evans
Feeney
Granger
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Pombo
Strickland
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2131

Mr. HINCHEY and Ms. McKINNEY changed their vote from ''yea'' to ''nay.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COSTA. Mr. Speaker, on rollcall No. 483, had I been present, I would have voted "yea."

AFFIRMING SUPPORT FOR THE SOVEREIGNTY AND SECURITY OF LEBANON AND THE LEBANESE PEOPLE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 1017, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and agree to the resolution, H. Res. 1017, as amended, on which the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 5, not voting 16, as follows:

[Roll No. 484]

YEAS—411

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
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
Carson
Carter
Case
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 (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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)
Flake
Foley
Forbes
Ford
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
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
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
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
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
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
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
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
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
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
Stupak
Sullivan
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Hinchey
Kaptur
Kucinich
McDermott
Paul

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Peterson (PA)
Pombo
Schakowsky
Strickland
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2136

Mr. ABERCROMBIE changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 6164.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 6164, on which the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 16, as follows:

[Roll No. 485]

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
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
Carson
Carter
Case
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 (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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)
Flake
Foley
Forbes
Ford
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
Harris
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-Lee (TX)
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 (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris Rodgers
McNulty
Meek (FL)
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
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
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
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Jackson (IL)
Markey

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
Meehan
Millender-McDonald
Ney
Pastor
Paul
Pombo
Strickland
Sullivan
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2142

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.

Stated for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 484 I was inadvertently detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5631.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 22, not voting 16, as follows:

[Roll No. 486]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
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
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
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
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
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
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
Harris
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)
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
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
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
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
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
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
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Baldwin
Conyers
Duncan
Filner
Frank (MA)
Jackson-Lee (TX)
Kucinich
Lee
McDermott
McKinney
Michaud
Moore (WI)
Owens
Paul
Payne
Rangel
Schakowsky
Stark
Velázquez
Waters
Watt
Woolsey

NOT VOTING—16

Boehlert
Castle
Davis (FL)
Evans
Istook
Jefferson
Lewis (GA)
McCrery
Meehan
Millender-McDonald
Ney
Pastor
Pombo
Strickland
Thomas
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2146

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McCRERY. Mr. Speaker, on rollcall No. 486 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. JEFFERSON. Mr. Speaker, I am in favor of the conference report and I thank the Defense appropriations subcommittee for its hard work. Had I been present for the vote, I would have voted "yea."

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 tomorrow.

VETERANS IDENTITY AND CREDIT SECURITY ACT OF 2006

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5835) to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5835

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 ''Veterans Identity and Credit Security Act of 2006''.

SEC. 2. FEDERAL AGENCY DATA BREACH NOTIFICATION REQUIREMENTS.

(a) AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET TO ESTABLISH DATA BREACH POLICIES.—Section 3543(a) of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period and inserting ''; and'' at the end of paragraph (8); and

(3) by adding at the end the following:

''(9) establishing policies, procedures, and standards for agencies to follow in the event of a breach of data security involving the disclosure of sensitive personal information and for which harm to an individual could reasonably be expected to result, specifically including—

''(A) a requirement for timely notice to be provided to those individuals whose sensitive personal information could be compromised as a result of such breach, except no notice shall be required if the breach does not create a reasonable risk of identity theft, fraud, or other unlawful conduct regarding such individual;

''(B) guidance on determining how timely notice is to be provided; and

''(C) guidance regarding whether additional special actions are necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.''.

(b) AUTHORITY OF CHIEF INFORMATION OFFICER TO ENFORCE DATA BREACH POLICIES AND DEVELOP AND MAINTAIN INVENTORIES.—Section 3544(a)(3) of title 44, United States Code, is amended—

(1) by inserting after ''authority to ensure compliance with'' the following: ''and, to the extent determined necessary and explicitly authorized by the head of the agency, to enforce'';

(2) by striking ''and'' at the end of subparagraph (D);

(3) by inserting ''and'' at the end of subparagraph (E); and

(4) by adding at the end the following:

''(F) developing and maintaining an inventory of all personal computers, laptops, or any other hardware containing sensitive personal information;''.

(c) INCLUSION OF DATA BREACH NOTIFICATION IN AGENCY INFORMATION SECURITY PROGRAMS.—Section 3544(b) of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period and inserting ''; and'' at the end of paragraph (8); and

(3) by adding at the end the following:

''(9) procedures for notifying individuals whose sensitive personal information is compromised consistent with policies, procedures, and standards established under section 3543(a)(9) of this title.''.

(d) AUTHORITY OF AGENCY CHIEF HUMAN CAPITAL OFFICERS TO ASSESS FEDERAL PERSONAL PROPERTY.—Section 1402(a) of title 5, United States Code, is amended—

(1) by striking '', and'' at the end of paragraph (5) and inserting a semicolon;

(2) by striking the period and inserting ''; and'' at the end of paragraph (6); and

(3) by adding at the end the following:

''(7) prescribing policies and procedures for exit interviews of employees, including a full accounting of all Federal personal property that was assigned to the employee during the course of employment.''.

(e) SENSITIVE PERSONAL INFORMATION DEFINITION.—Section 3542(b) of title 44, United States Code, is amended by adding at the end the following new paragraph:

''(4) The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including—

''(A) education, financial transactions, medical history, and criminal or employment history;

''(B) information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records; or

''(C) any other personal information that is linked or linkable to the individual.''.

SEC. 3. UNDER SECRETARY FOR INFORMATION SERVICES.

(a) UNDER SECRETARY.—Chapter 3 of title 38, United States Code, is amended by inserting after section 307 the following new section:

''§ 307A. Under Secretary for Information Services

''(a) UNDER SECRETARY.—There is in the Department an Under Secretary for Information Services, who is appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be the head of the Office of Information Services and shall perform such functions as the Secretary shall prescribe.

''(b) SERVICE AS CHIEF INFORMATION OFFICER.—Notwithstanding any other provision of law, the Under Secretary for Information Services shall serve as the Chief Information Officer of the Department under section 310 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 307 the following new item:

''307A. Under Secretary for Information Services.''.

(c) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by striking paragraph (5) and redesignating paragraphs (6) through (11) as paragraphs (5) through (10), respectively.

SEC. 4. DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY.

(a) INFORMATION SECURITY.—Chapter 57 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—INFORMATION SECURITY

''§ 5721. Definitions

''For the purposes of this subchapter:

''(1) The term 'sensitive personal information', with respect to an individual, means any information about the individual maintained by an agency, including—

''(A) education, financial transactions, medical history, and criminal or employment history;

''(B) information that can be used to distinguish or trace the individual's identity, including name, social security number, date and place of birth, mother's maiden name, or biometric records; or

''(C) any other personal information that is linked or linkable to the individual.

''(2) The term 'data breach' means the loss, theft, or other unauthorized access to data containing sensitive personal information, in electronic or printed form, that results in the potential compromise of the confidentiality or integrity of the data.

''(3) The term 'data breach analysis' means the identification of any misuse of sensitive personal information involved in a data breach.

''(4) The term 'fraud resolution services' means services to assist an individual in the process of recovering and rehabilitating the credit of the individual after the individual experiences identity theft.

''(5) The term 'identity theft' has the meaning given such term under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

''(6) The term 'identity theft insurance' means any insurance policy that pays benefits for costs, including travel costs, notary fees, and postage costs, lost wages, and legal fees and expenses associated with the identity theft of the insured individual.

''(7) The term 'principal credit reporting agency' means a consumer reporting agency as described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''§ 5722. Office of the Under Secretary for Information Services

''(a) DEPUTY UNDER SECRETARIES.—The Office of the Under Secretary for Information Services shall consist of the following:

''(1) The Deputy Under Secretary for Information Services for Security, who shall serve as the Senior Information Security Officer of the Department.

''(2) The Deputy Under Secretary for Information Services for Operations and Management.

''(3) The Deputy Under Secretary for Information Services for Policy and Planning.

''(b) APPOINTMENTS.—Appointments under subsection (a) shall be made by the Secretary, notwithstanding the limitations of section 709 of this title.

''(c) QUALIFICATIONS.—At least one of positions established and filled under subsection (a) shall be filled by an individual who has at least five years of continuous service in the Federal civil service in the executive branch immediately preceding the appointment of the individual as a Deputy Under Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

''(1) of a confidential, policy-determining, policy-making, or policy-advocating character;

''(2) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

''(3) to which such individual was appointed by the President.

''§ 5723. Information security management

''(a) RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.—To support the economical, efficient, and effective execution of subtitle III of chapter 35 of title 44, and policies and plans of the Department, the Secretary shall ensure that the Chief Information Officer of the Department has the authority and control necessary to develop, approve, implement, integrate, and oversee the policies, procedures, processes, activities, and systems of the Department relating to that subtitle, including the management of all related mission applications, information resources, personnel, and infrastructure.

''(b) ANNUAL COMPLIANCE REPORT.—Not later than March 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the Department's compliance with subtitle III of chapter 35 of title 44. The information in such report shall be displayed in the aggregate and separately for each Administration, office, and facility of the Department.

''(c) REPORTS TO SECRETARY OF COMPLIANCE DEFICIENCIES.—(1) At least once every month, the Chief Information Officer shall report to the Secretary any deficiency in the compliance with subtitle III of chapter 35 of title 44 of the Department or any Administration, office, or facility of the Department.

''(2) The Chief Information Officer shall immediately report to the Secretary any significant deficiency in such compliance.

''(d) DATA BREACHES.—(1) The Chief Information Officer shall immediately provide notice to the Secretary of any data breach.

''(2) Immediately after receiving notice of a data breach under paragraph (1), the Secretary shall provide notice of such breach to the Director of the Office of Management and Budget, the Inspector General of the Department, and, if appropriate, the Federal Trade Commission and the United States Secret Service.

''(e) BUDGETARY MATTERS.—When the budget for any fiscal year is submitted by the President to Congress under section 1105 of title 31, the Secretary shall submit to Congress a report that identifies amounts requested for Department implementation and remediation of and compliance with this subchapter and subtitle III of chapter 35 of title 44. The report shall set forth those amounts both for each Administration within the Department and for the Department in the aggregate and shall identify, for each such amount, how that amount is aligned with and supports such implementation and compliance.

''§ 5724. Congressional reporting and notification of data breaches

''(a) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter.

''(2) Each report submitted under paragraph (1) shall identify, for each data breach covered by the report, the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

''(b) NOTIFICATION OF SIGNIFICANT DATA BREACHES.—(1) In the event of a data breach with respect to sensitive personal information processed or maintained by the Secretary that the Secretary determines is significant, the Secretary shall provide notice of such breach to the Committees on Veterans' Affairs of the Senate and House of Representatives.

''(2) Notice under paragraph (1) shall be provided promptly following the discovery of such a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''§ 5725. Data breaches

''(a) INDEPENDENT RISK ANALYSIS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall ensure that, as soon as possible after the data breach, a non-Department entity conducts an independent risk analysis of the data breach to determine the level of risk associated with the data breach for the potential misuse of any sensitive personal information involved in the data breach.

''(2) If the Secretary determines, based on the findings of a risk analysis conducted under paragraph (1), that a reasonable risk exists for the potential misuse of sensitive information involved in a data breach, the Secretary shall provide credit protection services in accordance with section 5726 of this title.

''(b) NOTIFICATION.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall provide to an individual whose sensitive personal information is involved in that breach notice of the data breach—

''(A) in writing; or

''(B) by email, if—

''(i) the Department's primary method of communication with the individual is by email; and

''(ii) the individual has consented to receive such notification.

''(2) Notice provided under paragraph (1) shall—

''(A) describe the circumstances of the data breach and the risk that the breach could lead to misuse, including identity theft, involving the sensitive personal information of the individual;

''(B) describe the specific types of sensitive personal information that was compromised as a part of the data breach;

''(C) describe the actions the Department is taking to remedy the data breach;

''(D) inform the individual that the individual may request a fraud alert and credit security freeze under this section;

''(E) clearly explain the advantages and disadvantages to the individual of receiving

fraud alerts and credit security freezes under this section; and

''(F) includes such other information as the Secretary determines is appropriate.

''(3) The notice required under paragraph (1) shall be provided promptly following the discovery of a data breach and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''(c) REPORT.—For each data breach with respect to sensitive personal information processed or maintained by the Secretary, the Secretary shall promptly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the findings of any independent risk analysis conducted under subsection (a)(1), any determination of the Secretary under subsection (a)(2), and a description of any credit protection services provided under section 5726 of this title.

''(d) FINAL DETERMINATION.—Notwithstanding sections 511 and 7104(a) of this title, any determination of the Secretary under subsection (a)(2) with respect to the reasonable risk for the potential misuse of sensitive information involved in a data breach is final and conclusive and may not be reviewed by any other official, administrative body, or court, whether by an action in the nature of mandamus or otherwise.

''(e) FRAUD ALERTS.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall arrange, upon the request of an individual whose sensitive personal information is involved in the breach to a principal credit reporting agency with which the Secretary has entered into a contract under section 5726(d) and at no cost to the individual, for the principal credit reporting agency to provide fraud alert services for that individual for a period of not less than one year, beginning on the date of such request, unless the individual requests that such fraud alert be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(2) The Secretary shall arrange for each principal credit reporting agency referred to in paragraph (1) to provide any alert requested under such subsection in the file of the individual along with any credit score generated in using that file, for a period of not less than one year, beginning on the date of such request, unless the individual requests that such fraud alert be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(f) CREDIT SECURITY FREEZE.—(1) In the event of a data breach with respect to sensitive personal information that is processed or maintained by the Secretary, the Secretary shall arrange, upon the request of an individual whose sensitive personal information is involved in the breach and at no cost to the individual, for each principal credit reporting agency to apply a security freeze to the file of that individual for a period of not less than one year, beginning on the date of such request, unless the individual requests that such security freeze be removed before the end of such period, and the agency receives appropriate proof of the identity of the individual for such purpose.

''(2) The Secretary shall arrange for a principal credit reporting agency applying a security freeze under paragraph (1)—

''(A) to send a written confirmation of the security freeze to the individual within five business days of applying the freeze;

''(B) to refer the information regarding the security freeze to other consumer reporting agencies;

''(C) to provide the individual with a unique personal identification number or password to be used by the individual when providing authorization for the release of the individual's credit for a specific party or period of time; and

''(D) upon the request of the individual, to temporarily lift the freeze for a period of time specified by the individual, beginning not later than three business days after the date on which the agency receives the request.

''§ 5726. Provision of credit protection services

''(a) COVERED INDIVIDUAL.—For purposes of this section, a covered individual is an individual whose sensitive personal information that is processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of this title.

''(b) NOTIFICATION.—(1) In addition to any notice required under subsection 5725(b) of this title, the Secretary shall provide to a covered individual notice in writing that—

''(A) the individual may request credit protection services under this section;

''(B) clearly explains the advantages and disadvantages to the individual of receiving credit protection services under this section;

''(E) includes a notice of which principal credit reporting agency the Secretary has entered into a contract with under subsection (d), and information about requesting services through that agency;

''(C) describes actions the individual can or should take to reduce the risk of identity theft; and

''(D) includes such other information as the Secretary determines is appropriate.

''(2) The notice required under paragraph (1) shall be made as promptly as possible and without unreasonable delay following the discovery of a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of this title and the implementation of any measures necessary to determine the scope of the breach, prevent any further breach or unauthorized disclosures, and reasonably restore the integrity of the data system.

''(3) The Secretary shall ensure that each notification under paragraph (1) includes a form or other means for readily requesting the credit protection services under this section. Such form or other means may include a telephone number, email address, or Internet website address.

''(c) AVAILABILITY OF SERVICES THROUGH OTHER GOVERNMENT AGENCIES.—If a service required to be provided under this section is available to a covered individual through another department or agency of the Government, the Secretary and the head of that department or agency may enter into an agreement under which the head of that department or agency agrees to provide that service to the covered individual.

''(d) CONTRACT WITH CREDIT REPORTING AGENCY.—Subject to the availability of appropriations and notwithstanding any other provision of law, the Secretary shall enter into contracts or other agreements as necessary with one or more principal credit reporting agencies in order to ensure, in advance, the provision of credit protection services under this section and fraud alerts and security freezes under section 5725 of this title. Any such contract or agreement may include provisions for the Secretary to pay the expenses of such a credit reporting agency for the provision of such services.

''(e) DATA BREACH ANALYSIS.—The Secretary shall arrange, upon the request of a covered individual and at no cost to the individual, to provide data breach analysis for the individual for a period of not less than one year, beginning on the date of such request.

''(f) PROVISION OF CREDIT MONITORING SERVICES AND IDENTITY THEFT INSURANCE.—During the one-year period beginning on the date on which the Secretary notifies a covered individual that the individual's sensitive personal information is involved in a data breach, the Secretary shall arrange, upon the request of the individual and without charge to the individual, for the provision of credit monitoring services to the individual. Credit monitoring services under this subsection shall include each of the following:

''(1) One copy of the credit report of the individual every three months.

''(2) Fraud resolution services for the individual.

''(3) Identity theft insurance in a coverage amount that does not exceed $30,000 in aggregate liability for the insured.

''§ 5727. Contracts for data processing or maintenance

''(a) CONTRACT REQUIREMENTS.—If the Secretary enters into a contract for the performance of any Department function that requires access to sensitive personal information, the Secretary shall require as a condition of the contract that—

''(1) the contractor shall not, directly or through an affiliate of the contractor, disclose such information to any other person unless the disclosure is lawful and is expressly permitted under the contract;

''(2) the contractor, or any subcontractor for a subcontract of the contract, shall promptly notify the Secretary of any data breach that occurs with respect to such information.

''(b) LIQUIDATED DAMAGES.—Each contract subject to the requirements of subsection (a) shall provide for liquidated damages to be paid by the contractor to the Secretary in the event of a data breach with respect to any sensitive personal information processed or maintained by the contractor or any subcontractor under that contract.

''(c) PROVISION OF CREDIT PROTECTION SERVICES.—Any amount collected by the Secretary under subsection (b) shall be deposited in or credited to the Department account from which the contractor was paid and shall remain available for obligation without fiscal year limitation exclusively for the purpose of providing credit protection services in accordance with section 5726 of this title.

''§ 5728. Authorization of appropriations

''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''SUBCHAPTER III—INFORMATION SECURITY

''5721. Definitions.
''5722. Office of the Under Secretary for Information Services.
''5723. Information security management.
''5724. Congressional reporting and notification of data breaches.
''5725. Data breaches.
''5726. Provision of credit protection services.
''5727. Contracts for data processing or maintenance.
''5728. Authorization of appropriations.''.

(c) DEADLINE FOR REGULATIONS.—Not later than 60 days after the date of the enactment

of this Act, the Secretary of Veterans Affairs shall publish regulations to carry out subchapter III of chapter 57 of title 38, United States Code, as added by subsection (a).

SEC. 5. REPORT ON FEASIBILITY OF USING PERSONAL IDENTIFICATION NUMBERS FOR IDENTIFICATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report containing the assessment of the Secretary with respect to the feasibility of using personal identification numbers instead of Social Security numbers for the purpose of identifying individuals whose sensitive personal information (as that term is defined in section 5721 of title 38, United States Code, as added by section 4) is processed or maintained by the Secretary.

SEC. 6. DEADLINE FOR APPOINTMENTS.

(a) DEADLINE.—Not later than 180 days after the date of the enactment of this Act—

(1) the President shall nominate an individual to serve as the Under Secretary of Veterans Affairs for Information Services under section 307A of title 38, United States Code, as added by section 3; and

(2) the Secretary of Veterans Affairs shall appoint an individual to serve as each of the Deputy Under Secretaries of Veterans Affairs for Information Services under section 5722 of such title, as added by section 4.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter until the appointments described in subsection (a) are made, the Secretary of Veterans Affairs shall submit to Congress a report describing the progress of such appointments.

SEC. 7. INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—Title 38, United States Code, is amended by inserting after chapter 78 the following new chapter:

''CHAPTER 79—INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

''Sec.
''7901. Programs; purpose.
''7902. Scholarship program.
''7903. Education debt reduction program.
''7904. Preferences in awarding financial assistance.
''7905. Requirement of honorable discharge for veterans receiving assistance.
''7906. Regulations.
''7907. Termination.

''§ 7901. Programs; purpose

''(a) IN GENERAL.—To encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements, the Secretary shall carry out programs in accordance with this chapter to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education.

''(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

''(1) Scholarships for pursuit of doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''(2) Education debt reduction for Department personnel who hold doctoral degrees in computer science and electrical and computer engineering at accredited institutions of higher education.

''§ 7902. Scholarship program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary shall establish a scholarship program under which the Secretary shall, subject to subsection (d), provide financial assistance in accordance with this section to a qualified person—

''(A) who is pursuing a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education; and

''(B) who enters into an agreement with the Secretary as described in subsection (b).

''(2)(A) Except as provided under subparagraph (B), the Secretary may provide financial assistance under this section to an individual for up to five years.

''(B) The Secretary may waive the limitation under subparagraph (A) if the Secretary determines that such a waiver is appropriate.

''(3)(A) The Secretary may award up to five scholarships for any academic year to individuals who did not receive assistance under this section for the preceding academic year.

''(B) Not more than one scholarship awarded under subparagraph (A) may be awarded to an individual who is an employee of the Department when the scholarship is awarded.

''(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—(1) To receive financial assistance under this section an individual shall enter into an agreement to accept and continue employment in the Department for the period of obligated service determined under paragraph (2).

''(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 7901(a) of this title. In no event may the period of service required of a recipient be less than the period equal to two times the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

''(3) An agreement entered into under this section by a person pursuing an doctoral degree shall include terms that provide the following:

''(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 7906 of this title.

''(B) That the individual will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the individual under this section.

''(C) Any other terms and conditions that the Secretary determines appropriate for carrying out this section.

''(c) AMOUNT OF ASSISTANCE.—(1) The amount of the financial assistance provided for an individual under this section shall be the amount determined by the Secretary as being necessary to pay—

''(A) the tuition and fees of the individual; and

''(B) $1500 to the individual each month (including a month between academic semesters or terms leading to the degree for which such assistance is provided or during which the individual is not enrolled in a course of education but is pursuing independent research leading to such degree) for books, laboratory expenses, and expenses of room and board.

''(2) In no case may the amount of assistance provided for an individual under this section for an academic year exceed $50,000.

''(3) In no case may the total amount of assistance provided for an individual under this section exceed $200,000.

''(4) Notwithstanding any other provision of law, financial assistance paid an individual under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(d) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) An individual who receives financial assistance under this section shall repay to the Secretary an amount equal to the unearned portion of the financial assistance if the individual fails to satisfy the requirements of the service agreement entered into under subsection (b), except in certain circumstances authorized by the Secretary.

''(2) The Secretary may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

''(3) An obligation to repay the Secretary under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.

''(e) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of a individual for service or payment under this section (or an agreement under this section) whenever noncompliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

''(f) INTERNSHIPS.—(1) The Secretary may offer a compensated internship to an individual for whom financial assistance is provided under this section during a period between academic semesters or terms leading to the degree for which such assistance is provided. Compensation provided for such an internship shall be in addition to the financial assistance provided under this section.

''(2) An internship under this subsection shall not be counted toward satisfying a period of obligated service under this section.

''(g) INELIGIBILITY OF INDIVIDUALS RECEIVING MONTGOMERY GI BILL EDUCATION ASSISTANCE PAYMENTS.—An individual who receives a payment of educational assistance under chapter 30, 31, 32, 34, or 35 of this title or chapter 1606 or 1607 of title 10 for a month in which the individual is enrolled in a course of education leading to a doctoral degree in information security is not eligible to receive financial assistance under this section for that month.

''§ 7903. Education debt reduction program

''(a) AUTHORITY.—(1) Subject to the availability of appropriations, the Secretary shall establish an education debt reduction program under which the Secretary shall make education debt reduction payments under this section to qualified individuals eligible under subsection (b) for the purpose of reimbursing such individuals for payments by such individuals of principal and interest on loans described in paragraph (2) of that subsection.

''(2)(A) For each fiscal year, the Secretary may accept up to five individuals into the program established under paragraph (1)who did not receive such a payment during the preceding fiscal year.

''(B) Not more than one individual accepted into the program for a fiscal year under subsection (A) shall be a Department employee as of the date on which the individual is accepted into the program.

''(b) ELIGIBILITY.—An individual is eligible to participate in the program under this section if the individual—

''(1) has completed a doctoral degree a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education during the five-year period preceding the date on which the individual is hired;

''(2) is an employee of the Department who serves in a position related to information security (as determined by the Secretary); and

''(3) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a doctoral degree in computer science or electrical or computer engineering at an accredited institution of higher education.

''(c) AMOUNT OF ASSISTANCE.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to an individual under this section may not exceed $82,500 over a total of five years, of which not more than $16,500 of such payments may be made in each year.

''(2) The total amount payable to an individual under this section for any year may not exceed the amount of the principal and interest on loans referred to in subsection (b)(3) that is paid by the individual during such year.

''(d) PAYMENTS.—(1) The Secretary shall make education debt reduction payments under this section on an annual basis.

''(2) The Secretary shall make such a payment—

''(A) on the last day of the one-year period beginning on the date on which the individual is accepted into the program established under subsection (a); or

''(B) in the case of an individual who received a payment under this section for the preceding fiscal year, on the last day of the one-year period beginning on the date on which the individual last received such a payment.

''(3) Notwithstanding any other provision of law, education debt reduction payments under this section shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

''(e) PERFORMANCE REQUIREMENT.—The Secretary may make education debt reduction payments to an individual under this section for a year only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the individual during the year.

''(f) NOTIFICATION OF TERMS OF PROVISION OF PAYMENTS.—The Secretary shall provide to an individual who receives a payment under this section notice in writing of the terms and conditions that apply to such a payment.

''(g) COVERED COSTS.—For purposes of subsection (b)(3), costs relating to a course of education or training include—

''(1)) tuition expenses; and

''(2) all other reasonable educational expenses, including fees, books, and laboratory expenses;

''§ 7904. Preferences in awarding financial assistance

''In awarding financial assistance under this chapter, the Secretary shall give a preference to qualified individuals who are otherwise eligible to receive the financial assistance in the following order of priority:

''(1) Veterans with service-connected disabilities.

''(2) Veterans.

''(3) Persons described in section 4215(a)(B) of this title.

''(4) Individuals who received or are pursuing degrees at institutions designated by the National Security Agency as Centers of Academic Excellence in Information Assurance Education.

''(5) Citizens of the United States.

''§ 7905. Requirement of honorable discharge for veterans receiving assistance

''No veteran shall receive financial assistance under this chapter unless the veteran was discharged from the Armed Forces under honorable conditions.

''§ 7906. Regulations

''The Secretary shall prescribe regulations for the administration of this chapter.

''§ 7907. Termination

''The authority of the Secretary to make a payment under this chapter shall terminate on July 31, 2017.''.

(b) GAO REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the scholarship and education debt reduction programs under chapter 79 of title 38, United States Code, as added by subsection (a).

(c) APPLICABILITY OF SCHOLARSHIPS.—Section 7902 of title 38, United States Code, as added by subsection (a), shall apply with respect to financial assistance provided for an academic semester or term that begins on or after August 1, 2007.

(d) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such title, and at the beginning of part V of such title, are amended by inserting after the item relating to chapter 78 the following new item:

''79. Information Security Education Assistance Program .... 7901''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I rise in strong support of H.R. 5835, and I yield myself such time as I may consume.

Mr. Speaker, having moved H.R. 5835, as amended, the Veterans Identity Credit Security Act of 2006, I, along with Ranking Member LANE EVANS and Acting Ranking Member BOB FILNER, Chairman DAVIS, and Ranking Member WAXMAN of the Committee on Government Reform, Chairman WALSH and Ranking Member EDWARDS on the Appropriations Subcommittee on Military Quality of Life and Veterans Affairs, and other members of this body introduced this legislation on July 19, 2006.

Since 2000, the Veterans' Affairs Committee and our subcommittees have held 16 hearings on information technology at the Department of Veterans Affairs, and as a subset, information security issues. These hearings have covered a variety of IT issues, including the budget, organization, authorities, actions VA has taken regarding its IT programs, and of course information security.

Last year, the House passed H.R. 4061 to address problems in IT at the VA. The Senate and the administration can best be described as having stiff-armed us in our proposals to centralize the IT architecture at the VA, opting for more of what they call now a federated model, or what I will also refer to as an incremental approach. That is how they wanted to proceed. Then bad things happened.

This summer, we held 8 hearings in response to the May 3 theft of a loaned lap-top belonging to the VA that held the sensitive personal data of 26.5 million veterans and 2.2 million Guard and Reserve component servicemembers and families. We heard from 23 witnesses during our hearings. These witnesses included the VA's Secretary, the Inspector General, the General Counsel, as well as others from academia, the Government Accountability Office, and experts in data security, information technology management, and identity theft.

Mr. Speaker, I applaud Secretary of Veterans Affairs Jim Nicholson for his stated commitment to making the VA the gold standard in information security. H.R. 5835, as amended, will provide the Secretary with some of the tools needed to make the VA that gold standard and set an example for the Federal Government.

H.R. 5835, as amended, provides the chief information officer the authority to enforce information security in the Department. It also requires a monthly briefing to the Secretary on VA's compliance with the Information Security Management Act of 2002, which we refer to as FISMA.

Mr. Speaker, Chairman TOM DAVIS of the Committee on Government Reform and I have worked together cooperatively, and our staffs, on a provision in the bill, and the Committee on Government Reform has waived consideration of H.R. 5835. Included in this bill is a part of Chairman DAVIS' work product, and I want to thank him for his cooperation, along with Mr. WAXMAN.

I would, in addition, also like to thank Chairman MIKE OXLEY of the Committee on Financial Services, who has waived consideration on this bill, and the committee will continue to work with these two committees on this legislation as we move forward with the Senate.

Mr. Speaker, the letters that I have here in my hand between the two committees and the Veterans' Affairs Committee regarding H.R. 5835, in which they have waived jurisdiction, are submitted as follows for the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 12, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing regarding your committee's jurisdictional interest in H.R. 5835, the Veterans Identity and Credit Security Act of 2006, and would appreciate your cooperation in waiving consideration of the bill by the Committee on Government Reform in order to allow expedited consideration of the legislation next week under suspension of the rules.

I acknowledge your committee's jurisdictional interest in section 2 of H.R. 5835, as ordered reported by the Committee on Veterans' Affairs. Any decision by the Committee on Government Reform to forego further action on the bill will not prejudice the Committee on Government Reform with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of this letter and your response in the Congressional Record when the legislation is considered by the House.

Thank you for your assistance.

Sincerely,

STEVE BUYER,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 2006.

Hon. STEVE BUYER,
Chairman, House Committee on Veterans Affairs, Washington, DC.

DEAR STEVE:, On July 20, 2006, the House Veterans' Affairs Committee reported H.R. 5835, the "Veterans Identity and Credit Security Act of 2006." As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform including Section 2 of the bill regarding federal agency data breach notification amendments under the Federal Information Security Management Act (FISMA).

In the interest of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I do so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation. I understand this will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 26, 2006.

Hon. STEVE BUYER,
Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to confirm our mutual understanding with respect to the consideration of H.R. 5835, the Veterans Identity and Credit Security Act of 2006. This bill was introduced on July 19, 2006, and referred to the Committees on Veterans Affairs and Government Reform. I understand that committee action has already taken place on the bill and that floor consideration is likely in the near future.

Portions of section 4 of the bill as reported involve remedies for breaches in data security. Some of these remedies, such as a credit security freeze, fall within the jurisdiction of this Committee and could have caused the referral of this bill to the Committee on Financial Services. However, given the importance and timeliness of this bill, and your' willingness to work with us regarding these issues as the legislative process continues, proceedings on this bill in this Committee will not be necessary. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 26, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, House Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN OXLEY, Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 5835, the Veterans Identity and Credit Security Act of 2006. I appreciate all of your efforts to expedite consideration of this important legislation.

I acknowledge your committee's jurisdictional interest in portions of section 4 of the bill as ordered reported by the Committee on Veterans' Affairs, which involve remedies for breaches in data security. I further acknowledge that some of these remedies, such as a credit security freeze, fall within the jurisdiction of your committee, and could have been referred to the Committee on Financial Services. I appreciate your cooperation in allowing speedy consideration of the legislation. We will continue to work with your Committee regarding these issues as the legislative process continues.

I agree that your decision to forego further action on the bill will not prejudice the Committee on Financial Services with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House. Thank you for your assistance.

Sincerely,

STEVE BUYER,
Chairman.

Mr. Speaker, H.R. 5835, as amended, requires notification to Congress and individuals in the event of a data breach. The bill would require the VA to conduct a data breach analysis, and if the Secretary deems necessary, to provide credit protection at the request of affected individuals. This protection may include a credit freeze, identity theft insurance and/or credit monitoring.

The bill also requires a report on the feasibility of using an independent number for identification in lieu of the Social Security Number.

This bill also includes a scholarship and loan repayment program to provide the Secretary with a recruitment and retention tool to attract qualified people in the area of information technology and information security to work at the VA.

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

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

As Chairman BUYER stated, a near catastrophe occurred in early May of this year when a lap-top containing 26 million names and data, Social Security data and some medical data, was stolen from a VA employee's home. Now, this theft of data was not just human error, it was not just an accident, it was not just bad luck. As Mr. BUYER had been pointing out for many years, this was a systemic problem, a problem of incredibly bad management of cyberinformation at the VA, a lack of cybersecurity, a lack of centralization of responsibility for cybersecurity, and it could have resulted in identity theft for millions of our Nation's veterans.

We were lucky. Apparently, the laptop was recovered before the names were stolen. Although I don't have 100 percent confidence in that judgment, that is what we think right now. But the Committee on Veterans' Affairs, under the leadership of Chairman BUYER, saw this as a wake-up call, a time to change failed policies, a time to change directions. Under the leadership of Chairman BUYER, the Committee on Veterans' Affairs took this wake-up call as an opportunity to change the way things were going, to change a backward culture, and to bring the VA into the 21st century.

Now, Mr. BUYER had been saying such things about the need for cybersecurity and the need for centralization for many years. I have to say, Mr. BUYER, that I admire your persistence and your lack of discouragement when people did not pay attention. We should have. But we are now, and we thank you for doing all that work at a time when people did not pay much attention.

I think you have, you have set up a model here in the bill that other Departments in the government should be looking at. You have set up a model where we can in fact say to the people who our government is serving, we are protecting your identity, we are protecting your data, we are making sure that if there is any breach of that, we will take these steps to make sure you don't have any losses, either material or psychological. And that was a real problem in the VA which you recognized.

When this data was stolen, there was incredible fear throughout the country, because the VA did not have the steps ready to take to assure the veterans that they would not suffer any material or other loss. So, Mr. BUYER, I thank you for working not only in a bipartisan manner, but bicameral and bicommittee. You brought everybody into the process.

The committee held hours and hours of hearings. We checked out all the expertise in the country. Our chairman, Mr. BUYER, brought expertise from all around the Nation. I think we took the role of oversight that is appropriate for every committee in this Congress, that is, we had a problem with the executive branch, we went to work to make sure that we had the knowledge, we had the information, we had the attention of the executive branch; and this bill is a result of that effort.

I think Mr. BUYER described what was in the bill. I just want to point out that it establishes data breach notification requirements, it makes substantive changes to how the VA addresses information technology, and it clarifies how the VA is to comply with the Federal Information Security Management Act of 2002.

□ 2200

Most importantly, it provides veterans with the tools that they can use immediately to protect themselves in the case of future data breaches. If a veteran's data is compromised, they can immediately request that a fraud alert be placed on their credit files for a period of 1 year, as well as a credit security freeze.

It also mandates that the VA undertake an independent analysis of any data breach, and if it is determined that a reasonable risk of misuse exists, then the VA will provide a range of remediation services, including making available data breach analysis, credit reports, credit monitoring services, and identity theft insurance.

Finally, and again, Mr. BUYER, your creativity here was very important, knowing that an agency like the VA, which does not have the background or information or expertise, you said let's create a scholarship fund so we can train people in this area and that the VA can fund and then draw on that new expertise to improve its services in the cybersecurity area.

So, again, I think this is a model for other agencies to look at, the way you looked at a problem and not only tried to solve it, but moved us forward with a real creative program of scholarship and loan forgiveness that I think will help students in our Nation and, of course, help our Federal Government.

The VA Secretary, Mr. Nicholson, has stated that the goal now is to make the VA the gold standard in data security. I hope he takes advantage of this bill to allow him to reach that goal.

I thank Chairman BUYER for the way he undertook the oversight, the bipartisan way we approached this bill, the drawing on all the Members for their ideas and their expertise, and I urge us all to support this bill.

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

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

Mr. Speaker, I will cherish the sincerity of the compliment from Mr. FILNER. I do not question his commitment nor his motive to the service of veterans in this country. I think members of the committee over the last 14 years have recognized that Mr. FILNER and I have had some real battles, but at the same time, when it comes to this particular issue on IT, there is no difference. We walk together in lockstep.

It is not just Mr. FILNER and I. It is the entire committee over the years we have taken this on, even when I chaired the oversight investigations. So I appreciate the commitment on both sides on improving the IT infrastructure.

I also want to compliment the Government Reform Committee, because they have taken this issue on over the years.

Mr Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Government Reform Committee, and thank him for his cooperation in working with our committee. He introduced his own bill on notification provisions. He worked with us and waived jurisdiction. We incorporated that in our bill.

Mr. TOM DAVIS of Virginia. Chairman BUYER, I thank you and Mr. FILNER for your leadership on this.

Secure information is the lifeblood of effective government policy and management, yet Federal agencies continue to hemorrhage vital data. Recent losses of personal information compel us to ask, what is being done to protect the sensitive digital identities of millions of Americans, and how can we limit the damage when personal data goes astray?

As we all now know, a Department of Veterans Affairs employee reported the theft of computer equipment from his home, equipment that stored more than 26 million records containing personal information. VA leadership delayed acting on the report for almost 2 weeks while millions were at risk of serious harm from identity theft and the agency struggled to determine the exact extent of the breach.

But this is only one in a long string of personal information breaches in the public and private sectors, including financial institutions, data brokerage companies, and academic institutions. Just last week, we learned the Census Bureau cannot account for 1,100 laptops issued to employees. These breaches illustrate how far we have to go to reach the goal of strong, uniform government-wide information security policies and procedures.

On our committee, we focused on government-wide information management security for a long time. The Privacy Act and the E-Government Act of 2002 outline the parameters for the protection of personal information. These recent incidents highlight the importance of establishing and following security standards for safeguarding personal information. They also highlight the need for the proactive security breach notification requirements for organizations, including Federal agencies, that deal with sensitive personal information.

Congress has been working on requirements for the private sector, but Federal agencies present unique requirements and challenges, and these incidents demonstrate that we need to strengthen laws and rules protecting personal information held by Federal agencies.

Given the VA incident, and in order to get a more complete picture of the problems before pursuing legislation, our Committee sent a request to every Cabinet agency seeking information about data breaches.

The results are in, and they are troubling. We have learned there has been a wide range of incidents involving data loss or theft, privacy breaches and security incidents. In almost all of these cases, Congress and the public would not have learned of such events unless we had requested the information. This history of withholding incidents has to stop.

Our committee bill, which has been incorporated as a manager's amendment in section 2, requires that timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a Federal agency.

Despite the volume of sensitive information held by agencies, until now there has been no requirement that people be notified if their information is compromised. Under this legislation, the administration must establish practices, procedures, and standards for the agencies to follow if sensitive personal information is lost or stolen and there is reasonable risk of harm to an individual; and we provide a clear definition of the type of sensitive information we are trying to protect. We also give the agency CIOs the authority when appropriate and authorized to ensure that agency personnel comply with the information security laws that are already on the books.

Finally, we ensure that costly equipment containing potentially sensitive information is accounted for and secure. Half of the lost Census Bureau computers simply weren't returned by departing or terminated employees. The agency did not track computer equipment, nor were employees held accountable for failing to return it. This is taxpayer-funded equipment containing sensitive information, and we have to know who has it at all times.

Each year our committee releases information security score cards. This year the VA earned an F, the second consecutive year and fourth time in the past 5 years the Department received a failing grade, and the government overall got a D-plus.

Our Federal Government has sensitive personal information on every citizen, health records, tax returns, military records. If our government can't secure this information, who can? We need to ensure the public knows when its sensitive personal information has been lost or compromised in some way.

I again want to commend my colleagues, Chairman BUYER, Ms. PRYCE, Mr. SWEENEY, Mr. FILNER, all who recognize the importance of securing personal information held by agencies. I appreciate their work in supporting this issue. The provisions we have included in this bill are a great first step. If new policies and procedures are not forthcoming quickly or if they fail to have the teeth to get the job done, we will revisit the matter.

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

Mr. Speaker, again, to have the chairman of another committee testify to working together is really I think a good model. So thank you again, Mr. Chairman.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH), the ranking member of our Economic Opportunities Subcommittee of the VA committee, a lady who has left much of her fingerprints on this bill. We thank you for your expertise, your real ability to stick to the issues here.

Ms. HERSETH. Mr. Speaker, I want to thank Mr. FILNER for yielding. I would like to congratulate both Chairman BUYER and Ranking Member Filner for their hard work in bringing this urgently needed bill to the House floor. I appreciated working with them both in the many oversight hearings to review the VA's information technology management system.

The Veterans Identity and Credit Security Act is the result of judicious bipartisan work by members and staff of the House Veterans' Affairs Committee, working closely with those on the Government Reform Committee; and it is an important step towards safeguarding the personal information of our Nation's veterans.

Now, I share the frustration of my colleagues regarding the repeated failures of the VA's information technology management and the theft in May of the personal data of as many as 26.5 million veterans and servicemembers from a VA employee's home.

While we are all relieved the laptop containing this data has been recovered and authorities have found no evidence that the data has been accessed, the data breach raised serious concerns about the VA's information security. It is clear that we dodged a bullet.

Perhaps the most frustrating aspect of the security breach was the previous recommendations and warnings by the General Accounting Office and the VA's Inspector General were not given adequate consideration. The Department's inexcusable and unacceptable inaction was disrespectful to the brave men and women who serve the country.

As my colleagues have outlined, the Veterans Identity and Credit Security Act would require the VA to report to Congress after any data theft and to provide credit monitoring and fraud remediation services to affected individuals. The bill creates an Under Secretary for Information Services, sets conditions of contracting with the VA for work dealing with sensitive personal information, and establishes a scholarship program for students pursuing doctorates in information technology, security or computer engineering.

I believe these important changes to the VA's information technology management structure are essential to better protecting the personal information of our Nation's veterans and their families. While there is no perfect solution, given the magnitude of this problem, not only for the VA but so many other Federal agencies, as the gentleman from Virginia just described, this legislation is an important step in the right direction.

I encourage my colleagues to support it.

Mr. BUYER. Mr. Speaker, the gentleman from South Carolina has requested 2 minutes of me, and I have great fear that the slowest talking man from the First District of South Carolina may not make the mark. But let's see how he does.

I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN), the chairman of the Health Subcommittee of the Committee on Veterans' Affairs.

Mr. BROWN of South Carolina. Mr. Speaker, I thank my friend, the chairman, for yielding me this time; and I hope I can make it in 2 minutes.

This is an important issue, one which the committee has addressed not only by this legislation, but also through hearings and meetings of members of the committees, officials from the VA, and representatives of our Nation's veterans organizations.

As chairman of the Committee's Subcommittee on Health, I led the committee's effort to understand the health-related impact of the recent loss of computers by the Veterans Administration. While this summer's computer loss regrettably saw the theft of VA data, this incident did not see the security of veterans health records compromised.

Indeed, recent events, such as the VA's response to Katrina, have shown the value of electronic medical records. During the aftermath of that disaster, VA doctors and nurses were able to treat without interruption patients transferred from VA facilities in New Orleans because of the VA's reliance on electronic medical records. All patient records were backed up, secured, transported and were back online and available almost immediately.

That said, we should not let the benefits of portable electronic records of any kind conflict with the need to keep them secure. Medical records contain a great deal of confidential personal information; and if those records get in the hands of the wrong people, it would pose a real problem and even in some cases, perhaps a national security risk.

For that reason, Congress needs to remain vigilant in order to ensure against the loss of all information by the VA. The VA itself needs to be proactive in maintaining the integrity of the health records. Lastly, our soldiers and their families need to continue to feel secure with VA having guardianship over those records.

In closing, I thank the chairman and the ranking member for their leadership on this issue and for introducing this important legislation. I urge all Members to support H.R. 5835.

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

Mr. BUYER. Mr. Speaker, I am so proud of my friend from South Carolina for delivering those remarks within the limits of time.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I want to congratulate you for your leadership and really appreciate all the hard work. This has been a difficult thing to get to the floor. Also I want to thank Mr. FILNER and Ms. HERSETH and again the staffs on both sides that have worked so very, very hard to, like I say, get this thing done.

I rise in strong support of H.R. 5835, and I would like to highlight section 7 of the bill. This section would create a scholarship and debt reduction program at VA to encourage recruitment of new personnel with Ph.D.s in information security, computer engineering or electrical engineering from an accredited institution of higher learning. This is so we can attract and secure the best talent possible at the VA's IT department.

This section would allow the Secretary to award scholarships or repayment of education debts to future VA employees. The scholarships would not exceed $200,000, or $50,000 per year, per person. Debt reduction payments would not exceed $82,500 over a total of 5 years of participation, or $16,500 per year in the program. The recipients would also be required to agree to a period of obligated service at the Department of not less than 2 years for every 1 year of tuition paid.

This is a great way to attract talented people at the VA. I urge my colleagues to support H.R. 5835.

□ 2215

Mr. BUYER. I appreciate the chairman's contribution to the bill. He chairs the Economic Opportunity Subcommittee on Veterans Affairs.

At this time, I yield 2 minutes to Mr. MURPHY of Pennsylvania, who also worked with us on the bill. He had his own bill, H.R. 6109, dealing with encryption; and we worked with the gentleman. We have three legacy platforms which are basically older operating systems. We were not able to achieve everything the gentleman has been seeking, but I want to appreciate the gentleman's sincerity and his effort and want to continue to work with the gentleman.

Mr. MURPHY. Mr. Speaker, I am in support of H.R. 5835 and commend the distinguished chairman for his hard work for veterans.

We all know veterans deserve the best from the Federal Government following their service. Unfortunately, on two separate occasions there were some major breaches which raised the risk of identity theft and fraud. In May, the VA announced a laptop computer containing personal information of 26 million veterans and spouses had been stolen; and, in August, a desktop with personal and health information of 38,000 veterans was stolen from a subcontractor performing insurance collections for VA medical centers in Pittsburgh and Philadelphia.

These losses are totally unacceptable. Identity theft touches the lives of more than 10 million Americans per year, and our veterans deserve better protection of their records. The bill before us would provide better protections, and these are important steps, and we should support the underlying bill.

In addition to H.R. 5835, I introduced last week H.R. 6109, the Stop Endangering the Records of Veterans, or the SERV Act. This bill would require the VA to physically secure and encrypt all veterans' personal records held by the Department. The VA announced in August that it will add enhanced encryption systems to all the Department's laptop and desktop computers. Today may not be the day for Congress to pass the requirements of H.R. 6109, since a great deal of technical work is currently taking place to define how these encryptions should take place with the system, but I look forward to joining Chairman BUYER and my colleagues in energetic oversight of the VA's implementation of encryption standards on this data.

Mr. Speaker, America's veterans have given blood, sweat, and tears for our Nation from the world wars to the current operations in Iraq and Afghanistan. They have earned peace of mind when it comes to their critical personal information. Today, the House is helping to ensure the mistakes of this year will not happen again.

Again, I commend the leadership of Chairman BUYER and all the members of the Veterans Committee, and I urge my colleagues to support H.R. 5835.

Mr. BUYER. At this time, I would like to yield 1 minute to the gentleman from San Diego, California (Mr. BILBRAY), who helped us work on the provisions of the bill.

Mr. BILBRAY. Mr. Speaker, I rise in support of the bill and would like to thank the chairman of the committee for this legislation, and I would like to thank the ranking member, my old friend, Mr. FILNER from San Diego.

Let me just say, sincerely, I think this is what America wants, this is what our veterans need. I think it is a great bipartisan cooperative effort.

The fact is that there are challenges under today's new technology opportunities we have that can be used or abused, and hopefully this bill will be able to tighten up the procedures to make sure we reflect those new realities.

Mr. Speaker, I in no little way want to praise both sides of the aisle for doing what is right for our veterans. Hopefully, we have been able to avoid a major problem in the past and with this legislation will make sure that no major problem occurs.

The identity and the personal records of our veterans are cherished possessions that we hold in the Federal Government, and we want to maintain those for the veterans and not allow it to leak out.

I thank very much both the ranking member but, most importantly, the chairman of the full committee.

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

Mr. FILNER. Mr. Speaker, again, I think this is an incredibly good bill. It shows the way we ought to work as a Congress and as a committee. Again, I thank one more time Mr. BUYER for his leadership and urge passage of the bill.

I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I want to thank you for allotting the time for us to bring this bill to the floor. This is bipartisan legislation. It reflects proposals introduced in this Chamber over the past months. I thank the Members and staff who contributed to this legislation. I am especially grateful for the support of LANE EVANS and BOB FILNER in moving this bill through the committee and to the floor.

I want to thank Chairman DAVIS and Ranking Member WAXMAN of the Government Reform Committee in our work on the FISMA component of the bill. I also would like to thank Chairman OXLEY and Ranking Member FRANK of the Financial Services Committee for their assistance in moving this bill to the floor, as well as the Appropriations Subcommittee on Military Quality of Life and Veterans Affairs Chairman WALSH and Ranking Member EDWARDS, and to recognize again that information security is crucial to our veterans and have provided valuable support for this legislation.

I also commend Mr. BILIRAKIS and Mr. STRICKLAND, the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their oversight of IT at the VA. I am indebted to the chairmen and ranking members of the committee's Subcommittees on Health, Disability Assistance and Memorial Affairs and Economic Opportunity for their help in reviewing the VA's data security and coming up with this legislation.

Mr. Speaker, several Members introduced legislation after the May 3 loss, including Representatives HOOLEY, SALAZAR, and BILBRAY from the Committee on Veterans Affairs. Representatives BLACKBURN, ANDREWS, DRAKE, CAPITO, and GRANGER also introduced legislation, and all of this legislation was taken into account to create this product that has come to the floor. So this is a pretty good work product, to also include that of the gentleman from Pennsylvania.

I also want to thank the Subcommittee on Oversight and Investigations; the staff director, Art Wu; and minority staff director, Lynn Sistek, for their work on this legislation.

Mr. Speaker, I urge my colleagues to support our veterans by passing H.R. 5835, the Veterans Identity and Credit Security Act of 2006. This legislation will safeguard the sensitive personal information of veterans, and help lay the groundwork for a national solution

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 5835, the Veterans Identity and Credit Security Act.

Earlier this year, millions of veterans saw their economic security threatened when several VA computers were stolen from a Veterans Administration (VA) employee's home. While it appears that no veteran was a victim of ID theft, the VA was ill-prepared to deal with the lost of this highly personal and confidential information.

While I am pleased to support this bill, which will help safeguard veterans' personal information in the future, I urge this Congress to immediately pass legislation that will protect all Americans from ID theft, not just our veterans. The threat of ID theft is too important to ignore any longer.

Data security is an issue that we have labored over for months, and while this will protect America's veterans from breaches of data security, the American public wants Congress to act to protect its private information as well.

As many of my colleagues have outlined during the debate today, this bill takes several steps to empower the VA to combat ID theft. It creates a new Office of the Under Secretary for Information Services within the Department. The bill also requires the VA to notify affected individuals when sensitive, personal information held by VA is lost, stolen, or otherwise compromised. In addition, the bill requires the VA to provide services to alleviate any loss those individuals might suffer, if the Secretary of VA determines there is a risk that the compromised information could be used in a criminal manner. Another important provision in the bill requires contractors to pay damages to VA if the compromised information was under the contractors' control. The combination of these provisions represents a well thought through piece of legislation.

Mr. Speaker, having ones identity stolen can unleash a lifetime of problems for its victims. It can impair buying a home, applying for jobs and loans as well as a host of other problems.

I am pleased to support this bill to help protect our veterans from these personal and economic pitfalls. I urge my colleagues to support this bill.

Mr. STEARNS. Mr. Speaker, I rise to support H.R. 5835, the Veterans Identity and Credit Security Act of 2006. I was deeply concerned that nearly 27 million veterans may have been affected by a data security breach of record proportions, that could have compromised sensitive, personal information. Twenty-six-and-a-half million veterans, and 2.2 million Guards, Reservists, and active duty servicemembers, were at risk. Fortunately, we recovered the stolen laptop and forensic analysis revealed the data was uncompromised. While it turned out that no veterans' information was jeopardized, it was a lesson in carelessness that cannot be repeated. We have learned from this incident what steps we must take to (a) change the organizational structure

and requirements at the VA, and (b) design a meaningful package of action items we will deliver for veterans should a breach ever occur again. Now we must implement them.

Unfortunately, data breaches like this highlight the need for legislation I have authored: H.R. 4127, the Data Accountability and Trust Act (DATA). This bill, which the Energy and Commerce Committee has passed, goes to the heart of this problem of the critical need to protect consumers' personal information. Let's fix this.

I thought, and Chairman BUYER agreed, that while we are instructing the VA when they must notify veterans, let's not limit ourselves to notification by ''snail mail''. I appreciate the Chairman's incorporating my language into H.R. 5835. The standard of business practice is—if a consumer or veteran in this case prefers—to communicate in writing by e-mail, because it is immediate and portable. What if a veteran is now in the Florida National Guard, serving in Iraq, and suffers a breach? We would not want him or her to wait for a hard copy letter to make its way. Secondary to providing better service to the veteran, this would save tremendous money to the VA, money better spent on veterans health care and services: I understand the May 2006 notification mailing cost the VA about $7 million.

Through both of my Committee seats, I will continue to take an active role in ensuring that veterans, and all consumers, feel confident and secure about their financial and personal information. And, thank you, Chairman BUYER, for your steadfast leadership on this issue for years.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong support of H.R. 5835, the Veterans Identity and Credit Security Act of 2006, as amended, and thank Chairman BUYER for his leadership in bringing this legislation to the floor. I also want to thank my colleagues from other Committees and across the aisle for the bipartisan effort that brought this bill to the floor. This is an important piece of legislation that aims to improve information security at the Department of Veterans Affairs (VA), and may set VA as an example for other federal departments and agencies.

H.R. 5835, as amended, provides the tools for VA to improve information security and strengthens the role of the Chief Information Officer (CIO). The legislation, requires the Secretary to provide the CIO with the authority over VA information technology (IT) to include information security, personnel, resources, and infrastructure. These authorities include oversight of the activities, policies, processes, and systems of VA IT.

Last October, as Chairman of the Subcommittee on Oversight and Investigations, I joined Chairman BUYER, Ranking Member EVANS, Subcommittee on Oversight and Investigations Ranking Member STRICKLAND and other distinguished Members to introduce H.R. 4061, the Department of Veterans Affairs Information Technology Management Improvement Act, to centralize the authority of the CIO. Last November, the House unanimously passed H.R. 4061 with a vote of 408–0. I remember Chairman BUYER standing on this floor, sharing the failures of VA IT projects and the millions of dollars spent on major IT programs that have failed to assist in making the delivery of benefits to veterans faster, safer, and more efficient. I stand here today because of another VA failure in IT, with another piece of legislation to reform VA IT and ask members to unite and show support for our veterans by passing H.R. 5835, as amended.

Since 2000, there have been 16 hearings of the House Committee on Veterans' Affairs and its Subcommittees on VA IT. This summer alone the Committee on Veterans' Affairs held eight hearings on IT and information security, two of which were at the Subcommittee level. The House Committee on Veterans Affairs has been anything but lax in its review of VA IT, and I am confident that oversight of VA IT will continue following my retirement.

It has been an honor to serve in this body and as a member of the House Committee on Veterans' Affairs for the past 24 years, and passing H.R. 5835, would be another way for me to honor and protect the veterans I have served during my time in Congress. I urge my colleagues to vote in favor of H.R. 5835, as amended.

Mr. MICHAUD. Mr. Speaker, I rise today in strong support of H.R. 5835, the Veterans Identity and Credit Security Act.

Earlier this year, VA experienced a major breach in the data security of millions of veterans. Their very identities and financial lives were put at risk. Thanks to the efforts of law enforcement, and a great deal of luck, this breach did not turn into a disaster.

While for many, this breach came as a surprise, the reality is that VA leadership has been warned repeatedly that VA's information security program is weak and could be compromised. The Veterans Affairs Committee has been calling on the VA to make changes. The VA's Inspector General and the GAO have issued report after report raising significant concerns about weaknesses in the security of VA's data and information systems. The sad reality is that this data breach, while larger than any other, was not unique.

We do a disservice to the men and women who have served our Nation and their families if we allow VA's information security policies and practices to continue as the status quo.

H.R. 5835 moves the VA toward greater IT security. It will create a clear line of responsibility through the Office of the Under Secretary for Information Security. It will put in place policies to improve IT security, notification and remediation. In cases of identity theft, this bill will help veterans recover their identities and their lives.

I also believe that the provisions in this bill supporting further education in IT security are innovative and extremely important for addressing this challenge in the future.

I want to congratulate the members of the Veterans Affairs Committee, especially Chairman BUYER and Mr. FILNER, for working quickly to move this important legislation forward.

I urge my colleagues to support this bill.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of the Managers Amendment to H.R. 5835, the Veterans Identity and Credit Security Act of 2006.

Over the past 5 months, data security incidents at the Department of Veterans Affairs, State Department and Census Bureau have raised concern over the use of secure data at these and other Federal agencies.

The VA learned that an employee took home electronic records of 26.5 million veterans and 2.2 active-duty soldiers from the VA, which he was not authorized to do.

A hacker at the State Department gave thieves access to a finite amount of information, access to data and passwords.

The census bureau lost track of over 1,000 laptops, some of which contained sensitive personal information.

Americans secure information was put at extreme risk and raised concerns about data security in the Federal Government to a whole new level.

GAO reports released in July 2005 and again in March of 2006, revealed despite progress in implementing Federal requirements to protect information and systems, the 24 major Federal agencies' experienced continued pervasive weaknesses in information security policies and practices. Their flaws put Federal operations, citizens personal financial data and assets at risk of fraud, misuse, disclosure and destruction.

That is why I introduced H.R. 5820, the Federal Agency Data Privacy Protection Act, legislation that adds security measures to all Federal agencies data usage and administration. This manager's amendment includes a number of provisions included in my legislation.

It is important that we protect the sensitive information Americans provide to us so that we can assist them and we must provide the best possible responses to personal information being placed at risk. It is critical that we provide proper protections to individuals who may be affected by these thefts.

This amendment also extends the definition of what constitutes secure data so that we can provide the best protection for all personal information used by Federal agencies.

Americans place their trust in the Federal Government to protect the information they provide. In this age of technology, we have an obligation to protect that information and serve the people of this Nation. I urge my colleagues support on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H.R. 5835, to amend Title 38, United States Code 106–348, to improve information management within the Department of Veterans Affairs, and for other purposes.

In June, the Defense Department revealed that the personal information of about 2.2 million National Guard and Reserve troops was stolen from a government employee's house. In August of this year, the Department of Veterans Affairs reported that a subcontractor's missing laptop contained personal information of some 16,000 veterans and their families who were treated in VA medical centers in Pittsburgh and Philadelphia.

Even more astonishing is the fact that earlier this month, the Commerce Department reported that 1,100 of its laptops were missing from the last five years, some containing personal data from the U.S. Census Bureau.

These incidences of missing sensitive personal data are no small matters of concern. All of us as citizens of this great country expect to enjoy the privilege of privacy when it comes to our often sensitive personal data. As we are all well aware, such information can be easily mishandled and misused to the detriment of anyone who becomes so-victimized.

This reason alone is why it is crucial to provide sufficient safeguards to prevent or at the very least minimize the degree to which the privacy of sensitive personal data of our veterans as well as all the citizens of this country may become compromised.

H.R. 5835 provides safeguards to: Amend FISMA (Federal Information Security Management Act) to authorize the Director of OMB to establish data breach policies for agencies to follow in the event of a breach of data security involving the disclosure of sensitive personal information and which harm to an individual could reasonably be expected to result; Amend FISMA to clarify authority of Chief Information Officer to enforce data breach policies and develop and maintain IT inventories; Amend FISMA to define sensitive personal information as "any information about an individual maintained by an agency, including: education, financial transactions, medical history, criminal or employment history; information that can be used to distinguish or trace the individual's identity, including name, Social Security number, date and place of birth, mother's maiden name, or biometric records; or any other personal information that is linked or linkable to the individual;

Create the position of Under Secretary for Information Services in the VA and mandates that this individual serve as the VA's CIO;

Mandate that the office of the Under Secretary for Information Services shall consist of the three Deputy Under Secretaries (at least one of whom is to be a career employee);

Call for the VA to ensure that the CIO has the authority and control necessary to execute responsibilities under FISMA and requires an annual FISMA compliance report to be submitted to the Committees on Veterans' Affairs of the House and Senate, the House Government Reform Committee, and the Senate Homeland Security and Governmental Affairs Committee; it also requires a monthly report from the VA CIO to the VA Secretary regarding compliance deficiencies; and to require immediate notification by the CIO to the VA Secretary of any data breach, and notice by the VA to the Director of OMB, VA IG, and if appropriate, to the FTC and Secret Service;

Require quarterly reports from the VA to the Committees on Veterans' Affairs of the House and Senate on any data breach that occurred in the previous quarter and to also require prompt notice in the event of a significant data breach;

Require the VA to undertake, as soon as possible after a data breach, an independent risk analysis (conducted by a non-VA entity). The Secretary shall then make a determination, based upon this analysis, if there exists a reasonable risk for potential misuse of the compromised data. If the Secretary does determine that this potential exists, then the VA is required to provide credit protection services. In the event of any data breach, the VA shall notify all affected individuals of the breach and inform them that they may request, at no charge, a fraud alert and a credit security freeze for a period of one year. The notification is to clearly spell out the advantages and disadvantages to requesting these actions;

Require the VA to provide credit protection services, including data breach analysis, credit monitoring services and identity theft insurance, to covered individuals (defined as individuals whose sensitive personal information is involved in a data breach, on or after August 1, 2005 for which the Secretary determines a reasonable risk exists for the potential misuse of the sensitive personal information). Authorizes the VA to contract with other government agencies and credit reporting agencies to provide these services;

Require that when the VA enters into a contract that the contractor shall not compromise any sensitive personal information. In the event of a breach, the contractor shall pay liquidated damages (which will then be used by the VA to provide credit protection services);

Require the VA to submit a report not later than 180 days after enactment concerning the feasibility of using Personal Identification Numbers for identification purposes in lieu of Social Security numbers;

Require the President to nominate the Under Secretary for Information Services and the VA to appoint the Deputy Under Secretaries within 180 days of enactment. Requires a report on the progress of the nomination and appointments every 30 days.

All of these measures are essential pieces to ensuring that the privacy of personal sensitive data of all of our citizens is not compromised. We are far behind in taking action to ensure that integrity of information in this nation. This bill is an important first step.

I urge my colleagues to support this resolution.

Mr. WAXMAN. Mr. Speaker, I support the goal of H.R. 5835 to strengthen security of personal data held by the Government, but believe that more should be done. For the Department of Veterans Affairs, this bill provides more training for employees on privacy issues, independent risk analysis of data breaches, credit freezes for persons whose data has been compromised, and more. This is an important step in light of recent data losses at the VA.

But the detailed requirements in this bill only apply to the Department of Veterans Affairs. For the rest of the Government, none of this is required, even though our committee's inquiries have uncovered serious breaches in other Federal agencies. For example, the Department of Commerce recently reported the loss of more than 1,000 laptop computers, some containing census information. To protect the privacy of personal information, we should require increased training, accountability, and reporting in all Federal agencies, not just the VA.

I am also concerned about the procedures under which this bill has come to the floor. Although primarily a VA bill, this bill also includes amendments to the Federal Information Security Management Act, FISMA, a government-wide law, in the jurisdiction of the Committee on Government Reform. Some of these provisions were in the reported version of this bill, and some were just added by amendment today from a bill introduced yesterday. None of these government-wide provisions were considered in the Committee of Government Reform.

H.R. 5835 now includes 2 different definitions of "sensitive personal information"—one applying to the entire government under FISMA, and another applying to the Department of Veterans Affairs. Had this bill proceeded through the regular committee process, inconsistencies like this could have been resolved and a clearer, more comprehensive bill reported to the floor. I hope that Congress will consider additional legislation to clarify the patchwork of laws and regulations currently in place and extend stronger data security requirements to the entire Federal Government.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, although the Rules of the House of Representatives do not allow me to co-sponsor H.R. 5835, the Veterans Identity and Security Act of 2006, I wish to express my full support for this bill. My district is home to tens of thousands of veterans from every branch of the military, and this legislation will be extremely helpful to my constituents. The recent loss of data affecting over 26.5 million current and former service members was extremely unfortunate, and it became clear that the Department's data security and notification practices needed an overhaul. I believe this legislation will enable the Department of Veterans Affairs to better protect the personal identification data of those who have served and are serving our country, and I am pleased that we are taking steps to prevent these incidents in the future.

As our country increasingly relies on electronic information storage and communication, it is imperative that our Government amend our information security laws accordingly. This legislation will help in this effort, and I am wholeheartedly supportive.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time and urge all Members to support this legislation.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 5835, 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.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5835.

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

There was no objection.

ENCOURAGING ALL OFFICES OF THE HOUSE OF REPRESENTATIVES TO HIRE DISABLED VETERANS

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1016) encouraging all offices of the House of Representatives to hire disabled veterans.

The Clerk read as follows:

H. RES. 1016

Whereas the men and women of our armed forces play a central role in preserving our Nation's freedom;

Whereas disabled veterans have sacrificed greatly for their country;

Whereas one way for our Nation to repay its debt to those disabled veterans is to help disabled veterans return to their previous lifestyle;

Whereas Congress relies on knowledgeable staff to help formulate policy;

Whereas disabled veterans provide unique perspectives on a range of issues, especially regarding national security;

Whereas Members who are veterans or reservists have played a leading role throughout the history of Congress; and

Whereas Congress wishes to give disabled veterans the opportunity to work in their government as a benefit to those disabled veterans as well the members of Congress on whose staffs they will serve: Now, therefore, be it

Resolved, That the House of Representatives encourages the Members, committees, and all other offices of the House to hire disabled veterans, and to use the resources that the Committee on House Administration will direct the Chief Administrative Officer to provide to find qualified disabled veterans to fill positions in these offices.

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

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker, I also thank the gentleman from California (Mr. ROHRABACHER) for introducing this fine resolution.

I rise in support of H. Res. 1016, which encourages all offices of the House of Representatives to hire disabled veterans, and I ask all my colleagues to support this important bill.

Throughout history, our Nation has depended on the brave men and women of the military to secure our freedom, frequently at their own peril. Millions of those who fight valiantly for our country will return with injuries that threatened their livelihood and that of their families.

After completing their service to our country, our Nation's disabled veterans often return to face another challenge: diminished prospects for employment due to the injuries they suffered in battle.

By recruiting these exceptional individuals for employment in the House, we are both rewarding these heroes for their sacrifices they have made for their country and securing experienced, dedicated employees to work in House offices. By providing a congressional career path to disabled veterans, we are offering these courageous individuals an opportunity to serve the public in a new capacity.

I ask the Members to honor our Nation's veterans both by supporting this important resolution and by hiring disabled veterans.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the chairman in support of this resolution introduced this week by the gentleman from California (Mr. ROHRABACHER), encouraging all Members, committees, and offices of the House to hire disabled veterans. This Congress absolutely should give preference to disabled veterans as long as there are disabled veterans.

First, this resolution reminds all Members and other House employees that this Congress has a moral and ethical obligation to support American disabled veterans. Unfortunately, we know too well that the ranks of America's disabled veterans are growing every day. One way for the House to fulfill its obligation is to help disabled veterans return to their pre-war lifestyles. Their former jobs may be gone or their disabilities may preclude them from performing that function again.

I am sure there are many disabled veterans whose knowledge, skills, and abilities could help Members better serve their constituencies. This would allow disabled veterans to continue their service to their country as civilians, while providing for themselves and their families. This could take place anywhere in the country since a large percentage of congressional staff positions are located in districts throughout America. There are also opportunities here on Capitol Hill as well.

Second, the resolution states that the Committee on House Administration will facilitate employment opportunities for disabled veterans by directing the House Chief Administration Officer to provide resources to guide qualified disabled veterans to potential positions. A suitable Web site, for example, could enable disabled veterans to employment opportunities in the House.

Whatever the committee may decide, I am pleased that this resolution apprises all Members of the need of our disabled veterans and the rest of the community to take action. Mr. Speaker, I urge all Members to support this resolution. The ranks of American disabled veterans are growing every day, and the end of the current conflict is not in sight. The House should do everything possible to help our disabled veterans to rebuild their lives.

If qualified disabled veterans are interested in working here, we should encourage Members, our committees, and our support offices to embrace these brave men and women who have served in Iraq and elsewhere around the world and who have sacrificed their futures for our country. I urge an ''aye'' vote

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

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), who is in every way a true patriot and also the author of this wonderful resolution.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of my resolution, H. Res. 1016. I would like to thank Mr. EHLERS for his help in support of this bill, as well as Mr. BRADY and Members on both sides of the aisle. It has taken considerable time and effort to get this bill to the floor, and I appreciate their help in bringing this matter tonight and making sure we get this done before the end of the session.

Mr. Speaker, the war in Iraq and Afghanistan is being fought by American military personnel; and, as we know, many of them have been killed or wounded. In fact, there have been 21,263 wounded American military personnel during this conflict in Afghanistan and Iraq. That includes 468 amputees.

To better illustrate that point, imagine every Member of this House plus 33 others have been wounded in Iraq or Afghanistan and that the wounds were serious enough to require amputation, and sometimes that meant amputating more than one limb. It is hard to comprehend the level of sacrifice and the recovery from such a loss.

These brave warriors and their families must learn an entirely new way of life. Sometimes readjusting, finding one's place is as traumatic and as hurtful as the wound itself. Many of them worry about how they will work and what kind of life they can provide for themselves and for their families.

My resolution, H. Res. 1016, will enable us, Members of the United States Congress, to help disabled veterans directly. We should serve as an example to other government agencies and to private-sector employers. We need to send an unmistakable message that every disabled veteran should have the opportunity to work at a decent-paying job and that they can this way adjust and bring themselves back into this community as they heal and come home.

This resolution coordinates the House Administration Committee and the CAO to find qualified disabled veterans to fill open positions in our House offices.

Congress has two important obligations when sending America's defenders into harm's way.

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The first is to ensure that those soldiers have the necessary training, equipment and resources to get the job done and come home safely.

The second is to ensure that when these heroes come home, especially if they have been severely wounded, that their wounds are cared for and once they are healed, there are adequate avenues available to ensure them a decent life, especially the personal and professional satisfaction of a real job.

I would challenge my colleagues to achieve the following goal: by the end of the next year, every congressional office should employ at least one disabled veteran. Not only would these veterans benefit from these jobs, but we would benefit greatly from the unique perspective that these heroes would bring to our offices.

Mr. Speaker, I want to thank Mr. Clifford Heinz for bringing to my attention disturbing news stories regarding returning veterans. I also thank the majority whip, Mr. BLUNT, for his hard work in helping to move this resolution to the floor for the vote.

We must ensure that the returning veterans from this war are treated with the dignity and honor, that it is the dignity and honor that they have earned and deserve. This resolution is an important first step in what I know will be a continued effort by this Congress to say thank you to the disabled

veterans who have paid a price beyond the call of duty and never fully repaid.

Mr. Speaker, I ask my colleagues to support this resolution and to take seriously the challenge of personally hiring a disabled veteran for their office. I ask them to support H. Res. 1016.

Mr. BRADY of Pennsylvania. Mr. Speaker, it is my pleasure to yield to Mr. FATTAH from the great State of Pennsylvania for such time as he may consume.

Mr. FATTAH. Mr. Speaker, I thank the gentleman from Pennsylvania, and also the chairman of my former committee, the House Administration Committee, for their fine work in bringing this resolution to the floor.

On Sunday I spoke at the VFW post in my district, the Charles Young Post, as they celebrated 76 years of providing a service to veterans, returning veterans from a host of wars and conflicts, in Philadelphia.

I have been over to Walter Reed visiting with soldiers who have been wounded in the Iraqi war, and it is true that they are receiving great medical care, but they do need employment. And I thank the gentleman who is the prime sponsor of this who I have also served with for many years, for fighting for this to come to the floor because it is something that is tangible that we can do.

I just wanted to rise in support of it. House Administration is a committee where these issues are dealt with, and I think the committee should be commended for bringing this to the floor. And I hope all Members heed what I think is a reasonable challenge, that each of us should reach out to returning veterans.

Many have disabilities that are visible, and others have other challenges. We do know, as has been stated by a former President, Ronald Reagan, that one of the best things that could ever happen in terms of addressing some of the social challenges that people face is a good job. So providing a good job for veterans who return, many of whom are disabled, I think is a rightful thing for this House to consider, in all of its various offices both here on the Hill and at home in our district offices.

I thank the gentleman for yielding me this time, and I thank the chairman for the great guidance he has given to my former committee.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank Mr. ROHRABACHER for the resolution and the chairman of our committee. It is a pleasure working with you.

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

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

I once again reiterate the requests that various individuals have made here, that every Member of this Congress take this resolution seriously, that they vote for it; and, furthermore, that they act on it and hire a disabled veteran to work in their offices.

I thank the gentleman from California for bringing this to our attention. I urge support by every Member of the House for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 1016 to encourage all offices of the House of Representatives to hire disabled veterans.

The men and women of our Armed Forces play a central role in preserving our Nation's freedom. In this role, these men and women gain very valuable skills, and knowledge which is crucial to the successful operations and functions of our military. The vast array of valuable skills that disabled veterans possess include those in intelligence, medicine, law and beyond. Such knowledge is not to be undervalued.

There are over 3 million living disabled veterans in this country, a number which unfortunately continues to rise as we remain engaged in the Iraq and Afghanistan conflicts. Let us respect and honor the invaluable service of all past and future disabled veterans by ensuring that they may continue to use their unique talents, knowledge and skills.

Congress relies on knowledgeable staff to help formulate policy. Disabled veterans provide unique perspectives on a range of issues, especially regarding national security.

Disabled veterans have sacrificed greatly for this country. It is indeed no sacrifice at all for us to take advantage of the unique education and experience that our veterans will bring as administrative, legislative and support staff to the House offices.

This Nation can repay its debt to those disabled veterans by helping disabled veterans continue to support the many important functions of our government, as well as continue to serve their country. Such a partnership is a win-win situation, and yet I am inclined to think that it is we who will benefit most from the contributions.

Mr. Speaker, we must ensure that when our veterans become disabled as a result of their military service, their service and skills do not dry up like a raisin in the sun but continue to bear fruit that can serve this great Nation well. By employing disabled veterans, we show that we have confidence in and value their skills.

We all know that it is exceedingly difficult to gain employment as a disabled individual, let alone as a veteran adjusting to civilian life. This is simply one step we can make as a legislative body to ease the transition and assist a population in need.

I am virtually certain that we all value the time and service of all of our veterans who have faithfully served to protect the interests of this great Nation and its citizens. We certainly would like to express that sentiment here today by passage of H.R. 1016 to encourage all offices of the House of Representatives to hire disabled veterans.

I urge my colleagues to support this resolution.

Mr. EHLERS. 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. EHLERS) that the House suspend the rules and agree to the resolution, H. Res. 1016.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. 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 this bill.

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

There was no objection.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2005

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1215) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1215

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 ''Green Chemistry Research and Development Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''green chemistry'' means chemistry and chemical engineering to design chemical products and processes that reduce or eliminate the use or generation of hazardous substances while producing high quality products through safe and efficient manufacturing processes;

(2) the term ''Interagency Working Group'' means the interagency working group established under section 3(c); and

(3) the term ''Program'' means the Green Chemistry Research and Development Program described in section 3.

SEC. 3. GREEN CHEMISTRY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall establish a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for green chemistry research, development, demonstration, education, and technology transfer through—

(A) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories; and

(D) to the extent practicable, encouragement of consideration of green chemistry in—

(i) the conduct of Federal chemical science and engineering research and development; and

(ii) the solicitation and evaluation of all proposals for chemical science and engineering research and development;

(2) examine methods by which the Federal Government can create incentives for consideration and use of green chemistry processes and products;

(3) facilitate the adoption of green chemistry innovations;

(4) expand education and training of undergraduate and graduate students, and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering;

(5) collect and disseminate information on green chemistry research, development, and technology transfer, including information on—

(A) incentives and impediments to development and commercialization;

(B) accomplishments;

(C) best practices; and

(D) costs and benefits;

(6) provide venues for outreach and dissemination of green chemistry advances such as symposia, forums, conferences, and written materials in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(7) support economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of green chemistry; and

(8) provide for public input and outreach to be integrated into the Program by the convening of public discussions, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate.

(c) INTERAGENCY WORKING GROUP.—The President shall establish an Interagency Working Group, which shall include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President may designate. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency shall serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program. The Interagency Working Group shall—

(1) establish goals and priorities for the Program, to the extent practicable in consultation with green chemistry researchers and potential end-users of green chemistry products and processes; and

(2) provide for interagency coordination, including budget coordination, of activities under the Program.

(d) AGENCY BUDGET REQUESTS.—Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget which identifies its activities that contribute directly to the Program and states the portion of its request for appropriations that is allocated to those activities. The President shall include in his annual budget request to Congress a statement of the portion of each agency's or department's annual budget request allocated to its activities undertaken pursuant to the Program.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Interagency Working Group shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. This report shall include—

(1) a summary of federally funded green chemistry research, development, demonstration, education, and technology transfer activities, including the green chemistry budget for each of these activities; and

(2) an analysis of the progress made toward achieving the goals and priorities for the Program, and recommendations for future program activities.

SEC. 4. MANUFACTURING EXTENSION CENTER GREEN SUPPLIERS NETWORK GRANT PROGRAM.

Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) the enabling of supply chain manufacturers to continuously improve products and processes, increase energy efficiency, identify cost-saving opportunities, and optimize resources and technologies with the aim of reducing or eliminating the use or generation of hazardous substances.".

SEC. 5. UNDERGRADUATE EDUCATION IN CHEMISTRY AND CHEMICAL ENGINEERING.

(a) PROGRAM AUTHORIZED.—(1) As part of the Program activities under section 3(b)(4), the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing in cash from non-Federal sources, to match the Federal funding.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricular revisions to the courses of study offered by the applicant in chemistry and chemical engineering; and

(B) a description of the source and amount of cost sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1), the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curriculum changes in accordance with subsection (a)(1); and

(B) the amount of cost sharing to be provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 8, from sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this section $7,000,000 for fiscal year 2006, $7,500,000 for fiscal year 2007, and $8,000,000 for fiscal year 2008.

SEC. 6. STUDY ON COMMERCIALIZATION OF GREEN CHEMISTRY.

(a) STUDY.—The Director of the National Science Foundation shall enter into an arrangement with the National Research Council to conduct a study of the factors that constitute barriers to the successful commercial application of promising results from green chemistry research and development.

(b) CONTENTS.—The study shall—

(1) examine successful and unsuccessful attempts at commercialization of green chemistry in the United States and abroad; and

(2) recommend research areas and priorities and public policy options that would help to overcome identified barriers to commercialization.

(c) REPORT.—The Director shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings and recommendations of the study within 18 months after the date of enactment of this Act.

SEC. 7. PARTNERSHIPS IN GREEN CHEMISTRY.

(a) PROGRAM AUTHORIZED.—(1) The agencies participating in the Program shall carry out a joint, coordinated program to award grants to institutions of higher education to establish partnerships with companies in the chemical industry to retrain chemists and chemical engineers in the use of green chemistry concepts and strategies.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost sharing from non-Federal sources by members of the partnerships.

(3) In order to be eligible to receive a grant under this section, an institution of higher education shall enter into a partnership with two or more companies in the chemical industry. Such partnerships may also include other institutions of higher education and professional associations.

(4) Grants awarded under this section shall be used for activities to provide retraining for chemists or chemical engineers in green chemistry, including—

(A) the development of curricular materials and the designing of undergraduate and graduate level courses; and

(B) publicizing the availability of professional development courses of study in green chemistry and recruiting graduate scientists and engineers to pursue such courses.

Grants may provide stipends for individuals enrolled in courses developed by the partnership.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application at such time, in such manner, and containing such information as shall be specified by the Interagency Working Group and published in a proposal solicitation for the Program. The application shall include at a minimum—

(A) a description of the partnership and the role each member will play in implementing the proposal;

(B) a description of the courses of study that will be provided;

(C) a description of the number and size of stipends, if offered;

(D) a description of the source and amount of cost sharing to be provided; and

(E) a description of the manner in which the partnership will be continued after assistance under this section ends.

(2) The evaluation of the applications submitted under paragraph (1) shall be carried out in accordance with procedures developed by the Interagency Working Group and shall consider, at a minimum—

(A) the ability of the partnership to carry out effectively the proposed activities;

(B) the degree to which such activities are likely to prepare chemists and chemical engineers sufficiently to be competent to apply green chemistry concepts and strategies in their work; and

(C) the amount of cost sharing to be provided.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—(1) From sums otherwise authorized to be appropriated by the National Science Foundation Authorization Act of 2002, there are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(A) $7,000,000 for fiscal year 2006;

(B) $7,500,000 for fiscal year 2007; and

(C) $8,000,000 for fiscal year 2008.

(2) The sums authorized by paragraph (1) are in addition to any funds the National Science Foundation is spending on green chemistry through its ongoing chemistry and chemical engineering programs.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $5,000,000 for fiscal year 2006;

(2) $5,500,000 for fiscal year 2007; and

(3) $6,000,000 for fiscal year 2008.

(c) DEPARTMENT OF ENERGY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Department of Energy for carrying out this Act—

(1) $7,000,000 for fiscal year 2006;
(2) $7,500,000 for fiscal year 2007; and
(3) $8,000,000 for fiscal year 2008.

(d) ENVIRONMENTAL PROTECTION AGENCY.—From sums otherwise authorized to be appropriated, there are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—
(1) $7,000,000 for fiscal year 2006;
(2) $7,500,000 for fiscal year 2007; and
(3) $8,000,000 for fiscal year 2008.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. 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 this bill.

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

There was no objection.

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

Mr. Speaker, today I rise in support of H.R. 1215, the Green Chemistry Research and Development Act. I would like to thank the gentleman from Georgia (Mr. GINGREY) for his leadership on this important legislation which passed the House in the 108th Congress by an overwhelming vote of 402–14. In fact, I appreciate it so much I am sorry I didn't think of introducing the bill myself.

When I was a college student studying science, the only green chemistry I ever saw was the mold that grew on the neglected food in our dorm refrigerator. Today, we know that green chemistry is about doing chemistry cleaner and smarter in an environmentally sound way.

When businesses innovate by using green chemical processes, they cannot only save money, but also avoid the cost of cleaning up toxic pollutants, providing a safer work environment for their employees, and providing safer products to consumers. Everyone wins.

However, the adoption of green chemistry by the traditional chemical industry has been slow because there are only a few widely accepted processes and a shortage of trained experts in green chemistry. And for too long, the Federal investments in green chemistry research and development have been too small and two unfocused.

To provide that much-needed focus, H.R. 1215, the Green Chemistry Research and Development Act, will establish a research and development program to promote and coordinate Federal green chemistry, research, development, demonstration, education and technology transfer activities within the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

The program will support research and development grants including grants for university-industry-nonprofit partnerships, support green chemistry research at Federal labs, promote education through curricula development and fellowships, and serve as a green chemistry information resource.

H.R. 1215 does not authorize the expenditure of new money. Instead, the bill obtains funding for the program from sums already authorized to be appropriated at the four agencies involved.

H.R. 1215 is an important first step in focusing Federal support for green chemistry. It expands green chemistry education, develops more green chemistry processes, and modestly and responsibly increases the Federal investment in green chemistry.

The emphasis on both training the next generation of chemical professionals and retraining conventional chemists and chemical engineers is critical to innovation in the traditional chemical manufacturing sector.

I am pleased to support the Green Chemistry Research and Development Act. Again, I thank Mr. GINGREY for his hard work on this important piece of legislation, and I urge my colleagues to support H.R. 1215.

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

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

Mr. Speaker, I am pleased to support H.R. 1215, the Green Chemistry Research and Development Act. This legislation codifies the ongoing efforts throughout the Federal Government to encourage the development of products and manufacturing processes that are safer, contain fewer toxic compounds, and make better use of recycled materials. I am especially pleased that the bill includes my amendment to authorize a training program at the National Science Foundation. This new program creates partnerships between companies in the chemical industry and colleges and universities to provide professional development training to practicing chemists and chemical engineers in the use of green chemistry concepts and strategies.

During our committee's hearing on last year's version of this bill, it became clear that too few professionals in these fields are exposed to green chemistry in their undergraduate and graduate courses. This lack of training becomes an important barrier to the adoption and use of green chemistry in industrial products and processes.

The partnerships between the academic community and industry that this bill promotes will ensure the courses of study that are put in place are relevant to industry and are designed to provide practicing chemists and chemical engineers with the skills and knowledge they will need to employ green chemistry concepts in their work.

The requirement for cost sharing helps to reinforce the engagement and commitment of companies to the program.

H.R. 1215 provides a good starting point for a Federal effort to promote green chemistry. I urge Members to support this legislation.

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

Mr. EHLERS. Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Georgia, the author of the bill, Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, I rise today to support H.R. 1215, a bill that provides for the implementation of a Green Chemistry Research and Development program.

First, I want to take this opportunity to thank Dr. EHLERS, Mr. WU, Chairman BOEHLERT, Ranking Member GORDON, and all of the Science Committee members and staff who worked hard to bring this important bipartisan legislation through committee and to the House floor today.

Mr. Speaker, chemists can design chemicals to be safe just like they can design them to have other properties, like color and texture. As chemists design products and the processes by which those products are manufactured, they can and should factor in the possible creation of any hazardous by-products.

This technique of considering not only the process in which products are produced but also the environment in which they are created is the basic definition of green chemistry. It is a method of designing chemical products and processes that at the very least reduce the use or generation of hazardous substances.

Green chemistry represents an ever-growing field of science that is demonstrating much promise. This legislation gives Congress the opportunity to support these important efforts by encouraging additional research and enhanced collaboration.

I want to take a moment to outline several reasons why I believe my colleagues should support this legislation. The first is the simple fact that preventing pollution and waste from the start of a design process is often cheaper than cleaning it up later.

Developing new products and processes are an integral component of a variety of industries.

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Industries that span fabrics to fuel cells and the innovation created by this enhanced research will subsequently spur economic growth.

Mr. Speaker, since the heart of green chemistry is design processes that utilize as many benign materials as possible as well as designing them to be conducted at or near room temperature and pressure, working conditions and safety for our employees can be vastly improved.

Unfortunately, despite all the promise of green chemistry, the Federal Government invests very little in this area. This legislation allows coordination of Federal green chemistry research and development within several

Federal agencies such as the National Science Foundation, the Environmental Protection Agency, the National Institute of Standards and Technology, and the Department of Energy.

H.R. 1215 will encourage universities and academic institutions, as Mr. WU just mentioned, to train future workers in this exciting technology. This coordinated program will support research and development grants for partnerships between universities, industry and nonprofits. It will also promote education through curriculum development and fellowships that will collect and disseminate information about green chemistry.

Finally and most importantly, Mr. Speaker, H.R. 1215 is a fiscally responsible piece of legislation in step with the current reality of our budgetary constraints. This legislation funds these programs by obtaining sums already authorized to the above-mentioned agencies. It does not authorize the expenditure of any new money. Let me say that again. This legislation does not appropriate new funds but rather refocuses the budget of these agencies.

Chemical companies, pharmaceutical corporations, carpet and rug manufacturers and biotechnology businesses have endorsed H.R. 1215, showing a broad range of support for the merits of this legislation. All of these companies and corporations realize the advancement of green chemistry is a positive not only for their businesses but also our country's environment, our economy, and our Nation's health.

Mr. Speaker, I encourage my colleagues to vote for this innovative, insightful, and responsible piece of legislation that will show the American public that Congress and the business community are committed to preserving our Nation's environment.

Mr. WU. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself the balance of my time.

I am very proud of our system of free enterprise in America. It has led to a considerable amount of innovation in every area. But I find, surprisingly, once in a while tradition trumps innovation, and that is the situation that we have here with green chemistry.

I commend the gentleman from Georgia for offering this bill because, frankly, we have to wake up the chemical industry to this promising new field and overcome the tradition and take up the ideas of green chemistry.

In all the experience I have in viewing the cases where it has been used, we have had better products, less pollution, and the manufacturers make more money. There is no reason not to do it. It is just that we simply have to use innovation to break tradition.

So, Mr. Speaker, while the full potential of green chemistry has yet to be realized, H.R. 1215 will place us on the right path to reaching that potential.

I urge all my colleagues to support the Green Chemistry Research and Development Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Green Chemistry Research and Development Program is intended to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities.

1. Prevent waste: Design chemical syntheses to prevent waste, leaving no waste to treat or clean up.

2. Design safer chemicals and products: Design chemical products to be fully effective, yet have little or no toxicity.

3. Design less hazardous chemical syntheses: Design syntheses to use and generate substances with little or no toxicity to humans and the environment.

4. Use renewable feedstocks: Use raw materials and feedstocks that are renewable rather than depleting. Renewable feedstocks are often made from agricultural products or are the wastes of other processes; depleting feedstocks are made from fossil fuels (petroleum, natural gas, or coal) or are mined.

5. Use catalysts, not stoichiometric reagents: Minimize waste by using catalytic reactions. Catalysts are used in small amounts and can carry out a single reaction many times. They are preferable to stoichiometric reagents, which are used in excess and work only once.

6. Avoid chemical derivatives: Avoid using blocking or protecting groups or any temporary modifications if possible. Derivatives use additional reagents and generate waste.

7. Maximize atom economy: Design syntheses so that the final product contains the maximum proportion of the starting materials. There should be few, if any, wasted atoms.

8. Use safer solvents and reaction conditions: Avoid using solvents, separation agents, or other auxiliary chemicals. If these chemicals are necessary, use innocuous chemicals.

9. Increase energy efficiency: Run chemical reactions at ambient temperature and pressure whenever possible.

10. Design chemicals and products to degrade after use: Design chemical products to break down to innocuous substances after use so that they do not accumulate in the environment.

11. Analyze in real time to prevent pollution: Include in-process real-time monitoring and control during syntheses to minimize or eliminate the formation of byproducts.

12. Minimize the potential for accidents: Design chemicals and their forms (solid, liquid, or gas) to minimize the potential for chemical accidents including explosions, fires, and releases to the environment.

This bill provides for sustained support for green chemistry research, development, demonstration, education, and technology transfer through merit-reviewed competitive grants to individual investigators and teams of investigators, including young investigators.

The legislation includes grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations. Additionally, provisions provide for green chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories.

H.R. 1215 will establish an Interagency Working Group, which will include representatives from the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, the Environmental Protection Agency, and any other agency that the President designates. The Director of the National Science Foundation and the Assistant Administrator for Research and Development of the Environmental Protection Agency will serve as co-chairs of the Interagency Working Group. The Interagency Working Group shall oversee the planning, management, and coordination of the Program.

As part of the Program activities under Section 3, the Director of the National Science Foundation shall carry out a program to award grants to institutions of higher education to support efforts by such institutions to revise their undergraduate curriculum in chemistry and chemical engineering to incorporate green chemistry concepts and strategies.

It is important to encourage sustainable and environmentally sound research goals, and I encourage my colleagues to support this measure.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 1215, and I want to congratulate our colleague, Dr. GINGREY, for having introduced it. Dr. GINGREY was one of the most active and effective members of the Science Committee during the 108th Congress, and, while he is no longer with the committee, we continue to work closely with him on a variety of issues, including this green chemistry R&D legislation before us today.

There's really only one unfortunate thing about the green chemistry bill—and that is that none of us thought of doing this before. Green chemistry is such an obvious area on which to focus that it should be clear to anyone—and everyone—that more needs to be done in this field.

The majority of environmental protection laws passed by Congress focus on command and control activities—limiting the spread of pollutants, cleaning up waste, or assessing fines to polluters. These are all necessary approaches to environmental challenges. But I believe in the old adage—"an ounce of prevention is worth a pound of cure." If we reduce to ounces the quantity of toxic chemicals we use and produce in the first place, then we won't have to worry as much about cleaning up pounds of toxics downstream.

But while the environmental benefits of applying this approach to our industrial processes are clear, green chemistry innovations provide more than just environmental benefits—they can save companies money and give them a competitive edge as well. With the right ideas applied in the right areas, green chemistry is truly a win-win strategy.

A good example is the work of Pfizer, which won a 2002 Presidential Green Chemistry Challenge Award for redesigning the manufacturing processes used to produce the anti-depression drug "Zoloft." By applying green chemistry principles to the manufacture of Zoloft, Pfizer was able to eliminate 730 metric tons of toxic chemicals from the production process. The result: improved worker and environmental safety, reduced energy and water use, and a doubling of overall product yield that contributed significantly to the economic bottom line.

This is just one example. There are dozens of other creative and exciting environmental solutions that are being driven by the application of green chemistry principles. Companies like Dow, DuPont, and Kodak are leading industry into a new era of the way it thinks about chemical and manufacturing processes.

And with a relatively small amount of Federal effort, we can leverage industry efforts and significantly accelerate development and application of green chemistry solutions.

This bill does just that. It takes a sensible, targeted approach to putting some Federal dollars behind green chemistry pollution prevention efforts. It builds on existing programs at a number of Federal agencies to transform those small and scattered efforts into a focused, coordinated, and enhanced national program.

The result of that program should be the generation and dissemination of new ideas and new people, leading to the adoption of more green chemistry practices and the creation of more green chemistry products, by industry.

Now I know some would like this bill to go further. And there's no doubt that there are additional barriers to green chemistry that the government action could help attack. But those government actions are complex and controversial and should be taken up in other bills.

For now, let's take care of first things first. Let's make sure that the government is doing everything possible to ensure that green chemistry research and development is getting the attention it deserves, to ensure that education programs are designed to teach more students and practicing chemists and chemical engineers about green chemistry, and to ensure that new ideas are broadly disseminated.

This is a thoughtful and effective piece of legislation that takes a step we should have taken long ago—making sure that government R&D and education programs promote the kind of chemistry that is in the national interest.

I urge everyone to support Dr. GINGREY's bill.

Mr. EHLERS. 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. EHLERS) that the House suspend the rules and pass the bill, H.R. 1215, 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.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5136) to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities, as amended.

The Clerk read as follows:

H.R. 5136

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 "National Integrated Drought Information System Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) DROUGHT.—The term "drought" means a deficiency in precipitation—

(A) that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) substantial physical damage or injury to individuals, property, or the environment.

(2) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

SEC. 3. NIDIS PROGRAM.

(a) IN GENERAL.—The Under Secretary, through the National Weather Service and other appropriate weather and climate programs in the National Oceanic and Atmospheric Administration, shall establish a National Integrated Drought Information System.

(b) SYSTEM FUNCTIONS.—The National Integrated Drought Information System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public,

in order to engender better informed and more timely decisions thereby leading to reduced impacts and costs; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions;

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system; and

(3) build upon existing forecasting and assessment programs and partnerships.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $11,000,000 for fiscal year 2007;
(2) $12,000,000 for fiscal year 2008;
(3) $13,000,000 for fiscal year 2009;
(4) $14,000,000 for fiscal year 2010;
(5) $15,000,000 for fiscal year 2011; and
(6) $16,000,000 for fiscal year 2012.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5136, as amended, the bill now under consideration.

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

There was no objection.

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

Today, I rise in support of H.R. 5136, the National Integrated Drought Information System Act. I would like to thank Mr. HALL and Mr. UDALL for their leadership on this important legislation. It is truly a bipartisan bill in every way.

Drought is a pernicious disaster. It can creep up on you in the form of pleasantly cloudless days. But once it has arrived it can destroy livelihoods, damage valuable ecosystems, and even threaten human health. The National Oceanic and Atmospheric Administration, better known as NOAA, estimates that we lose approximately $7 billion each year to this slowly emergent but devastating natural disaster. In 2002, drought killed over three-quarters of all of the Christmas tree saplings in my home State of Michigan. In 2005 and 2006, drought left 60 Michigan counties eligible for the U.S. Department of Agriculture relief programs. And my State got off easy.

Since we cannot manufacture more water, our best defense against this creeping threat is knowledge. We must provide clear and accurate warnings of coming droughts so that we can seek appropriate solutions and take appropriate action. Drought information should include enough details to make it useful to the people who work so hard to manage water resources and minimize the effects of drought on our daily lives. The National Integrated Drought Information System Act seeks to provide just that kind of information.

This bill authorizes the National Integrated Drought Information System, or NIDIS, in NOAA. The system would include a comprehensive drought forecasting and monitoring system and the research and development programs to support it. The bill requires NIDIS to build upon existing forecast and monitoring efforts and to do so in broad consultation with relevant Federal, State, tribal, and local agencies, as well as public and private organizations. H.R. 5136 emphasizes the importance of timely, preferably real-time, drought-related information that reflects local and regional differences in drought conditions.

In summary, this bill gives farmers, utilities, forest managers, waterway operators, tourism companies, reservoir managers, and the general public the tools they need to make thoughtful and informed choices about how to limit the impact of drought on our economy, our environment, and our quality of life.

I am pleased to support H.R. 5136, the National Integrated Drought Information System Act. Again, I commend Mr. HALL and Mr. UDALL for this important and bipartisan legislation; and I urge all my colleagues to support H.R. 5136.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support H.R. 5136 with my colleague from Texas, Judge Hall. H.R. 5136 authorizes NOAA to establish a National Integrated Drought Information System to provide an early warning system to enable State and local governments to take steps to mitigate the effects of drought.

Drought is as devastating to our lives and our economy as other severe weather events. In recent years, the western United States has experienced severe drought conditions. The impacts of drought are costly in both lives and dollars. Drought conditions set the stage for wildfires, crop failures, decline in recreation and tourist activities, impacts on hydropower production, and other harmful effects.

And unlike other severe weather events, Mr. Speaker, drought conditions emerge over a long period of time. Reduced rain and snowfall deplete moisture in the soil, reduce the level of reservoirs, and reduce the flow in rivers. NOAA's current Drought Monitor and drought prediction efforts have provided information to assist with drought planning and mitigation, but I believe we can and should do more.

We need a more refined information system on a seasonal and long-term basis about the severity and persistence of drought conditions to better tailor drought mitigation plans at the regional and local levels. H.R. 5136 will also facilitate the consolidation of drought-related information in one location, providing the public and decision makers at all levels a single point of access for information on drought.

I want to thank Chairman BOEHLERT and Chairman EHLERS for their support of this legislation. In particular, again, I want to mention my good friend, the senior member from Texas, Judge HALL, for his leadership; and I would urge all Members to support this effort to improve our ability to deal with the impacts of drought.

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

Mr. EHLERS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Texas, the cosponsor of this bill, Mr. HALL.

Mr. HALL. Mr. Speaker, I rise today, of course, in support of the bill to create a National Integrated Drought Information System, and I thank Mr. EHLERS for his very capable handling of the bill. And I thank Mr. UDALL, anybody by the name of Udall stands for honor to me and has for many, many years, for his cosponsorship of the bill.

I am very pleased that the House has agreed to vote on this legislation, because it is important to nearly every State in our union. In our home State of Texas, drought is absolutely decimating crops and the economy. The total direct losses from drought in Texas are now at $4.1 billion for the year, and the broader economic damages from this drought bring the price tag to over $8 billion. My own home district in northeast Texas is experiencing the most severe damage statewide from the drought. In Missouri, farm ponds have been drying up in record numbers; and in Oklahoma the wheat crop rated 58 percent poor to very poor. It is undeniable that droughts have devastating impacts on our society.

While we cannot stop nature, we can do a better job, I think, of predicting, monitoring, and mitigating the problem. Currently, the drought system we have only provides limited help to local water managers and others concerned with drought, because the information is not sufficiently accurate, it is not thorough, or it is not up to date. Our Nation approaches droughts through crisis management, rather than through proactive solutions to manage the problem. The resources that are available to monitor droughts are very general in nature and only offer regional-scale data. Moreover, the data is not circulated in a way that is accessible on the local level by farmers and other interested parties.

The bill before us today addresses these shortcomings. By creating a comprehensive drought information system, we enable our local, State, and national leaders to be more proactive in their approach to droughts. This bill establishes an integrated system and designates NOAA as the lead agency. NOAA will coordinate with local, State, and Federal entities to create a comprehensive network of drought information and provide decision makers with the best tools to manage our resources. NOAA will do this by building a national drought monitoring and forecasting system, create a drought early warning system, provide an interactive drought information delivery system, and designate mechanisms for improved interaction with the public.

The NIDIS initiative will hopefully improve our analysis of conditions, provide us with more accurate seasonal forecasts, and equip us with a better understanding of climate interactions that produce droughts. I am pleased that organizations like the Farm Bureau, the Western States Water Council, and the Western Governors Association have supported this legislation.

Please join me in supporting this vital and important initiative.

Mr. BOEHLERT. Mr. Speaker, today I rise in support of H.R. 5136, the National Integrated Drought Information System Act. Drought may seem like something that is easy to detect but hard to do anything about. But that turns out to be wrong on both counts. It's tricky to figure out when a drought is developing; but if one knows a drought is on its way, one can take thoughtful steps to change water use to mitigate drought's often severe economic—and environmental—consequences. So we need to pay more attention to this costly phenomenon, and Mr. HALL's bill, building on existing Federal efforts, will enable us to improve drought forecasting and monitoring, which will save billions of dollars. While apple growers in my State are doing well today, they faced expensive and debilitating drought just 4 years ago, and will face it again in the future. In fact, in the last 5 years, every State in our Nation has faced drought. This bill will give all of our States the tools they need to reduce the impacts of future droughts.

I am pleased to support H.R. 5136, the National Integrated Drought Information System Act. I commend Mr. HALL and Mr. UDALL for this important and bipartisan legislation, and I urge my colleagues to support H.R. 5136.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5136, the National Integrated Drought Information System Act of 2006.

The National Integrated Drought Information System within the National Oceanic and Atmospheric Administration is intended to improve drought monitoring and forecasting capabilities.

Droughts can lead to a deficiency in surface or subsurface water supplies, including rivers, streams, wetlands, ground water, soil moisture, economic or social impact, as well as substantial physical damage or injury to individuals, property, or the environment.

A drought is defined as "a period of abnormally dry weather sufficiently prolonged for the lack of water to cause serious hydrologic imbalance in the affected area." The worst drought in 50 years affected at least 35 States during the long hot summer of 1988. In some areas the lack of rainfall dated back to 1984. In 1988, rainfall totals over the Midwest, Northern Plains, and the Rockies were 50–85 percent below normal. Crops and livestock died and some areas became desert. The economic and environmental impact is clear, and this legislation addresses a direct need.

This legislation establishes the National Integrated Drought Information System in order to provide an effective drought early warning system that acts as a comprehensive system that collects and integrates information on the key indicators of drought. The goal is to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts.

Ideally, this information network would communicate drought forecasts, drought conditions, and drought impacts on an ongoing basis to decisionmakers at the Federal, regional, State, tribal, and local levels of government, as well as to the private sector and the public.

I urge my colleagues to support this measure.

□ 2300

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

Mr. EHLERS. Mr. Speaker, I am very pleased to urge all of my colleagues to support the National Integrated Drought Information System Act. I urge them to vote for it, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 5136, 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.

RECOGNIZING THE DEDICATION OF THE EMPLOYEES AT THE STENNIS SPACE CENTER

Mr. HALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 948) 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.

The Clerk read as follows:

H. RES. 948

Whereas, during Hurricane Katrina, some 3,700 persons (including employees, their immediate and extended families, and members of the general public), sought shelter at the Stennis Space Center;

Whereas the Stennis cafeteria, which normally serves about 175 breakfasts and 600 lunches each day, served 3,000 meals 3 times a day to evacuees, for a period of a week following the storm;

Whereas before, during, and in the immediate aftermath of the storm, the small staff of the Stennis Medical Clinic provided medical care to all who needed it among the evacuees onsite, including some 20 special needs patients, and soon after the storm, the Stennis clinic staff was complemented by medical personnel airlifted from other National Aeronautics and Space Administration Centers;

Whereas, although commercial electrical power was not available to Stennis for 10 days following the storm, electrical power was maintained to all essential buildings through the extensive use of diesel-powered generators and the around the clock efforts of a team of individuals who mechanically maintained those generators and kept them fueled, also enabling the pumps on Stennis' deep-water wells to provide a continuous supply of potable water for drinking, cooking, and sanitation to support the 3,700 people onsite;

Whereas a team of employees in the Stennis rocket propulsion test complex protected the health of all test infrastructure, employing innovative methods to ensure an uninterrupted supply of purge gases to all required facility infrastructure and test hardware, failure of which would have resulted in untold millions of dollars of new costs to clean, purge, and recertify these facilities for Space Shuttle Main Engine and other propulsion system testing;

Whereas for 10 days following the storm, logistical support (including food, water, medical supplies, and personnel exchange) of the National Aeronautics and Space Administration Michoud Assembly Facility in New Orleans was provided via helicopters operating from the Stennis Space Center, along with helicopters, and flight crew and security personnel, from the Marshall Space Flight and Kennedy Space Centers; and

Whereas, immediately following the storm, Stennis Space Center facilitated the use of its property as the site of the Federal Emergency Management Agency's Incident Command Center serving a 6-county area along the Mississippi Gulf Coast, and Stennis served as the central distribution hub for disaster response supplies to those same counties, including, during the nearly 2-months of Federal Emergency Management Agency relief operations at Stennis, distributing more than 7,600,000 gallons of water, 41,000,000 pounds of ice, and 3,500,000 MREs (meals-ready-to-eat) to devastated areas via the Stennis Space Center hub: Now, therefore, be it

Resolved, That the House of Representatives commends the dedication of the employees who stayed behind 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, including Cheryl Bennett, James Bevis, Terry Bordelon, Steve Brettel, Vicki Brown, Bill Brumfield, Kirt Bush, Paul Byrd, Ethan Calder, Marla Carpenter, David Carstens, Jonathan Clemens, Eric Crawford, Cheri Cuevas, John Davenport, David Del Santo, Isaac DeLancey, Jim Freeman, Greg Garrett, Dave Geiger, Stan Gill, Don Griffith, Haynes Haselmaier, Coby Holloway, Gay Irby, Manning ''JJ'' Jones, Catriona Ladner, David Ladner, Richard Ladner, Stanley Lee, Michelle Logan, Ron Magee, Sharlene Majors, Steve McCord, Pat McCullough, Michael McDaniel, Mike McKinion, Kirk Miller, John Mitchell, Ron Moore, David R. Oakes, Kevin A. Oliver, Alan Phillips, John Nick Pitalo, Allen Price, Porter Pryor, Margaret Roberts, Miguel Rodriguez, Jason Saucier, Dale Sewell, Donald Seymore, Kathy Slade, Sue Smith, David Throckmorton, Karen Vander, John Waquespack, Rodney Wilkinson, Robert Williams, and Michael J. Witt.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 948, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 948, a resolution recognizing the stalwart NASA employees who performed beyond their day-to-day duties to establish the Stennis Space Center as a logistical emergency center for a large region of the southern Mississippi coast leading up to, during, and in the aftermath of Hurricane Katrina.

The Stennis Space Center's runway, which served all of southern Mississippi, as well as the New Orleans area, was cleared within a day. This alone allowed flights with food stuffs, generators and medical supplies to land and also allowed for the medical evacuation of storm survivors.

Nearly 3,700 persons, including employees and their families, as well as the local public sought refuge at the Stennis facility for weeks following the disaster. Despite this overwhelming tragedy, the employees at the Stennis factory were back to work and excited about their upcoming role in the Vision For Space Exploration.

Excitement about their work and about the future shows the drive and ingenuity of the American people at its best. I want to join in expressing my admiration for those exceptional people who showed the strength and the spirit of America.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

I want to speak in strong support of this resolution, 948, which is a resolution that honors the dedication of the employees of the National Aeronautics and Space Administration's Stennis Space Center, who stayed at their posts during Hurricane Katrina and protected critical space program assets.

In addition, they provided shelter and medical care to storm evacuees, and they provided logistical support for storm recovery efforts.

Mr. Speaker, as you may recall during late August of last year, Hurricane Katrina severely assaulted southeast Louisiana and the Mississippi coast, resulting in massive damage and the evacuation of large numbers of citizens.

Yet, in the midst of the storm there were countless examples of heroism. One example is the way in which employees of the Stennis Space Center stayed and protected the facility instead of fleeing the area.

These great Americans deserve our thanks and praise for their dedication to working to preserve Stennis during Hurricane Katrina's passage through the region.

Among their accomplishments was the protection of critical test infrastructure at the rocket propulsion text complex. The Stennis Space Center plays an important role in the United States space program. By risking their own lives, these brave individuals ensured that the Center was preserved as a viable facility in spite of the devastation wrought by this Hurricane.

But these individuals are also worthy of recognition for their efforts to assist their fellow citizens who were affected by the storm. During the hurricane, almost 3,700 people took refuge at the center. The employees who remained helped feed, provide medical care and maintain electrical power for all of those on site. The space center also served as the site of the Federal Emergency Management Agency's incident command center for the parts of the Gulf Coast impacted by Katrina.

In short, without the dedication of the employees listed in the resolution before us today, the consequences of Katrina's passage through the region would have been far worse. Mr. Speaker, it is only fitting and proper that we

honor those brave individuals for their heroic deeds. I strongly urge the passage of House Resolution 948.

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

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

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as he may consume to my good friend, Congressman TAYLOR, from the coast of Mississippi who firsthand experienced the effects of Hurricane Katrina, and who himself is a hero for the way he stood tall and was there on the ground helping people who were affected by the Hurricane.

I think it is only suitable and only proper that Congressman TAYLOR shares his point of view with us.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me being by thanking my colleagues in the Mississippi and Louisiana delegations for cosponsoring this.

Mr. Speaker, I could spend the remainder of this year's session naming south Mississippians who on an individual basis rose to the occasion and performed heroic deeds. Tonight we want to thank the employees of the Stennis Space Center for the phenomenal job they did in Hancock County, a county that 90 percent of the homes were either destroyed outright or severely damaged, a county where the vast majority of it was underwater for at least a substantial portion of the day.

Mr. Speaker, one of the interesting sidelights, my colleague and friend, Congressman HALL mentioned, the Stennis Space Center runway, a 10,000 runway that was open the next day after the storm in order to bring in vital supplies.

What the Congressman probably would never guess is that the person who opened that runway was the 13-year-old son of the airport manager, a young man by the name of Billy Cotter. His family had lost their home in Bay St. Louis. Knowing that the home was gone, they had gone out to the Stennis Space Center, moved into the dad's office. The dad's office had taken about waist-deep water, had about 6 inches of mud on the floor.

And realizing that that runway was the vital link in a county that almost all of the bridges coming to and from it had been destroyed, 13-year-old Billy Cotter hops on the street sweeper, gets out there, and the next day cleared the runway of, I am told, snakes, branches, trees, and had the runway up and running by Tuesday afternoon, which is absolutely remarkable for anyone, but in particular a young boy.

A reporter passes through the next day, and in trying a write a good news story of Katrina, looks over and notices that the helicopter that he was traveling in was being refueled by this little kid. And thinking it is pretty remarkable, goes up and hands the kid a $20 bill. The kid runs over to the refueling truck, opens the door and his pet dog is sitting in the driver's seat.

The kid is so thrilled to get the $20 bill, he shows the 20 to the dog. And of course OSHA and every other agency of occupational safety in America probably would have gone berserk.

But again here is Billy Cotter, 13 years old, running the street sweeper, refueling helicopters that are bringing in the life-saving goods. Billy really epitomizes the work that was going on out there, and the people pitching in doing what had to be done.

Mr. Speaker, the other person I want to mention also, in addition to great work of Stennis employees, on the day after Easter, a convoy of the 155th Mississippi National Guard was attacked in Iraq.

One of the drivers, a young Mississippi State student who had been activated for the war, a fellow by the name of William Brooks was severely wounded, lost both legs. He spends a lot of time at Walter Reed.

In the course of that, I had asked the folks at Mississippi State University if William was up to it, if he would do an internship, would they give him credit for his studies. For whatever reason, William chose not to take me up on that offer until the day after the storm.

The day after the storm, after many months of recuperating at Walter Reed Hospital, William finds some money for a cab fare, has the cab bring him to Capitol Hill, shows up at my office, says something to my staff that is kind of overwhelmed at this point, and says: ''I figured you all could use some help.''

And for the next couple of weeks, since the phones are down in Mississippi, and when a Mississippian can finally get to a phone and make a call looking for some assistance, almost all of those calls came to the Washington office.

Young William Brooks, who had been severely wounded in Iraq, was there answering the phone helping people. Again, I know the hour is late and I could tell 8,000 stories like that. But tonight we want to talk about the great work of the Stennis Space Center, so many of whom had lost their own homes, so many of whom retreated to the Space Center.

First thing, here is a place to take care of their families, but then pitching in and taking care of approximately 4,000 other south Mississippians who found themselves in the same predicament. So we want to commend the staff at the Stennis Space Center, Admiral Donaldson, who was in charge of leading the space center at that time, and all of the people out there for doing a phenomenal job of taking care of themselves, their families and the people who had retreated to the Stennis Space Center looking for hope in the aftermath of the storm.

What is really remarkable about my fellow south Mississippians is that the extremely high percentage of people who had lost their own homes, be their firemen, policemen, civil servants, the airport manager, fill-in-the blank, but who kept going to work, taking care of others, knowing that there really was not much that they could do for themselves, but they were in a position to help someone else.

That is the kind of spirit that has gotten Mississippi going back in the right direction. We still have a heck of a lot of work to do, but because of the good work done by the folks at the Stennis Space Center, William Brooks, Billy Cotter and so many others in south Mississippi, we are at least heading in the right direction.

I thank you very much for bringing this bill to the floor.

Mr. HALL. Mr. Speaker, I just want to say that it hurts my heart to hear the story that Mr. TAYLOR has told us. And from the very first day he hit this Congress, I intercepted him, and he has been one of my dearest friends. Never knowing that he would go through the vicissitudes of nature and the hardships that they have undergone, we need still to have and invoke the power of prayer for those people and for the Taylor family. God bless you, GENE. Thank you for your testimony.

Mr. Speaker, we yield back the balance of our time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to associate myself with the comments of my good friend, Representative HALL. And I think I speak for him and every other Member of this body when I express the opinion that there is nobody that is more respected than Congressman TAYLOR.

And we are all in a sense examples of the people in our district. And when we watch and work with Congressman TAYLOR, we know that there are thousands of other people in his district that have integrity, that have a work ethic that makes us proud. And it is his leadership and his courage, I think Judge Hall would agree that have helped the Congress continue to do the right thing, although we have much more to do for the people of Louisiana and Mississippi to put things to right after this terrible natural disaster.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 948, recognizing the dedication of the employees at the National Aeronautics and Space Administration's Stennis Space Center.

I cannot honor and commend these employees enough for their heroism during and after Hurricane Katrina's assault on Mississippi. The Stennis Space Center employees provided shelter and medical care to storm evacuees and logistical support for storm recovery efforts, while effectively maintaining critical facilities at the center.

During Hurricane Katrina, some 3,700 persons, including employees, their immediate and extended families, and members of the general public, sought shelter at the Stennis Space Center.

The Stennis cafeteria, which normally serves about 175 breakfasts and 600 lunches each day, served 3,000 meals 3 times a day

to evacuees, for a period of a week following the storm.

Before, during, and in the immediate aftermath of the storm, the small staff of the Stennis Medical Clinic provided medical care to all who needed it among the evacuees onsite. This included some 20 special needs patients, and soon after the storm, the Stennis clinic staff was complemented by medical personnel airlifted from other National Aeronautics and Space Administration Centers.

Although commercial electrical power was not available to Stennis for 10 days following the storm, electrical power was maintained to all essential buildings through the extensive use of diesel-powered generators and the around the clock efforts of a team of individuals who mechanically maintained those generators and kept them fueled. This also enabled the pumps on Stennis's deep-water wells to provide a continuous supply of potable water for drinking, cooking, and sanitation to support the 3,700 people onsite.

These brave individuals include: Cheryl Bennett, James Bevis, Terry Bordelon, Steve Brettel, Vicki Brown, Bill Brumfield, Kirt Bush, Paul Byrd, Ethan Calder, Marla Carpenter, David Carstens, Jonathan Clemens, Eric Crawford, Cheri Cuevas, John Davenport, David Del Santo, Isaac DeLancey, Jim Freeman, Greg Garrett, Dave Geiger, Stan Gill, Don Griffith, Haynes Haselmaier, Coby Holloway, Gay Irby, Manning "JJ" Jones, Catriona Ladner, David Ladner, Richard Ladner, Stanley Lee, Michelle Logan, Ron Magee, Sharlene Majors, Steve McCord, Pat McCullough, Michael McDaniel, Mike McKinion, Kirk Miller, John Mitchell, Ron Moore, David R. Oakes, Kevin A. Oliver, Alan Phillips, John Nick Pitalo, Allen Price, Porter Pryor, Margaret Roberts, Miguel Rodriguez, Jason Saucier, Dale Sewell, Donald Seymore, Kathy Slade, Sue Smith, David Throckmorton, Karen Vander, John Waquespack, Rodney Wilkinson, Robert Williams, and Michael J. Witt.

Thank you, to all of these employees, for their selfless and honorable actions. I urge my colleagues to support this measure.

Mr. UDALL of Colorado. 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 Texas (Mr. HALL) that the House suspend the rules and agree to the resolution, H. Res. 948.

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

A motion to reconsider was laid on the table.

TO EXTEND TEMPORARILY CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6159) to extend temporarily certain authorities of the Small Business Administration.

The Clerk read as follows:

H.R. 6159

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

SECTION 1. TEMPORARY EXTENSION.

Any program, authority, or provision, including any pilot program, authorized under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) as of September 30, 2006, that is scheduled to expire on or after September 30, 2006 and before February 2, 2007, shall remain authorized through February 2, 2007, under the same terms and conditions in effect on September 30, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the bill simply extends all of the programs, including pilot programs, the authorities or provisions of the Small Business Act, the Small Business Investment Act, until February 2 of 2007.

□ 2315

Currently, the programs and authorities of the SBA expire in September on Saturday, September 30. Passage of this bill will continue to give the committee the time necessary to work on a more comprehensive SBA reauthorization during the rest of this session.

Many of the programs of the SBA do not operate under a direct appropriation. This includes the 7(a) general business loan guarantee program; the Certified Development Company program; and the Small Business Investment Company program. Passage of this bill will make it absolutely certain that there is no legal ambiguity as to whether or not the Federal Government can continue to guarantee these critical loans and debenture programs during the period of time covered by a continuing resolution.

In addition, this bill would extend the authority of the SBA to operate several smaller programs including grants to Small Business Development Centers to participate in the Drug-Free Workplace program; sustainability funding for Women Business Centers; a pre-disaster mitigation pilot program; the New Markets Venture Capital program; and BusinessLinc. It would also extend SBA's cosponsorship and gift authority, which enables the SBA to accept private donations to help put on events or print publications, thus saving the taxpayers precious dollars.

Mr. Speaker, this bill is quite simple. It contains the exact same language, with only the dates changed, that was signed into law four times in the 108th Congress when this House confronted the same problem 2 years ago in attempting to pass a comprehensive SBA reauthorization bill into law. Unfortunately, we are at an impasse today for nearly the same reasons.

I urge my colleagues to support H.R. 6159 so that our Nation's small businesses will see no interruption of service from the SBA over the next 4 months while Congress completes its work for the year.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and most of its programs. While these initiatives would have been extended with any the continuing resolution that the House will pass this week, this bill will extend the authorization to February of 2007.

It is unfortunate that after 2 years, and nearly 50 hearings in the committee, that the only legislation to address the issues at the SBA consists of eight lines of text. While this extension may not include any program changes, it in no way should reflect that the agency is without its problems.

In fact, over the past 2 years, many of the issues at the SBA have been exacerbated by a combination of budget cuts, mismanagement and the inability to adequately respond to the needs of small businesses.

In the last few years, SBA loan programs have grown more expensive to borrowers because of an increase in fees that are being paid by small businesses. We have also seen the problems in our Federal contracting system grow worse for small firms. This year alone, $12 billion in Federal contracts that should have gone to small businesses went to large corporations.

The situation in the gulf coast also revealed that the SBA has serious structural and management problems related to its disaster loan program. Over a year after Hurricane Katrina, just over $2 billion of the $10 billion in approved disaster loans for Katrina victims had been disbursed.

At a time when small businesses are faced with an economic environment that is less than certain, I believe that we should be doing more to help these entrepreneurs. The SBA has a role in improving the climate for small businesses, and Congress has a duty to give them the tools to do just that.

While this legislation will ensure that many of the successful programs can continue to operate, it does fail to extend key provisions that serve veterans and low-income populations. We should be extending all of the initiatives, not picking and choosing.

I am disappointed that Congress will not improve the operations at the SBA, and it is my hope that the committee in the next Congress will act quickly to rectify this

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

Mr. MANZULLO. Mr. Speaker, I have no further people that are going to be speaking, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 6159.

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.

REAPPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of December 18, 2005, the Chair announces the Speaker's reappointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Ms. KILPATRICK, Michigan.

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.

SRI LANKA CONFLICT SURGES

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, we are on the verge of a full-scale war in Sri Lanka. The 2002 cease-fire agreement and the peace process in Sri Lanka between the government and the Liberation Tigers of Tamil Ealam, LTTE, is essentially nonexistent. The violence is escalating and thousands of Sri Lankan civilians are suffering.

These past few months have resulted in nearly 2,000 deaths with more than 200,000 displaced persons. The fighting has also blocked access to essential supplies for many parts of the northeastern province, cutting off more than 60,000 Sinhalese, Muslims and Tamils from water.

This sinister cycle of war, cease-fire and then more war is not effective. Each side blames the other side and the situation is only getting worse.

Hostilities must end and violence must not be the means for resolving ethnic conflict. All efforts must be focused on restoring and sustaining peace, and both parties must swallow their pride for the sake of their Nation.

Norway and the co-chairs of the Tokyo Donors' Conference, which includes the United States, have called for a return to unconditional negotiations in October. This return to the negotiating table is critical, and I am fully supportive of this effort. Both parties must guarantee the safety of its citizens, aid workers and peace monitors. Meanwhile, the LTTE must denounce terrorism as a means to its political aspirations.

Mr. Speaker, I strongly believe the majority of people in Sri Lanka would be in favor of a democratic solution to the conflict. The political challenges cannot be resolved through war, and that is clear.

In June, U.S. Assistant Secretary of State for South and Central Asian Affairs, Richard Boucher stated ''though we reject the methods that the Tamil Tigers have used, there are legitimate issues raised by the Tamil community and they have a legitimate desire to control their own lives, to rule their own destinies, and to govern themselves in their homeland.''

I echo this sentiment and support a solution that retains Sri Lanka's unity. Yet, it should grant a level of autonomy to ethnic minorities like the Tamils. We have seen very similar successful situations throughout the world. Places like Quebec in Canada, Wales and Scotland in Great Britain are all part of their Federal Nations but have significant autonomy.

Mr. Speaker, the situation in Sri Lanka is certainly not getting any better. As we have seen over the past few months, international monitors are leaving the country, scared for their well-being. The United Nations has threatened to revoke its international aid. If this pattern of violence continues without pursuit of a political solution, the international community may completely rescind its support.

Mr. Speaker, I strongly urge both sides to recommit to the process of sustaining peace in Sri Lanka. The devastating effect this is having on the civilian population of the country is not just. It is up to both parties to find a way to ensure the safety and security of all the people of Sri Lanka

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

TRIBUTE TO GOLF LEGEND BYRON NELSON

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to speak out of order and address the House for 5 minutes.

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

There was no objection.

Mr. BURGESS. Mr. Speaker, today north Texas and indeed the country lost a great, great man, the legendary golfer and humanitarian Byron Nelson. He passed away at the age of 94 at his home in Roanoke, Texas, where he lived with his wife Peggy on 11 Straight Lane, a road that was named for his year of 1945 when he won 11 straight golf tournaments.

Like all Americans, I am saddened by the news of the death of Byron Nelson. He was indeed the best of men and he was a gentleman to all. His strength of character and generosity to others set him apart.

Mr. Nelson's accomplishment as a professional golfer are as impressive as his golf swing. There is a reason why he is the only PGA professional golfer that has a PGA tour named in his honor, the EDS Byron Nelson Championship.

Mr. Nelson won 54 career victories, including winning two Masters, two PGA championships and the U.S. Open in 1939. He is one of only two golfers to be named Male Athlete of the Year twice by the Associated Press, and the World Golf Hall of Fame honored Mr. Byron Nelson in 2004 by featuring an exhibit entitled, ''Byron Nelson: A Champion . . . A Gentleman.''

While Lord Byron has obtained the status as a world class athlete, it is his humanitarian efforts that are truly first class, Mr. Speaker. He is a champion for the underprivileged and has given his time, his talents and his funds to make this a better world for those who are not as well off.

Byron Nelson and the EDS Byron Nelson Championship have raised well over $100 million for the Salesmanship Club Youth and Family Centers, a nonprofit agency that provides education and mental health services for more than 2,700 children and their families in the greater Dallas area.

Additionally, the Byron and Louise Nelson Golf Endowment Fund has provided over $1.5 million in endowment funds to Abilene Christian University in Abilene, Texas.

Another example of his service is his dedication to the Metroport Meals on Wheels which provides daily, home-delivered, hot lunches for the frail, elderly and chronically ill residents in his area around Roanoke, Texas, where he lived with his wife Peggy. Byron Nelson has been an active honorary chairman of that group since 1992.

Some of our local papers in the north Texas area talked about Byron Nelson in their on-line editions for tomorrow. The Fort Worth Star-Telegram quoted Byron Nelson, ''I have not ever said that I want to live to this age or that age,'' he said. ''I don't believe in doing that. I'm going to try and maintain myself in a way that I'm up and able to move about and participate in things going on in my life. My heart is good. My cholesterol's good.''

Earlier this year, many Members of this House will remember that we carried a bill to honor Byron Nelson with a Congressional Gold Medal. It is ironic that today I learned that the medal bill which passed the House last May had indeed received the requisite 67 cosponsors on the Senate side and may well be acted upon soon. I am very fortunate to have spoke with Mr. Nelson as recently as late last week and informed him of the fact that we did indeed seem to have the Senate cosponsorships necessary to get the Congressional Gold Medal bill done for him. He was very humbled by that, and in fact, he asked, ''Well, Congressman, what can I do to help you?'' And I said, ''Mr. Nelson, you just stay strong for me.''

Well, unfortunately, it did not occur that Mr. Nelson was still alive when he got that gold medal, but I do believe in his heart he knew that this Congress was indeed going to honor him.

Dallas Morning News, in their lead editorial for tomorrow morning, ''Lord Byron: He was a rare golfer and humanitarian,'' leads off with the comment: ''What was remarkable about Byron Nelson's life was that the late golfer remains a household name, especially in north Texas, six decades after retiring from an active career on the PGA tour.''

Mr. Speaker, Mr. Nelson retired in the early 1950s. Indeed, Mr. Nelson was not my sports hero; he was my mother's sports hero. He truly transcended generation after generation of north Texans, and he and his wife, Peggy, have given back so much to the citizens in our area.

□ 2330

The Channel 8 news this evening, in their evening broadcast, had a small clip of Byron Nelson in his famous chair there at his home and ranch in Roanoke, Texas, saying, ''I just wanted to live my life good enough that one day I could get into heaven.'' Dale Hansen, the sportscaster who was monitoring the broadcast, finished up with, ''Mr. Nelson, you did and you will.''

I believe him to be correct. Mr. Nelson, we honor your life and your service. Godspeed. We will see you at the top.

GLOBAL TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, President George Bush, in creating fear about terrorists in the American people rather than understanding, often says, ''If we don't fight terrorists over there, we will have to fight them right here.'' He never bothers to explain in detail who the terrorists are or what motivates them or how his policies are creating more of them. The President's explanations are too simplistic, and they are wrong.

The President tried to convince us if we got Saddam Hussein and brought him to justice the battle for peace in the Middle East would take a favorable turn. Indeed, the opposite has happened as Iraq descends into chaos. Indeed, despite the military firmness and bravery of our soldiers, the Iraq war has actually failed politically by failing to win the hearts and minds of the people.

Equally bad, the Iraq war has strengthened Iran and those loyal to it. By removing Saddam Hussein as a counterweight to Iran, President Bush has left a vacuum now being filled by increasingly radicalized Shia populations and disillusioned Sunnis. The Shia and Kurd factions inside Iraq and the outnumbered Sunnis are now at one another's throats. Great instability is being created in a region where rising religious fundamentalism, unleashed by Saddam's ouster, is the glue that is binding a rising revolution of expectations by formerly suppressed populations.

The President's own White House was forced this week to declassify an intelligence report that I am going to put in the RECORD. This is a summary, called ''Trends in Global Terrorism, a National Intelligence Estimate,'' and this report says the Iraq war is shaping a new generation of terrorists.

Anyone who knows anything about what is causing rising levels of hatred against the United States in the Middle East would have anticipated this eventuality. The key question the President and we must address and face is, why do his policies yield more and more terrorists who want to harm us, and harm us in many places beyond the boundaries of Iraq and Afghanistan?

The complete story will show terrorists will continue to plot ways to harm America because more than wanting to come here, although some of them are capable of doing that, they want America and American influence out of their countries and regions. They want us out of there more than they want to come here.

Rather than striking fear in the American people, the President ought to do more to explain the forces creating this anti-American and anti-Western sentiment across those troubled regions. Which American interests have caused this antagonism to our Nation? An important question to answer. In what countries has this hatred been fomented? Another important question to answer. And what is the face there of America that is hated more and more?

Let me suggest part of that face involves U.S. oil alliances in cahoots with some of the most repressive and brutal regimes and leaders who hold down the potential of their own people. There is not a democracy over there, and we are totally reliant on all of those oil kingdoms.

Let me suggest that the presence of U.S. military bases that ensure the status quo of those repressive regimes doesn't help.

Let me suggest America is hated more because we are not viewed as being evenhanded at arriving at fair and just peace settlements between Israel and the Palestinians and their neighbors. We need to do a better job of cultivating evenhanded diplomacy in the region.

Let me suggest our U.S. popular culture and many of its excesses are regarded as abhorrent to the fundamentalist legions that have gained even greater ascendancy after the disgusting and outrageous behavior by Americans at Abu Ghraib.

Let me suggest the U.S. now is being viewed by the multitudes of Muslims as fighting a religious war against Islam. President Bush made a huge blunder at the start of the Iraqi war by calling it a Crusade hearkening back to the Christian wars. His battle cry gaffe echoed across the Muslim world and became a rallying point for the opposition. How tragic and inappropriate.

Let me quote from a wise American voice who tries to enlighten about the roots of terrorism, rather than strike fear in our people:

Robert Baer, author of best selling book See No Evil, is a decorated CIA agent who put his life on the line for our Nation for three decades. He tries to build understanding about the conditions giving rise to terrorism. He defines our problem as larger than just a few men—like Bin Laden and Hussein—and their followers. He argues the reason animosity is growing against the U.S. is the result of much larger forces spanning several decades. To name but one element of the challenge we face—he discusses the Muslim Brotherhood.

The Muslim Brotherhood was an amorphous, dangerous, unpredictable movement that shook every government in the Middle East to its bones. Founded by an Egyptian, Hasan Al-Banna, in 1929 it was dedicated to bringing the Kingdom of God to earth. The Egyptian Muslim Brothers had unsuccessfully tried to kill Egyptian President Abdul Nasser. The Syrian branch had tried to kill Syrian President Hafiz al-Asad a couple of times. In 1982, its followers seized Hama, a historic city in central Syria, provoking Asad into shelling them and Hama into the next life.

The Muslim Brothers are also distant cousins of the Wahabis of Saudia Arabia, the most puritanical sect in Islam. Underwritten by the Saudi royal family, the Wahabis spawned Osama bin Laden. They also served as the inspiration for the Taliban in Afghanistan and other radical Sunni movements. Many Muslims consider the Wahabis dangerous because they adopted the beliefs of Ibn Taymiyah, a 14th century Islamic scholar who condoned political assassination. Al-Jihad, the Egyptian fundamentalist who murdered Egyptian President Anwar Sadat relied on Ibn Taymiyah as justification for what they did.

Understanding the forces that generate terrorism is fundamental for solving it. The National Intelligence Report summarizes some of the essential steps our Nation must take to broaden our understanding of what it will take to break our dependence on oil regimes, resolve peace settlements that have been let languish, and form alliances that are broadly representative and democratic in their focus. The world needs more understanding, not fear, to counter terrorism.

Mr. Speaker, I am very sorry that my time is out. I will continue tomorrow with an additional statement including complementary remarks about the

book ''See No Evil'' by Robert Baer that gets the picture right.

The NIE report I referred to earlier is as follows:

NATIONAL INTELLIGENCE ESTIMATE—TRENDS IN GLOBAL TERRORISM: IMPLICATIONS FOR THE UNITED STATES

DECLASSIFIED KEY JUDGMENTS OF THE NATIONAL INTELLIGENCE ESTIMATE ''TRENDS IN GLOBAL TERRORISM: IMPLICATIONS FOR THE UNITED STATES'' DATED APRIL 2006

Key Judgments: United States-led counterterrorism efforts have seriously damaged the leadership of al-Qa'ida and disrupted its operations; however, we judge that al-Qa'ida will continue to pose the greatest threat to the Homeland and U.S. interests abroad by a single terrorist organization. We also assess that the global jihadist movement—which includes al-Qa'ida, affiliated and independent terrorist groups, and emerging networks and cells—is spreading and adapting to counterterrorism efforts.

Although we cannot measure the extent of the spread with precision, a large body of all-source reporting indicates that activists identifying themselves as jihadists, although a small percentage of Muslims, are increasing in both number and geographic dispersion.

If this trend continues, threats to U.S. interests at home and abroad will become more diverse, leading to increasing attacks worldwide.

Greater pluralism and more responsive political systems in Muslim majority nations would alleviate some of the grievances jihadists exploit. Over time, such progress, together with sustained, multifaceted programs targeting the vulnerabilities of the jihadist movement and continued pressure on al-Qa'ida, could erode support for the jihadists.

We assess that the global jihadist movement is decentralized, lacks a coherent global strategy, and is becoming more diffuse. New jihadist networks and cells, with anti-American agendas, are increasingly likely to emerge. The confluence of shared purpose and dispersed actors will make it harder to find and undermine jihadist groups.

We assess that the operational threat from self-radicalized cells will grow in importance to U.S. counterterrorism efforts, particularly abroad but also in the Homeland.

The jihadists regard Europe as an important venue for attacking Western interests. Extremist networks inside the extensive Muslim diasporas in Europe facilitate recruitment and staging for urban attacks, as illustrated by the 2004 Madrid and 2005 London bombings.

We assess that the Iraq jihad is shaping a new generation of terrorist leaders and operatives; perceived jihadist success there would inspire more fighters to continue the struggle elsewhere.

The Iraq conflict has become the ''cause celebre'' for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world and cultivating supporters for the global jihadist movement. Should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, we judge fewer fighters will be inspired to carry on the fight.

We assess that the underlying factors fueling the spread of the movement outweigh its vulnerabilities and are likely to do so for the duration of the timeframe of this Estimate.

Four underlying factors are fueling the spread of the jihadist movement: (1) Entrenched grievances, such as corruption, injustice, and fear of Western domination, leading to anger, humiliation, and a sense of powerlessness; (2) the Iraq ''jihad;'' (3) the slow pace of real and sustained economic, social, and political reforms in many Muslim majority nations; and (4) pervasive anti-U.S. sentiment among most Muslims—all of which jihadists exploit.

Concomitant vulnerabilities in the jihadist movement have emerged that, if fully exposed and exploited, could begin to slow the spread of the movement. They include dependence on the continuation of Muslim-related conflicts, the limited appeal of the jihadists' radical ideology, the emergence of respected voices of moderation, and criticism of the violent tactics employed against mostly Muslim citizens.

The jihadists' greatest vulnerability is that their ultimate political solution—an ultra-conservative interpretation of shari'a-based governance spanning the Muslim world—is unpopular with the vast majority of Muslims. Exposing the religious and political straitjacket that is implied by the jihadists' propaganda would help to divide them from the audiences they seek to persuade.

Recent condemnations of violence and extremist religious interpretations by a few notable Muslim clerics signal a trend that could facilitate the growth of a constructive alternative to jihadist ideology: peaceful political activism. This also could lead to the consistent and dynamic participation of broader Muslim communities in rejecting violence, reducing the ability of radicals to capitalize on passive community support. In this way, the Muslim mainstream emerges as the most powerful weapon in the war on terror.

Countering the spread of the jihadist movement will require coordinated multilateral efforts that go well beyond operations to capture or kill terrorist leaders.

If democratic reform efforts in Muslim majority nations progress over the next five years, political participation probably would drive a wedge between intransigent extremists and groups willing to use the political process to achieve their local objectives. Nonetheless, attendant reforms and potentially destabilizing transitions will create new opportunities for jihadists to exploit.

Al-Qa'ida, now merged with Abu Mus'ab al-Zarqawi's network, is exploiting the situation in Iraq to attract new recruits and donors and to maintain its leadership role.

The loss of key leaders, particularly Usama bin Ladin, Ayman al-Zawahiri, and al-Zarqawi, in rapid succession, probably would cause the group to fracture into smaller groups. Although like-minded individuals would endeavor to carry on the mission, the loss of these key leaders would exacerbate strains and disagreements. We assess that the resulting splinter groups would, at least for a time, pose a less serious threat to U.S. interests than does al-Qa'ida.

Should al-Zarqawi continue to evade capture and scale back attacks against Muslims, we assess he could broaden his popular appeal and present a global threat.

The increased role of Iraqis in managing the operations of al-Qa'ida in Iraq might lead veteran foreign jihadists to focus their efforts on external operations.

Other affiliated Sunni extremist organizations, such as Jemaah Islamiya, Ansar al-Sunnah, and several North African groups, unless countered, are likely to expand their reach and become more capable of multiple and/or mass-casualty attacks outside their traditional areas of operation.

We assess that such groups pose less of a danger to the Homeland than does al-Qa'ida but will pose varying degrees of threat to our allies and to U.S. interests abroad. The focus of their attacks is likely to ebb and flow between local regime targets and regional or global ones.

We judge that most jihadist groups—both well-known and newly formed—will use improvised explosive devices and suicide attacks focused primarily on soft targets to implement their asymmetric warfare strategy, and that they will attempt to conduct sustained terrorist attacks in urban environments. Fighters with experience in Iraq are a potential source of leadership for jihadists pursuing these tactics.

CBRN capabilities will continue to be sought by jihadist groups.

While Iran, and to a lesser extent Syria, remain the most active state sponsors of terrorism, many other states will be unable to prevent territory or resources from being exploited by terrorists.

Anti-U.S. and anti-globalization sentiment is on the rise and fueling other radical ideologies. This could prompt some leftist, nationalist, or separatist groups to adopt terrorist methods to attack U.S. interests. The radicalization process is occurring more quickly, more widely, and more anonymously in the Internet age, raising the likelihood of surprise attacks by unknown groups whose members and supporters may be difficult to pinpoint.

We judge that groups of all stripes will increasingly use the Internet to communicate, propagandize, recruit, train, and obtain logistical and financial support.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

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

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

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

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

The SPEAKER pro tempore. 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 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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

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

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

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

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

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

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.)

RESTORING FISCAL DISCIPLINE TO GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for half the remaining minutes prior to midnight as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, it is my understanding that we are going to get the rest of the minutes until midnight; that the other side did not plan to come, just a point of order, I guess, and you can tell us at the appropriate time when our time is up. We just want to thank you for the time that we have here this evening.

It is almost midnight at our Nation's Capitol in Washington, D.C., and yet, as members of the fiscally conservative Democratic Blue Dog Coalition, we are 37 members strong, and we are here on the floor of the United States House of Representatives because we believe the time has come to restore fiscal discipline and common sense to our Nation's government.

Today, the U.S. national debt is $8,538,760,336,803.43, and for every man, woman, and child in America, your share of the national debt is $28,564.23. As you walk the Halls of Congress, you will notice this poster outside the door of some Members of Congress, which signifies that they are members of the fiscally conservative Democratic Blue Dog Coalition, and each day this number, unfortunately, changes, and, unfortunately, each day this number goes up.

I am very pleased to be joined this evening by one of the founding members of the fiscally conservative Democratic Blue Dog Coalition, someone who has really been outspoken in the area of trying to restore fiscal discipline to our Nation's government and particularly been doing a lot of work in the area of accountability, being accountable for the taxpayers' dollars, and that is my friend Mr. JOHN TANNER from Tennessee. At this time I yield to the gentleman from Tennessee.

Mr. TANNER. I appreciate my colleague being here tonight, and I want to take a couple of minutes to talk about something that is not a political matter, really. It is a matter of our government: theirs, ours, Independents, Americans.

We have seen financial mismanagement of the assets of us all on a scale that really I don't remember in any history book of American history since this country was founded. Look, this is not something that is easy to talk about, because everyone who is in public office wants to give good news to people. We all have to run for elections, and one can't really run for an election talking about doom and gloom or about financial mismanagement. People want to hear uplifting things, people want to have hope, people want to hear, as I do, that things are going to get better. But, unfortunately, things are getting worse, and they are getting worse by the minute. That chart that you have has already changed. We are borrowing almost $1 million a minute, as we stand here tonight.

You know, under our system of government, we have an executive branch, we have a judicial branch, and we have a legislative branch. The legislative branch is supposed to make the law, the executive branch is supposed to execute the law, or carry it out, and the judicial branch is to interpret the law. Well, we have a breakdown. The legislative branch in the last 5½ years has abdicated completely its responsibility to oversee the money that is taken away from the citizens of this country involuntarily in the form of taxation.

The tax laws are written right here, in this room and on the other side of the Capitol in the Senate, and they are appropriated to the executive branch to be spent, hopefully on behalf of the citizens of this country. What we have seen, according to the September 6 GAO report, that is, the General Accounting Office report, is a complete abdication of any financial responsibility.

As a businessperson, one looks at the government of the United States and one sees a failing business. Not only is it failing because we continue to borrow massive amounts of money in my name and yours and everybody else's around here as a citizen of this country, but Congress, this Congress is not even asking this administration what did you do with the money. And if they asked the administration, the administration couldn't tell them.

The one thing I think that the American people ought to demand out of this Congress, or any other Congress, is what happened to the money. Tell us what you did with the money. We may not agree with it, but we want to know what happened to it. Well, they can't tell us. Sixteen of 23 Federal agencies, according to the GAO, cannot produce an audit. In other words, they can't tell you what they did with the money.

Not only that, you have a trailer picture you have shown before with all these trailers in Hope, Arkansas. The September 6 GAO report reflects that Congress has appropriated $88 billion to 23 different Federal agencies for Katrina relief, the great hurricane; but no central agency tracks the funding. So, in effect, neither Congress nor the American people have any way of knowing how the money is spent.

But we do know this: more than $10.6 billion has been awarded to private contractors for gulf coast recovery and reconstruction. Only 30 percent of all of those contracts were bid on a full and open competition. The others were just given as sole source single contracts to people for a myriad of things. FEMA, the Federal Emergency Management Agency, spent $3 million for 4,000 camp beds that were never used and $10 million to renovate a military barracks that was used as temporary housing for six people. No private company in the country could stand this kind of financial mismanagement.

□ 2345

Because of this subcontractor system that was put in place because of these sole source contracts, just given to friends I guess of the administration, taxpayers paid an average of $2,480 per roof for a repair job that should have cost under $300, according to a report from Knight-Ridder newspaper.

Credit card abuse. Credit card abuse by government employees after the storm led to the purchase of 2,000 sets of dog booties costing more than $68,000, a 63-inch plasma screen television costing $8,000, and 20 flat bottom boats, only eight of which FEMA has in its records, at twice the retail price. I wish I was making this stuff up. It comes out of the GAO report.

The Department of Homeland Security Inspector General identified 1,395 cases of reported criminal activity, including officials who accepted bribes to inflate the number of meals provided by one of these sole source government contractors and to falsify the amount of debris a company had removed.

After Katrina, FEMA purchased 24,967 manufactured homes and 1,755 modular homes at a cost of $915 million for housing and temporary offices. The Inspector General said that as of January of this year, only 4,600 manufactured homes and 100 modular homes had been used at all. You have got pictures of them sinking in the mud in Hope, Arkansas.

Mr. ROSS. FEMA at one time had 10,777. At this time, they are down, to

their credit, they are now down, a year after Hurricane Katrina, to 9,778 brand new, fully furnished 16-foot wide, 60-foot long mobile homes, built-in whirlpools, built-in microwaves, fully furnished, 9,778 brand new, fully furnished manufactured homes that never got to storm victims from Hurricane Katrina or Hurricane Rita. They are simply sitting in a hay meadow in Hope, Arkansas, more than a year after Hurricane Katrina and 450 miles from the eye of the storm.

This is a symbol of what is wrong with this administration and this Republican Congress, and this is a symbol of why we need to pass the Blue Dog accountability plan, a plan that you helped write, that we wrote together to restore accountability to our government.

I yield back to the gentleman.

Mr. TANNER. Again, this is not a political statement. I can't imagine the most partisan person in the world saying that this is good government, when we have money leaving here through a fire hose and nobody asking them where it is going or what happened to it, and if they did ask them, they couldn't tell them. They can't produce an audit. They can't tell you what they did with the money. This is the grossest kind much financial mismanagement on a scale that I can ever recall in the history of this country.

We don't even get to Iraq and all the sole source contracts that have been given there and the billions of dollars that cannot be tracked or traced or even accounted for. I don't like to pay taxes any more than anybody else, but the one thing I do expect is the Congress to at least exercise its oversight authority to the extent that they hold people accountable who are spending this money.

I know in business, you ask somebody, well, what is this expenditure for? "I don't know, man. I can't tell you." Nobody would put up with that. No taxpayer would put up with it. And yet in our public life, in our public business, in the government of the United States it is happening every day, and people are tolerating it because you have a compliant Congress, a friendly administration. Nobody wants to embarrass anybody else.

So what we see here is the grossest kind of financial mismanagement on a scale that is literally breathtaking.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There being no Republican here to occupy the rest of the time before midnight, the time will continue to be occupied by the two gentlemen who hold the floor now.

Mr. TANNER. Thank you very much, Mr. Speaker. I will finish up, because what we have done is introduced a bill, it is not going anywhere, unfortunately, because we don't have the power to pass it or the votes to pass it, that basically says when the Inspector General of any agency identifies either, one, a situation where the agency can't tell you what they did with the money that was appropriated with them, or, two, they identify a high risk program, that is government talk for a program that doesn't work, then in that event Congress must hold a hearing, a public hearing, about this matter, whatever it may be, within 60 days, so that at least the citizens of this country will know that their money is being wasted or stolen or somehow mismanaged.

I think that is imminently reasonable. I can't imagine anyone saying we don't want to know what happened to the money we have taken away from people involuntary in the form of taxation and given to any administration. We simply don't want to know what happened to it. That to me is incredible and is not true.

So I hope people will demand that Congress engage in what its constitutional responsibility is, and that is to oversee what happens to the money they remove from people's pockets involuntarily. That is all we are asking in this House bill that you referred to, that they hold a hearing and find out what is going on. If they can't tell you what they did with it, as far as I am concerned, they don't get it next year.

This is a situation where we are literally mortgaging our country to people who do not have the same interest that the Americans have in world affairs, and we are not even paying attention to what we are doing.

I appreciate you doing this every Tuesday night, but I hope that we can do something about this situation, because it gets worse not by the minute now, it gets worse by the second as we continue to borrow.

We borrowed probably in the neighborhood of $20 million in the last 20 minutes. No country can survive that. We can't survive it. We used to say it is up to our children and grandchildren. But people say no, no, no, we are going to have all of these things. And who is going to pay for it? Just borrow the money, borrow the money, borrow the money.

Well, sooner or later, unless one can figure out how to repeal the laws of arithmetic, the financial mismanagement of this administration and the lack of oversight and accountability by this Congress is going to put this country literally in a deep black hole. Before it is too late, I hope that the people who care about this will rise up and say we want our government back, because that is what we are talking about.

Mr. ROSS. I thank the gentleman from Tennessee, Mr. TANNER, a founding Member of the fiscally conservative Democratic Blue Dog Coalition, for joining us this evening to talk about his bill, our Blue Dog bill accountability, to demand that this Republican Congress become accountable for how they spend our tax money.

Mr. Speaker, the total national debt from 1789 to 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling of the 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget. What we call the debt tax, D-E-B-T. You can see it here.

Today the national debt is $8,538,760,336,803 and some change. For every man woman and child, their share of the national debt, $28,564. Again, the debt tax. That is one tax that cannot be repealed, that cannot go away until we get our Nation's fiscal house in order and restore common sense in this Chamber. The current national debt, as you can see, is $8.5 trillion.

Why do deficits matter? They matter because deficits reduce economic growth. They burden our children and our grandchildren with liabilities. They are the ones that are going to have to fix this mess.

They increase our reliance on foreign lenders. Yes, I said foreign lenders, who now own about 40 percent of our Nation's debt. Foreign lenders currently hold a total of a little over $2 trillion of our public debt. Compare that to only $623 billion in foreign holdings back in 1993. Put it another way: This President, this President and this Republican Congress in the last 5½ years have borrowed more money from foreign lenders than the previous 42 presidents combined. Our Nation is borrowing money from places like Communist China to fund tax cuts for people in this country earning over $400,000 a year.

It simply does not make sense. Those are not the kind of values I learned growing up at the Midway Methodist Church outside of Prescott, Arkansas. I learned about being a good steward. And here as Members of Congress we have a duty and a responsibility to be a good steward of the taxpayers' money, and we believe this Republican Congress is failing us in that regard.

So who do we owe all this money to? Here is the top ten list, Japan, $640.1 billion; China, $321.4 billion; United Kingdom, $179.5 billion; OPEC. Imagine that, we wonder why we had $3 a gallon gasoline in August. I know it is coming down now, but I would ask you to think about this: I believe we all should be a lot more concerned about what gasoline and diesel fuel is going to cost a month after the election instead of a month before. OPEC, we owe OPEC $98 billion; Korea, $72.4 billion; Taiwan, $68.9 billion; Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And all this debate about immigration reform, get a load of this. Rounding out the top 10 countries that the United States of America have borrowed money from to give tax cuts to those earning over $400,000 a year, Mexico. Our Nation has borrowed $40.1 billion from Mexico.

I yield to the gentleman.

Mr. TANNER. You are talking about OPEC and the price of gasoline. Gasoline in July was $3-plus a gallon. Can

you name one thing that has changed between July and now as it relates to the world situation that would make gasoline come down? The uncertainty actually with regard to Iran and other oil producing countries is more now than it was then.

The only thing that has changed is we are closer to November 7th. No other factor has changed. And yet we see a dramatic reduction in the last couple weeks in gasoline prices. But the underlying factors are still there. All the uncertainty about the oil producing countries, whether it be Iraq or the situation in the Middle East, is the same as it was in July. It is interesting, isn't it?

Mr. ROSS. It is very interesting. Let me say as a member of the House Energy and Commerce Committee, I have a plan to put America on a path toward energy independence. If we had time we would go into it in all the details tonight.

I was out visiting with constituents in 34 towns in my district in August talking about my plan to put America on a path toward energy independence. We have a plan to do that as members of the fiscally conservative Democratic Blue Dog Coalition.

Mr. TANNER. We need to start on it tonight.

Mr. ROSS. We have a plan. We have a plan to restore accountability to our government, to be sure that our government is accountable for your tax money, Mr. Speaker. We have a plan, in fact it is a 12 point plan, for budget reform.

So, Mr. Speaker, we are standing here willing, ready and able and asking that the Republican Members of this Congress work with us, work with us to restore common sense and fiscal discipline to our Nation's government so we can pay down this debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today until 4 p.m.

Mr. CASTLE (at the request of Mr. BOEHNER) for the week of September 25 on account of medical 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 27, 28, and 29.

Mr. FRANKS of Arizona, for 5 minutes, today and September 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,584.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1442. An act to complete the codification of title 46, United States Code, ''shipping'', as positive law.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brusich Post Office Building''.

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the ''Dorothy and Connie Hibbs Post Office Building''.

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office''.

ADJOURNMENT

Mr. ROSS. 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, September 27, 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:

9594. A letter from the Acting Deputy Maritime Administrator and Chief Counsel, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2005, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

9595. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph L. Yakovac, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9596. A letter from the Comptroller, Department of Defense, transmitting notification of advance billing for the Defense-Wide Working Capital Fund, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

9597. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of real admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9598. 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. 06-69, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9599. 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. 06-55, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on International Relations.

9600. 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. 06-59, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Netherlands for defense articles and services; to the Committee on International Relations.

9601. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(C) of the Arms Export Control Act, Transmittal No. 06-00A, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 92-18 of 03 March 1992; to the Committee on International Relations.

9602. 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. 06-68, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Iraq (Transmittal No. DDTC 049-06); to the Committee on International Relations.

9604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 011-06); to the Committee on International Relations.

9605. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of

defense articles and services to the Government of Kazakhstan (Transmittal No. DDTC 034-06); to the Committee on International Relations.

9606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 052-06); to the Committee on International Relations.

9607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment to the Government of the United Kingdom (Transmittal No. DDTC 048-06); to the Committee on International Relations.

9608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 036-06); to the Committee on International Relations.

9609. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and service from the Government of French Guiana (Transmittal No. DDTC 043-06); to the Committee on International Relations.

9610. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228); to the Committee on International Relations.

9611. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

9612. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9613. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9614. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9615. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9616. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9617. 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.

9618. 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.

9619. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's Year 2006 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Government Reform.

9620. A letter from the Chairman, National Endowment for the Humanities, transmitting the Endowment's inventory of activities as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act for Fiscal Year 2006; to the Committee on Government Reform.

9621. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9622. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9623. A letter from the Acting Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Increase in Limitation on Authorized Committees Supporting Other Authorized Committees [Notice 2006-17] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9624. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a copy of the Arkansas Valley Conduit Reevaluation Statement, pursuant to Public Law 87-590; to the Committee on Resources.

9625. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's ''Major'' final rule — Retail Sales of Scheduled Listed Chemical Products; Self-certification of Regulated Sellers of Scheduled Listed Chemical Products [Docket No. DEA-291I] (RIN: 1117-AB05) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9626. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Eighth Annual Report to Congress on the activities during Fiscal Year 2005 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9627. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2006, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

9628. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report on the role of military medical and behavioral science personnel in interrogations, in response to Section 750 of the National Defense Authorization Act of Fiscal Year 2006; jointly to the Committees on Armed Services and Appropriations.

9629. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the budget models used for base operations support, sustainment, and facilities recapitalization, pursuant to Public Law 109-163; jointly to the Committees on Armed Services and Appropriations.

9630. A letter from the Secretaries, Department of Energy, Department of the Interior, transmitting a joint report on the cost of implementation of the Rocky Flats National Wildlife Refuge Act of 2001 during fiscal year 2005, in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107); jointly to the Committees on Energy and Commerce and Resources.

9631. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

9632. A letter from the General Counsel, Office of Compliance, transmitting a Report on Occupational Safety and Health Inspections Conducted Under Section 215 of the Congressional Accountability Act of 1995, pursuant to Public Law 104-1, section 215(e) (109 Stat. 18); jointly to the Committees on House Administration and Education and the Workforce.

9633. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a report on the CALFED Levee Stability Program, Sacramento-San Joaquin Delta, California, required by Section 103(f) of the CALFED Bay-Delta Authorization Act, Pub. L. 108-361; jointly to the Committees on Transportation and Infrastructure and Appropriations.

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. BARTON of Texas: Committee on Energy and Commerce. S. 176. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (Rept. 109–681). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. S. 244. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming (Rept. 109–682). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 971. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut, and for other purposes (Rept. 109–683). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4377. A bill to extend the time required for construction of a hydroelectric project, and for other purposes. (Rept. 109–684). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 4417. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory project (Rept. 109–685). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5533. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; with an amendment (Rept. 109–686). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 6164. A bill to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes (Rept. 109–687). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of Oklahoma: Committee on Rules. H.R. 1042. Resolution providing for consideration of the bill (H.R. 6166) to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes (Rept. 109–688). 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. ENGLISH of Pennsylvania (for himself, Mr. RUSH, Mr. HAYWORTH, Mr. WYNN, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. MCNULTY, and Mr. JEFFERSON):

H.R. 6175. A bill to amend title XVIII of the Social Security Act to provide for guaranteed issue of Medicare supplemental policies for disabled and renal disease beneficiaries upon first enrolling under part B of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. NEUGEBAUER (for himself, Mr. WESTMORELAND, Mr. FORTUÑO, Mr. GINGREY, Mrs. MUSGRAVE, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. GARRETT of New Jersey, Mr. MCHENRY, Mr. KUHL of New York, Mr. SODREL, Mr. ROHRABACHER, Mr. PITTS, Mr. BARRETT of South Carolina, Ms. HART, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. AKIN, Mr. GUTKNECHT, Mr. SAM JOHNSON of Texas, Mrs. CUBIN, Mr. HENSARLING, Mr. FEENEY, Mr. CAMPBELL of California, Mr. POE, Ms. FOXX, and Mr. FLAKE):

H.R. 6176. A bill to establish requirements for the consideration of supplemental appropriation bills; to the Committee on Rules.

By Mr. OWENS:

H.R. 6177. A bill to establish the United States Postal Service Memorial Fund for the benefit of the families of Joseph Curseen, Jr. and Thomas Morris, Jr. of the United States Postal Service; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, 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. MCGOVERN (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 6178. A bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 6179. A bill to clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. PAUL, Mr. FORD, and Mr. OBERSTAR):

H.R. 6180. A bill to amend the Internal Revenue Code of 1986 to increase the income limitation with respect to the credit against tax for qualified adoption expenses and to increase the dollar limitation with respect to such credit in the case of an adoption of a child with special needs or a child age 9 or older; to the Committee on Ways and Means.

By Mr. CLAY (for himself and Mr. OWENS):

H.R. 6181. A bill to amend the National and Community Service Act of 1990 to establish a National Infrastructure Corps to address the Nation's infrastructure needs and provide employment opportunities for unemployed individuals; to the Committee on Education and the Workforce.

By Mr. CONYERS:

H.R. 6182. A bill to amend the Occupational Safety and Health Act of 1970 to reduce injuries to patients, direct-care registered nurses, and other health care providers by establishing a safe patient handling standard; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, 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. DAVIS of Kentucky (for himself and Mr. MCCAUL of Texas):

H.R. 6183. A bill to amend title II of the Social Security Act to provide for employer data sharing with the Department of Homeland Security regarding employers of employees with mismatched social security account numbers; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Ms. HART, Mr. POMEROY, and Mr. STUPAK):

H.R. 6184. A bill to amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. HARRIS (for herself, Mr. SIMMONS, and Mr. BISHOP of Georgia):

H.R. 6185. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. HAYWORTH:

H.R. 6186. A bill to amend the Public Health Service Act to authorize grants for the purpose of carrying out activities to increase the number of faculty members at collegiate schools of nursing in States with significant shortages of nurses; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 6187. A bill to amend the Help America Vote Act of 2002 to reimburse jurisdictions for amounts paid or incurred in preparing, producing, and using contingency paper ballots in the November 7, 2006, Federal general election; to the Committee on House Administration.

By Mr. HULSHOF (for himself, Mr. TANNER, and Mr. ROSS):

H.R. 6188. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. KING of New York:

H.R. 6189. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to establish a requirement that telemarketers shall not make any calls during the hours of 5 p.m. to 7 p.m; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 6190. A bill to reduce the number of innocent victims of immigration fraud by making certain immigration consultant practices criminal offenses; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. PAYNE, Mr. ANDREWS, Mr. HOLT, Mr. ENGEL, Mr. ROTHMAN, Mr. WAXMAN, Ms. MATSUI, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. LOBIONDO, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FERGUSON, Ms. SOLIS, Mr. NADLER, and Mr. FRELINGHUYSEN):

H.R. 6191. A bill to amend title XXVI of the Public Health Service Act to provide for a one-year extension of the program under such title, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. FERGUSON, Mr. ROTHMAN, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. SMITH of New Jersey):

H.R. 6192. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. POMBO (for himself, Mr. CARDOZA, Mr. PUTNAM, Mr. SALAZAR, Mr. RENZI, Mr. KUHL of New York, Mr. WALSH, Mrs. BONO, Mrs MCMORRIS RODGERS, Ms. HOOLEY, Mr. COSTA, Mr. HINCHEY, Mr. CARNAHAN, Mr. BOYD, Mr. BROWN of South Carolina, Mr. CASE, Mr. DOGGETT, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FOLEY, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HIGGINS, Mr. HINOJOSA, Ms. KAPTUR, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. MCINTYRE, Mr. MICHAUD, Mr. NUNES, Mr. PLATTS, Mr. RADANOVICH, Mr. REYNOLDS, Mrs. TAUSCHER, Mr. BOUCHER, Mr. BACA, Mr. GALLEGLY, Mr. WU, Mr. THOMPSON of California, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHWARZ of Michigan, Mr. BLUMENAUER, Mr. ALLEN, Mr. WALDEN of Oregon, Mr. GOODE, Ms. WOOLSEY, Mrs. KELLY, and Mr. GILCHREST):

H.R. 6193. A bill to continue and expand upon previous congressional efforts to ensure an abundant and affordable supply of fruits, vegetables, tree nuts, and other specialty crops for American consumers and international markets, to enhance the competitiveness of United States-grown specialty crops, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Ways and

Means, and Resources, 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. RYAN of Wisconsin:

H.R. 6194. A bill to reduce temporarily the duty on bath and shower cleaning appliances; to the Committee on Ways and Means.

By Mr. WU:

H.R. 6195. A bill to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; to the Committee on Science.

By Mr. FILNER (for himself, Mr. ROHRABACHER, and Mr. CASE):

H. Con. Res. 481. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Ms. KAPTUR, Mr. SKELTON, Mr. SALAZAR, Mr. KIND, Mr. HULSHOF, Mr. MCINTYRE, Mr. KENNEDY of Minnesota, Mr. FORTENBERRY, Mr. LAHOOD, Mrs. EMERSON, Ms. HERSETH, Mr. CONAWAY, Mr. KUHL of New York, Mr. BONNER, Mr. NUNES, Mr. BERRY, Mr. SIMPSON, Mr. HIGGINS, Mr. ROSS, Mr. PUTNAM, Mr. CARDOZA, Mr. PENCE, Mr. HERGER, Mr. BOSWELL, Mr. MORAN of Kansas, Mr. NUSSLE, Mr. OSBORNE, Mr. THOMPSON of California, Mr. HASTINGS of Washington, Mr. HALL, Mr. LATHAM, Mr. COSTA, Mr. KLINE, Mr. EVANS, Mr. WALDEN of Oregon, and Mr. UPTON):

H. Con. Res. 482. Concurrent resolution expressing the sense of Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts; to the Committee on Agriculture.

By Mrs. MCCARTHY (for herself, Mr. WALSH, Mr. CROWLEY, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. HIGGINS, and Mr. MURPHY):

H. Res. 1041. A resolution honoring the 25th anniversary of Northern Ireland's first integrated school and further encouraging desegregation of schools and teacher training colleges in Northern Ireland; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 332: Mr. MCCOTTER and Mr. BURTON of Indiana.
H.R. 389: Mr. GONZALEZ.
H.R. 398: Mr. WYNN.
H.R. 550: Mr. HOYER.
H.R. 583: Mr. CLYBURN and Mr. THOMPSON of California.
H.R. 611: Mr. HASTINGS of Florida.
H.R. 752: Mr. MEEHAN.
H.R. 772: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STARK.
H.R. 808: Mr. KLINE and Mr. TAYLOR of North Carolina.
H.R. 874: Mr. LEWIS of Kentucky.
H.R. 910: Mr. JACKSON of Illinois and Ms. WATERS.
H.R. 1106: Mr. FORTUÑO.
H.R. 1108: Ms. KILPATRICK of Michigan.
H.R. 1229: Mr. PUTNAM.
H.R. 1306: Mr. HONDA.
H.R. 1376: Mr. HIGGINS and Ms. NORTON.
H.R. 1393: Mr. ANDREWS.
H.R. 1402: Mrs. SCHMIDT.
H.R. 1507: Mr. CONYERS and Ms. BERKLEY.
H.R. 1535: Mr. DAVIS of Tennessee.
H.R. 1548: Ms. HERSETH and Mr. HOBSON.
H.R. 1621: Mr. CARNAHAN.
H.R. 1807: Mr. LEWIS of Georgia.
H.R. 2121: Mr. OTTER.
H.R. 2184: Ms. BORDALLO.
H.R. 2421: Mrs. DAVIS of California, Mr. SPRATT, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. GOODLATTE, Mr. BARROW, Mr. ENGLISH of Pennsylvania, and Mrs. JONES of Ohio.
H.R. 2526: Mr. SANDERS.
H.R. 2861: Mr. SMITH of New Jersey and Mr. ALLEN.
H.R. 3183: Mr. JINDAL and Mr. LATOURETTE.
H.R. 3628: Mr. UDALL of Colorado, Mr. GONZALEZ, and Mrs. DAVIS of California.
H.R. 4030: Mr. OBERSTAR, Mr. MOLLOHAN, and Mr. MARSHALL.
H.R. 4033: Mr. MURTHA AND MR. HOLT.
H.R. 4098: Mr. BUTTERFIELD.
H.R. 4239: Mr. KIND.
H.R. 4517: Mr. YOUNG of Florida.
H.R. 4597: Mr. JACKSON of Illinois and Mr. FORD.
H.R. 4766: Ms. BORDALLO.
H.R. 4823: Mr. KUCINICH.
H.R. 4828: Mr. LARSEN of Washington.
H.R. 4834: Mr. SMITH of Texas.
H.R. 4867: Mr. SALAZAR.
H.R. 4873: Mr. LEWIS of Georgia.
H.R. 4903: Ms. SCHAKOWSKY and Mrs. DAVIS of California.
H.R. 4904: Mrs. CAPPS.
H.R. 5052: Mrs. DAVIS of California.
H.R. 5120: Mr. PENCE.
H.R. 5139: Ms. SOLIS.
H.R. 5185: Mr. WAXMAN.
H.R. 5189: Mr. CALVERT.
H.R. 5201: Mr. BERRY and Mr. PUTNAM.
H.R. 5242: Mr. CAMP of Michigan.
H.R. 5273: Mr. UDALL of New Mexico.
H.R. 5280: Mr. BOSWELL.
H.R. 5465: Mr. DOGGETT and Mr. MCDERMOTT.
H.R. 5472: Mr. PALLONE, Mrs. NAPOLITANO, and Mr. SAXTON.
H.R. 5513: Mr. HOLT.
H.R. 5555: Mr. BASS and Mrs. WILSON of New Mexico.
H.R. 5557: Mr. TOWNS.
H.R. 5562: Mr. MORAN of Virginia.
H.R. 5594: Mr. GONZALEZ.
H.R. 5635: Mr. RUPPERSBERGER and Mr. CARNAHAN.
H.R. 5698: Mr. PRICE of North Carolina and Mr. FRANK of Massachusetts.
H.R. 5704: Mr. CHOCOLA, Mr. DOYLE, and Mr. KENNEDY of Minnesota.
H.R. 5733: Mr. POMEROY, Mr. HYDE, and Ms. LEE.
H.R. 5746: Mr. SANDERS, Mr. WICKER, Ms. WOOLSEY, Mr. MARSHALL, MR. BOSWELL, Mr. CARDOZA, and Mr. CHANDLER.
H.R. 5771: Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Ms. KAPTUR, Mr. GONZALEZ, Mr. DEFAZIO, Mr. CARDIN, Mr. KING of Iowa, Mr. LARSEN of Washington, Mr. HINOJOSA, Mr. NADLER, Mr. DOYLE, Ms. CARSON, Mr. WEXLER, Mr. WYNN, Mr. THOMPSON of Mississippi, Ms. ZOE LOFGREN of California, Mr. WEINER, Mr. JEFFERSON, Mr. SABO, and Mr. CRAMER.
H.R. 5791: Mr. WYNN and Mr. BLUNT.
H.R. 5834: Mr. WEXLER and Mr. EMANUEL.
H.R. 5866: Mr. CONAWAY, Mr. GOHMERT, and Mr. TIAHRT.
H.R. 5878: Mr. SCHIFF.
H.R. 5894: Mr. KUHL OF NEW YORK.
H.R. 5896: Mr. GONZALEZ.
H.R. 5900: Ms. BORDALLO and Mr. GILCHREST.
H.R. 5916: Mr. EMANUEL and Mrs. MCCARTHY.
H.R. 5935: Mr. PETRI.
H.R. 5963: Ms. WOOLSEY, Mr. HOLT, Mr. GONZALEZ, Mr. STARK, Ms. LEE, Mr. VAN HOLLEN, and Mr. FILNER.
H.R. 5965: Mr. OWENS, Mr. LYNCH, Ms. CARSON, Mr. JACKSON of Illinois, Mr. WEINER, Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SALAZAR.
H.R. 6038: Mr. SMITH of Texas.
H.R. 6040: Mr. PUTNAM.
H.R. 6044: Mr. GONZALEZ.
H.R. 6053: Mr. SCHWARZ of Michigan and Mr. LAHOOD.
H.R. 6070: Mr. DOOLITTLE.
H.R. 6080: Mrs. MCMORRIS RODGERS, Ms. BERKLEY, and Mr. REHBERG.
H.R. 6082: Mr. AL GREEN of Texas.
H.R. 6093: Mr. MICA.
H.R. 6098: Mr. CAPUANO and Mr. SCHIFF.
H.R. 6107: Mr. SCHIFF.
H.R. 6109: Mr. UPTON and Mr. RAMSTAD.
H.R. 6117: Mr. MACK, Mr. ROSS, and Mrs. BLACKBURN.
H.R. 6120: Mr. EHLERS, Mr. FRANKS of Arizona, and Ms. JACKSON-LEE of Texas.
H.R. 6130: Mr. PETRI.
H.R. 6132: Mr. TERRY, Mr. MCDERMOTT, Mr. WEXLER, Mr. WAXMAN, Mr. KIRK, Mr. HIGGINS, Mr. SAXTON, Mr. BOUCHER, Mr. HAYWORTH, and Ms. HART.
H.R. 6133: Mr. ENGLISH of Pennsylvania and Mr. BOUSTANY.
H.R. 6136: Mr. LEWIS of California, Mr. MCHENRY, Mr. NORWOOD, Mr. NUNES, Mr. OSBORNE, Mr. PEARCE, Mr. PUTNAM, Mr. RAMSTAD, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Alabama, Mrs. SCHMIDT, Mr. SHAW, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. SWEENEY, Mr. TAYLOR of North Carolina, Mr. WELLER, Mr. WICKER, Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, Mr. TOM DAVIS of Virginia, Mr. COLE of Oklahoma, Mr. WHITFIELD, Mr. SHERWOOD, Mr. HYDE, Mr. SIMMONS, Mr. GOODLATTE, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. LAHOOD, Mr. BUYER, Mr. ROGERS of Kentucky, Mrs. MYRICK, Mr. HOEKSTRA, Mr. GERLACH, Mr. FOSSELLA, Mr. HOBSON, Mr. PITTS, Mr. SENSENBRENNER, Mr. ISTOOK, Mr. PLATTS, Mr. GILLMOR, Mr. SIMPSON, Mr. GOODE, Mrs. BIGGERT, Mr. MICA, Mrs. MUSGRAVE, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. SHUSTER, Mr. TIBERI, Mr. YOUNG of Florida, Mr. AKIN, Mr. GIBBONS, Mr. UPTON, Mr. CANTOR, Mr. HAYES, Mr. INGLIS of South Carolina, Mr. ROYCE, Mr. STEARNS, Mr. PRICE of Georgia, Mr. WAMP, Mr. WESTMORELAND, Mrs. WILSON of New Mexico, Mr. HENSARLING, and Mr. HEFLEY.
H.R. 6147: Mr. OBERSTAR.
H.R. 6172: Mr. UPTON, Mr. MILLER of Florida, and Mr. HAYWORTH.
H. Con. Res. 346: Mr. GARY G. MILLER of California.
H. Con. Res. 381: Mr. SESSIONS, Mr. SOUDER, Mr. SIMMONS, Mr. ANDREWS, Mr. TOWNS, Mr. CULBERSON, Mr. ROHRABACHER, Mr. FRANKS of Arizona, and Mr. BURTON of Indiana.
H. Con. Res. 428: Mr. HALL.
H. Con. Res. 477: Mr. WYNN.
H. Res. 466: Mr. BARTLETT of Maryland.
H. Res. 759: Mr. FRANK of Massachusetts and Mr. HASTINGS of Florida.
H. Res. 807: Mr. WOLF.
H. Res. 822: Mr. KUCINICH.
H. Res. 931: Mr. OWENS.
H. Res. 944: Mr. BOSWELL, Mr. WAXMAN, Mr. GRIJALVA, Mr. GONZALEZ, and Mr. CONYERS.
H. Res. 953: Mr. ISSA.
H. Res. 962: Mr. ENGEL and Mr. LEWIS of Georgia.
H. Res. 964: Mr. BOOZMAN and Mr. WYNN.
H. Res. 977: Mr. CONYERS.
H. Res. 988: Mr. KLINE.
H. Res. 995: Mr. KENNEDY of Minnesota.
H. Res. 999: Ms. BERKLEY.
H. Res. 1006: Ms. BERKLEY.
H. Res. 1012: Mr. PETRI.
H. Res. 1016: Mr. MCCOTTER, Mr. MURPHY, and Mr. BLUNT.

H. Res. 1017: Mr. RANGEL, Mr. RAHALL, Mr. LAHOOD, and Mr. BOUSTANY.

H. Res. 1030: Mr. ADERHOLT, Mr. DAVIS of Tennessee, Mr. TAYLOR of North Carolina, Mr. HAYWORTH, Mr. BAKER, Mr. ROYCE, Mr. SESSIONS, Mr. GOODE, Mr. HUNTER, Mr. MARCHANT, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. GUTKNECHT, Mr. CAMPBELL of California, Mr. TANCREDO, Mr. DUNCAN, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. RAMSTAD, Mr. MCCAUL of Texas, Mr. SULLIVAN, Ms. GINNY BROWN-WAITE of Florida, Mr. GARY G. MILLER of California, Mr. POE, Mr. PRICE of Georgia, and Mr. MCCOTTER.

H. Res. 1031: Mr. MCHUGH, Mr. SHAW, Mr. WEXLER, Mr. ISRAEL, Mr. GONZALEZ, Mr. SCOTT of Virginia, Mr. ACKERMAN, Mr. SANDERS, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. WYNN, Ms. WATERS, Mr. CUMMINGS, Mr. PASCRELL, and Mr. KUCINICH.

H. Res. 1033: Mr. MCCOTTER, Mr. GERLACH, Mr. KUHL of New York, and Mr. GARY G. MILLER of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 817: Mr. POE.

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Vol. 152 WASHINGTON, TUESDAY, SEPTEMBER 26, 2006 *No. 122*

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.

Almighty God, our father and our king, we thank You for the gift of this day. We need Your grace, for we cannot offer anything to merit Your favor or gain Your love. Cover our mistakes and failures with Your merciful love and give us Your peace.

In the beginning of time You created the Heavens and laid the Earth's foundation. Now create in our lawmakers a passion to accomplish Your purposes. May they seek Your wisdom and acknowledge Your precepts. Help them to use Your time-honored principles as the litmus test for good decisions. Give them the desire to so honor You that future generations will praise Your righteous 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, September 26, 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 thereupon 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, today we will begin the session with a 1-hour period of morning business. At the conclusion of the morning business period, we will address the pending bill, H.R. 6061, the secure fence legislation.

I filed cloture on the pending amendment and the underlying bill last night, and I will speak to that process in a moment. I do want to remind everyone that the consent agreement now provides that all first-degree amendments to the secure fence bill must be filed at the desk no later than 2:30 today in order to qualify under rule XXII.

Today we will recess from 12:30 to 2:15 in order to accommodate one of our weekly policy meetings.

To further explain, last night I filed an amendment to the secure fence bill, and that amendment included language to establish the military tribunals, the legislation that is in response to the Hamdan legislation from several months ago which the Supreme Court has handed down, which reflects the agreement announced last week between the President and Senate Republicans. I also filed cloture on this amendment last night, as well as cloture on the secure fence bill. There will be a cloture vote Wednesday on the Hamdan amendment. If that cloture on the amendment is invoked, there would be time for postcloture debate on the amendment. Once all postcloture time is expired, there would then be a vote on the adoption of the amendment, followed immediately by a cloture vote on the secure fence legislation. All those votes would be Thursday.

I explained that last night, and I explain it again now because it illustrates the procedural moves that have to be made in order to finish this bill with certainty before we depart on Friday or Saturday. It is critical that we do so. The very important, critical, high-value interrogation programs cannot continue until we legislate, and indeed the military tribunals, military commissions cannot take place in terms of trying these enemy combatants until we act.

It is important with regard to what I said for people to understand that the Democratic leader and I and our caucuses are working very hard to get a unanimous consent agreement to consider the Hamdan legislation freestanding. However, last night we did not reach that agreement, or early this morning, but I am very hopeful that we can do so shortly.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Georgia is recognized.

HOMELAND SECURITY

Mr. CHAMBLISS. Mr. President, I rise today to speak on the importance of national and homeland security and specifically to ensure that we enact the key legislation that we have under consideration necessary to protect our great Nation.

While we have achieved a great deal since 9/11 in the area of homeland security, and we need to acknowledge what we have accomplished, and while we are making great strides, there is still more left to do. The terrorists we are dealing with are not going to cease planning attacks against our country, which is why we are working hard to continually improve the national security of the United States. The fact that there has not been another terrorist attack on domestic soil since September 11, 2001, shows that we have been successful to this point.

To date, we have implemented 37 of the 39 9/11 Commission findings. We have enacted 71 laws on homeland security. We have increased the terrorist watch list to 400,000 persons. We have disrupted at least 15 major terrorist plots or potential plots against America. We have required that every visa holder be fingerprinted before entering the United States. We have frozen nearly $1.5 billion in terrorist assets. We have convicted 261 accused defendants in terrorism-related cases, and we have killed or taken prisoner a number of al-Qaida leaders around the world, particularly in Iraq, including Al Zarqawi, who was the No. 1 al-Qaida leader in Iraq; including Khalid Sheikh Mohammed, whom we have captured and from whom we have received very valuable information. We have to remember that he was the mastermind of the 9/11 plot.

In the area of port security, Georgia has three ports and is one of the top five States in the handling of some 11 million containers that reach our Nation's shores every year. Georgia plays an important role in the commerce of this country, and that is why I am pleased that Congress has completed a comprehensive port security conference report, which will continue to improve the security of our seaports all around America.

This bill improves a layered security approach to cargo screening and scanning. In Georgia, we will begin augmenting the existing cargo security detection equipment with radiation portal monitors next month to ensure the screening of high-risk containers to stop the illicit import of nuclear and radiological materials. This important piece of legislation also provides for the development of a plan to ensure the successful resumption of shipping in the event of a terrorist attack. In addition, it mandates a plan to determine when it is feasible to scan containers prior to their reaching the United States. With our national security at stake, we will continue the necessary steps to protect our citizens and, at the same time, balance the flow of commerce.

In the closing weeks of this session, I think it is especially important to ensure that we have the opportunity to take final action on the Defense appropriations bill and the Defense authorization conference report. These vital pieces of legislation will continue to ensure that our military personnel involved in the global war on terrorism, as well as our National Guard personnel at home, have the necessary equipment and resources to do their jobs. We need to ensure that our Guard personnel stationed on the U.S. border can continue in their homeland security and defense roles, enhance the efforts of Border Patrol agents, and be available to support Governors in the case of any natural disaster that may arise.

The Defense appropriations conference report which we will be considering later this week provides $86 billion for military personnel, $120 billion for operations and maintenance, $80 billion for procurement, and $75 billion for research and development, all to ensure that our Nation's military has the resources they need to carry out the responsibilities that we as a nation have asked of them.

I would also like to ask the leadership in both the House and the Senate to make every effort to take final action on the national Defense authorization conference report this week. It would be a shame on our part not to provide these urgent policies and funding for our troops who so valiantly are defending our Nation today.

In closing, I would like to remind my colleagues what is at stake as we consider these bills and urge them to work to pass legislation this week in support of our Armed Forces. In Iraq, the combined coalition on Iraqi operations continues to target and eliminate al-Qaida operations. Since August 30, over 150 operations have been conducted, resulting in 66 terrorists being killed and over 830 suspected terrorists being detained. On September 12 alone, there was a series of 25 raids in and around Baghdad targeting al-Qaida and Iraqi activities. These raids resulted in the capture of over 70 suspected terrorists, including an associate of Abu Ayyub al-Masri, the new head of al-Qaida in Iraq. The associate was a leader of assassination, kidnapping, and I.E.D cells in Baghdad. Iraqi and coalition forces continue to make tremendous progress in clearing suspect buildings, seizing weapons, moving trash out of neighborhoods, improving electricity, wastewater disposal, and educational opportunities for the Iraqi people.

On the military front, by the end of this month the Iraqi Ground Forces Command, which recently became operational, will assume control of a second Iraqi Army division. And later this month, the Government of Iraq plans to assume control of the Dhi Qar Province. These are the activities that we are funding and supporting by doing our job in the Senate. I commend the work of our military personnel, the Appropriations Committee, and the Armed Services Committee for completing these bills, and I urge my colleagues to adopt them expeditiously.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

HOMELAND SECURITY APPROPRIATIONS

Mr. GREGG. Mr. President, first I want to commend the Senator from Georgia for his excellent statement and discussion on what we are doing on the border and what we are doing generally in the area of fighting terrorism. I simply wanted to bring the Senate up to speed, and to the extent people are observing the Senate operations, the country up to speed—the listeners, anyway, up to speed on what we are doing on the border.

Last night we completed the conference between the House and the Senate on the Homeland Security bill, with Congressman ROGERS chairing the committee for the House and myself chairing it for the Senate. This is a bipartisan bill. It is a bill that passed the Senate 100 to nothing. It is a continuum of a lot of effort that we have made as a Congress to try to upgrade and significantly improve and make much more robust our efforts in order to secure our borders.

I think we all understand that the threat to America comes from many different directions. But as we prioritize threats, the No. 1 issue we have to worry about is someone coming into this country with a weapon of mass destruction.

The No. 2 thing we need to worry about is who is coming into the country and what products are coming into the country. What do those people intend? Hopefully, they are coming in legally. And what are the purposes of the products coming in? Hopefully, the purpose of the products is general commerce. But it is, first, to protect yourself from weapons of mass destruction and, second, to make sure our borders are secure.

In order to accomplish both of those goals, we need to put significant resources into those agencies and efforts which are responsible for addressing those two major issues. This bill, the Homeland Security bill, does exactly that. It puts significant new energy and dollars into detecting and being able to manage a potential weapon of mass destruction that will come into this country. Equally important, it

continues a 2-year effort that began in 2005 when we reorganized the flow of dollars within the Department of Homeland Security. It continues an effort to dramatically increase the boots on the ground and the physical and capital support efforts necessary to support the individuals who are protecting our borders and managing our borders.

This chart reflects the dramatic increase, using a baseline of when President Clinton left office to today. In the area of border agents specifically, over 6,000 agents have been added, 4,000 just in the last 2 years. That is a 40-percent increase in border agents in the last 2 years.

In addition, the bill we passed last night, while continuing the effort in the area of adding border agents, continues an aggressive effort to add detention beds. We understand, if you have agents on the ground who are hopefully catching people who are coming across our borders illegally, it does no good to catch those people unless you have some way to hold them. Up until this month, in fact, we had a policy known as catch and release because we simply did not have enough holding space for people who came into this country illegally.

This bill continues the effort in the area of adding detention beds. Over the last 2 years, we will have added over 9,000 beds, almost 10,000 beds. The practical effect of this is we are getting real results. Beginning next month, the Department of Homeland Security will no longer have a policy of catch and release. They will be able to hold the people they catch and detain them, which is exactly what should be happening. In addition, we have dramatically increased the number of Customs agents, we have increased the number of detention personnel, and we have significantly increased our commitment to fencing along the border.

This bill, as it was worked out last night, has $1.2 billion in it for putting up either physical fencing, vehicle barriers, or what is known as a virtual fence, which is the Secure Border Initiative where in some parts of the southwest border, where a physical fence doesn't make any sense, there will be significant electronic monitoring of the border, which will allow us to see who is coming across the border. Once they come across the border, because we have added all these new border security personnel—the totals of which are here, 14,000 border security personnel, almost 15,000—we will be able to catch them if they are coming across illegally.

In addition, we have dramatically increased our efforts to recapitalize and support the Coast Guard. I think everyone understands the Coast Guard is one of the premier agencies in our Government. Their efforts during Katrina were exemplary. They have the primary responsibility for making sure people coming toward the United States over the seas are coming here as part of reasonable commerce or simply as tourists and are not coming here to harm us. In order to accomplish that, they have dramatically increased the review of shipping as it comes toward the United States at the port of embarkation—whether that is in Asia or somewhere else—and they have increased their interdiction capabilities should there be a suspicious cargo on a ship headed toward the United States. To accomplish this, we have significantly increased the commitment to the Coast Guard in the area of purchasing more cutters, fast boats, arming their helicopters, and just generally upgrading their capacity to do their job well, as they do it well. Over $7.5 billion has been put into the Coast Guard as a result of this effort.

The practical result of all this new funding, all these new agents, new commitment to detention beds, is that we are moving toward a secure border. In the very foreseeable future, short term rather than long term, we will be able to manage this border in a way that is appropriate, making sure people do not cross it illegally. We will also manage our ports, making sure they are secure. We have a way to go there, but we are making significant progress.

At the same time, in this bill we have made a commitment to reorganize the Department in some areas where it has not been functioning all that well, specifically in FEMA. I congratulate Senator COLLINS for her leadership. She orchestrated a bipartisan, bicameral effort to reach an agreement on how FEMA should be reorganized. The language of that reorganization is in this bill.

In addition, we have put in this bill significant language in the area of chemical plant security. The Department of Homeland Security today does not have adequate authority to secure our chemical plants. It simply cannot do it because it doesn't have the legal authority necessary to force our chemical plants to undertake policies which will secure them. With this new language—again, this language was brokered by Senator COLLINS working with Congressman BARTON and Congressman KING—we have put in place a regime which will allow the Homeland Security agency to monitor and to require that high-risk chemical plants now have a decent security plan in place.

There are other ideas out there for chemical security, some good ones. Senator BYRD has a significant number of good ideas in this area. Therefore, Senator COLLINS looked on this language, basically, more as a stop-gap language, to get things going, to make sure there was at least some initial authority for the Homeland Security Department, and thus this language sunsets in 3 years, so the Congress will have to reauthorize, and other thoughts and ideas in the area of chemical security can be pursued.

This bill is a comprehensive, broad, and extraordinarily robust effort to tightening up and making a stronger commitment to securing our country and especially our borders and to make sure we have a Department of Homeland Security which has the resources it needs in order to accomplish that goal. There is a dramatic increase in the number of agents, dramatic increase in the number of detention beds, dramatic increase in the commitment to the Coast Guard, dramatic increase in the commitment to the monitoring and the capacity to handle a nuclear threat, and a dramatic increase to the issue of building a fence along the southwest border.

We still have a have a long way to go. Nobody is going to argue about that. But in this debate, while we constantly hear this constant rumbling of negativism out there about border security—we aren't doing this, we aren't doing that—it should be acknowledged that significant progress is being made and a dramatic amount of resources is being focused on this effort by this administration and this Congress.

In addition, as an aside, this bill had one item I would like to point out which I think is important, especially to people who live along the northern border. There is language in this bill which was worked out between myself and Congressman ROGERS but primarily between Congresswoman EMERSON and Senator VITTER. The purpose of this language will be to allow American citizens to cross into Canada and purchase drugs at a Canadian drugstore—Senator DEMINT was also involved in this—purchase drugs at a Canadian pharmacy and bring them back to the United States without being subject to legal prosecution.

There are a lot of people who believe they can go into Canada and buy American-made drugs which are being sold through Canada at a much higher discount than they can get those drugs in America. It may not be the case any longer because of what Wal-Mart is doing because Wal-Mart is putting in place a very robust, low-cost drug program. In any event, if Wal-Mart doesn't underprice Canada, people will be able now to go to Canada and purchase those drugs. I see Senator DORGAN here, and he has been a major player in this effort, also. They can purchase those drugs and not be subject to prosecution.

This language took a long time to work out. It has the safeguards in it that I believe always were necessary before we could take this language and move it forward, and I am glad we were finally able to resolve this part of that puzzle. It is a bigger issue, but at least relative to people crossing the borders and purchasing drugs, which happens fairly regularly in New Hampshire and I know North Dakota and other places along the northern border, this is a step in the right direction. I congratulate all the people who have worked so hard to make this come to fruition.

On balance, this is a truly excellent bill. We will be voting on it here, hopefully before the week is over. Absolutely I hope that is the case. It is very important we get these funds in place. As a result of that, we will continue this rather significant—I would call it dramatic—progress toward putting in place the capital, the resources, and the people necessary to secure our borders.

But I would point out this caveat. No matter how many people we put on the border and no matter how much capital resources we put behind this—and we are going to do whatever it takes on those two counts—you still have the issue of human nature to deal with, which is, if a Mexican is making $5 a day and he can come to the United States and make $50 a day and he has a family to support, he is going to come to the United States. We have to figure out a comprehensive approach which will allow somebody to come to the United States, work a job that Americans are not willing to work or we don't have enough Americans to work, and be able to do that under a guest worker program that is responsible and allow employers the capacity to be able to verify that the individual is in this country legally. That is a critical element to securing our borders and making sure we do this right.

So comprehensive reform should not be ignored. It has to be part of this whole package. But pending comprehensive reform, this bill, which we will vote on, the Homeland Security appropriations bill, is a significant, robust—actually, you could even call it dramatic—step forward in making sure our borders are secure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time do we have remaining on our side of the aisle in morning business?

The ACTING PRESIDENT pro tempore. The majority has 9½ minutes.

HELPING THE AMERICAN PEOPLE

Mr. LOTT. Mr. President, I wish to say, while he is still on the Senate floor, what an outstanding job the Senator from New Hampshire, Mr. GREGG, has done in this area of homeland security and border security. I doubt there is any other Member of the Congress, House or Senate, who has done more to actually produce results.

There is very little we could be doing in the Congress, now and in the foreseeable future, more important than security for our homeland. It is an integral part of the War on Terror. It is a part of why we have not had another major attack since 9/11.

Once again, the Senator from New Hampshire has shown real leadership. He has produced a bill we have to have this year, to provide the appropriations for this important Department and the agencies within it and to put funding in it for border security. This is a major achievement. No matter what else we get accomplished this week, this will probably be, overall, the most important. I thank him for it.

I have been very involved in the reform of FEMA because I have seen how FEMA did not always have the authority and didn't have the power, if you will, didn't have the people or the money to do the job after Hurricane Katrina. This reform will help make FEMA stronger, and I believe it will be a benefit to the Department of Homeland Security.

There are a lot of those saying we should be accomplishing more. I am hoping before this week is out we will pass a major border security bill. I am hoping we will pass the Outer Continental Shelf energy package. I believe we will get Defense authorization and Defense appropriations and hopefully several other good bills.

I have never seen a Senate more paralyzed than I have seen over the past few months. There is no doubt in my mind that a conscious decision was made by the Democratic leadership January a year ago to slow-roll, obstruct, delay everything. Every time you take a week or two on a bill that should be done in a day or two, that is that many days you cannot use to do other things which need to be accomplished. But I think, rather than trying to have a list with a whole lot of things on it—little things, in many instances—it is more important to keep a focus on the big issues.

What have we done to really help the American people?

Quite often some people say, please don't pass more laws. Leave me alone; allow the private sector, allow the markets, allow us to do our job, and let the States and localities do their jobs.

I think we overemphasis sheer numbers. But I think it is important that we look at the list of what this Senate has passed this year. When you add to that the other things which we hope we will complete this week—the most effective week of a session is always right before the end of the year. I remember one night when we passed something like 67 bills after almost everybody had gone home. The Democratic and Republican leadership had a blast. We passed a lot of good legislation.

Look at what we have already done. The Patriot Act. Under the title of Homeland Security, we have taken major actions and they have made a difference in securing our country and have been a critical part of the War on Terrorism. The Patriot Act, border security, and we have funded the war on terror.

On taxes and in the budget area, once again Senator JUDD GREGG did a great job as chairman of the Budget Committee. We cut entitlements somewhat. We cut taxes by $70 billion. Other than Homeland Security and Defense, we have basically held the line on appropriations. A lot of the credit goes to my colleague from Mississippi, Senator COCHRAN.

We passed a comprehensive energy policy bill last week. It is having a positive effect. It takes time for legislation in that area to have an effect.

We passed the Pell grants in the area of math and science competitiveness in education.

We passed lawsuit abuse reform.

In the area of health for the benefit of Americans, health information technology, it sounds as though it wouldn't make that much difference, but it is going to control costs and make information more available to the patients so they can make the right decisions for their health needs.

We have tremendous fights over judges. We have confirmed two Supreme Court judges—outstanding judges. We have confirmed 14 circuit court judges and 34 district court judges. Hopefully, we will confirm more this week. But there again, the Democrats chose to filibuster on judges—in my opinion, clearly unconstitutional. In fact, the majority leader now on almost every bill has to file cloture. Why? Because otherwise you can't get to the substance of a bill.

When you spend 30 hours on a motion to proceed to a bill which has major consequences for border security, then you know there is something wrong with the institution. Instead of us finding ways to work together, we find ways to expound and put out more hot air instead of taking action.

We have done some other things in protecting families, and also moving toward sound government.

We passed the Voting Rights Act.

I am here today for some reasons and for efforts that are not listed on this board. One year ago, I was standing on this floor pleading with my colleagues to help us in dealing with the aftermath of the biggest natural disaster to ever hit this country. We tend to forget about it. But most of last fall we spent on passing in a bipartisan, bicameral way Katrina relief legislation. We passed major appropriations. I am not talking about a few millions. I am talking about well over $100 billion.

When we came back from the August recess, instead of going to some of the things that were scheduled—such as repeal of the death tax—we went immediately to Katrina legislation. But in providing appropriations, in providing tax incentives for businesses and industries to rebuild, to stay in the area, or come to the area to help us recover, we did that.

Medicaid changes—we allowed the States of Louisiana and Mississippi to cope with the great increase in the number of people who needed Medicaid assistance; assistance through that bill to help many of our hospitals that were primary care hospitals. They treated everybody who showed up. It ran into hundreds of millions of dollars.

And right across the board, we have Stafford Act changes in the law, help for our schools and colleges. All of our schools in Mississippi were back and

open by November 7. In many instances, they were in pretty dilapidated facilities, without air conditioning, or temporary buildings. But every one of them opened by November 7, partially because Congress made a commitment to help them with the costs of what they had lost, to deal with the gap between what their insurance provided and what they were going to need to recover.

I am here to thank the Congress for helping us.

Have we had continued problems? Yes. Have we been disappointed in FEMA and the Department of Homeland Security and the Corps of Engineers? Yes, even though a lot of good people have done good work.

I have to admit that at the State level and the local level, we have had problems sometimes in making decisions dealing with elevation requirements, dealing with national flood insurance, and actually even distributing the money.

When you are trying to distribute $3 billion to 17,000 people, you do not throw it out the window. You have to have a process to make sure these people actually lost their homes, or had damaged homes, and that they are going to deal fairly with their mortgage holders, that they would have a way to get their homes back in place. That process is still underway. It has been a very difficult one.

So you can be critical of what happened after Katrina, but there are a few places where a lot of credit should be given and it has not been adequately done.

The Congress did the job after Hurricane Katrina. Every committee chairman and ranking member came to our aid. The Mississippians, the Louisianians, the Texans, the Alabamians told you what our problems were. We poured our hearts out, and the Senate did its job.

Senator COCHRAN, my colleague from Mississippi, deserves enormous credit for the very calm, cool, and determined way he handled that legislation.

I am here to say thank you. When you make this list of Senate accomplishments, you must add to this list the things we did after Hurricane Katrina. The system worked. Congress did its part. For that I will be eternally grateful.

By the way, we ate up the major part of 3 months trying to make sure we were doing it right, appropriately, to help the people who needed it and to make sure it was done in an honest way.

Sure, I complained we didn't do more. I complain about the way we do things. I don't like the totally partisan political seasons we get into. We all do it and I do it. But I think that while we are doing that, we ought to take a little credit for what we did do and what we did right.

I wanted to make that point this morning.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The minority controls 30 minutes.

THE 109TH CONGRESS

Mr. DORGAN. Mr. President, this is an interesting time as we end the 109th Congress, at least in that portion that will start with the recess apparently this weekend, according to the majority leader and the Speaker of the House, only to return and reconvene sometime in November to do a lot of work that was not done earlier this year. Most of the appropriations bills have not been passed, and perhaps one, maybe two, will be done this week, but the rest will be done after the election.

I know my colleague who just spoke—and others will come to the floor of the Senate and talk about how fruitful and how productive the 109th Congress has been. I wish I could say the same. I serve in this Congress. I am a Member of this Congress and I hope and wish we could end a year and say we did an unbelievably good job for the American people; that we addressed the things that needed to be addressed; that we strengthened this country; and that we helped people in many ways. I wish I could say that. But as Peggy Lee's song says, Is that all there is? Is that an appropriate response to the chart that we see trumpeting the 109th Congress accomplishments? Is that all there is? Yes, that is all there is.

Let me describe a few of the things we ought to be dealing with and especially describe the things we are not dealing with.

On health care and the issues related to health care, every business in this country and virtually every family in this country—and especially our Government—bears the cost of these dramatically increasing prices in health care. No one seems to be addressing it very much. We passed a prescription drug plan a while back for senior citizens on Medicare, and that actually had a little provision in it which prevents the negotiation of lower prices on prescription drugs. That is almost unbelievable to me. Health care costs are on the rise, led, incidentally, by prescription drug prices. This Congress seems to stand with the pharmaceutical industry. It wants to prevent the negotiation for lower prices.

I have stood on the floor of the Senate holding up two identical bottles of the same pill made by the same company, both FDA approved, one sent to Canada, one sent to the United States. The difference is the one sent to Canada is half the price of the one sent to the United States.

My colleague said there is a provision in Homeland Security—and indeed there is—dealing with prescription drug reimportation. It is much to do about nothing, I regret to tell you, because it will allow people to bring a 90-day supply as they cross over the Canadian border and come back. Very few Americans have the capability of driving to the Canadian border to access that lower cost FDA-approved drug. We are charged the highest prices in the world for FDA-approved prescription drugs. That is unfair to the American people.

The provision in Homeland Security is going to do very little. In fact, we have almost always allowed exactly what that provision says we should allow. We have always allowed a personal supply of 90 days to come across the border from Canada when American consumers buy that prescription drug. This is nothing new. It doesn't address the issue.

We have been blocked on the floor of this Senate for 2 years now with a bipartisan piece of legislation cosponsored by over 30—myself, Senators SNOWE, MCCAIN, KENNEDY, and many others—a big bipartisan bill. We have been blocked from getting a vote on the floor for this legislation which would allow the reimportation of lower cost, FDA-approved prescription drugs.

Why is that the case? Because on this subject the pharmaceutical industry has more influence here, regrettably, than the American people do.

We are not addressing the health care costs, and we are not addressing the issue of prescription drug costs—and we should.

Trade and jobs, think of that. Are we addressing trade issues? The only thing we are doing on trade issues is to pass more incompetent trade agreements. We just did the Oman Trade Agreement, a country that by sultanic decree has said there will not be an organization of workers; it is illegal to form a labor union in the country of Oman by sultanic decree. We do a trade agreement with a country that basically prohibits organized workers.

We have a $68 billion a month trade deficit, $800 billion a year. We are choking on red ink in international trade. Nearly 4 million jobs have been shipped from this country overseas in search of cheap labor, in search of 20-cent and 30-cent-an-hour workers working 7 days a week, 12 to 14 hours a day. Does anybody care much about that?

We not only have this running up and dramatic increase in the trade deficit, but we see the potential loss of another 40 million to 50 million American jobs, according to some leading economists. And even those that do not leave are tradeable or outsourceable jobs and competing with others in the world who are willing to work for much less, causing downward pressure on wages in this country.

Some say we see the world as it is, that it is a global economy, and there is nothing we can do about it. I see the world as it is and decide we ought to change it to what it should be—standing up for good jobs in this country, for American workers. Yet this Congress doesn't do that.

As to deficits and fiscal policy, the President made great fanfare in talking about the fact that the deficit is reduced. Interestingly enough, take a

look at what we are going to borrow in the next year—close to $600 billion in the next fiscal year. That is the off-the-rail fiscal policy of red ink, up to $600 billion in budget borrowing, and $800 billion in trade deficits. That is $1.4 trillion in red ink on a $13 trillion economy. That won't last very long.

We are going to bring additional war spending to the floor of the Senate. We are all going to vote for additional war spending. Some of us believe we ought to pay for it. This will make it, I think, somewhere around $400 billion in total—none of it paid for, not a penny paid for, all added to the debt.

We send our soldiers to Afghanistan and Iraq and say, Please serve your country, fight for your country, risk your lives, and when you come back, by the way, we will have this debt waiting for you because we have chosen not to be involved in fighting to pay our bills.

That doesn't make any sense to me. That can't seriously be called an accomplishment.

We have been holding some hearings on oversight with respect to contractors. It is controversial. I see in the newspaper today a member of the majority said, well, we may take the rooms away so they cannot hold hearings. That is an interesting response to the question of oversight. The reason we have held oversight hearings in the policy committee room is because the majority party decided not to hold serious oversight hearings.

The highest ranking civilian official in the Corps of Engineers at the Pentagon in charge of major contracts, the sole-source, no-bid contracts to Halliburton and KBR that were given, has said this is the most blatant abuse of contracting authority she has witnessed in all of her career. This is a woman who is viewed as a top contracting official in this country in the Pentagon for these contracts. She said it is the most blatant abuse she has ever seen. Guess what happened to her for being honest. She was demoted.

I had her twice testify. Was there any other committee in Congress interested in her testimony to find out how the tens of billions of dollars were contracted? Nobody.

Yesterday we had an oversight hearing on the conduct of the war. We had a couple of generals and a colonel, all three of whom were distinguished folks who served in Iraq, served a combined 90 years for this country. General Batiste started by saying, I am a Republican, a lifelong Republican. It was not partisan. We invited Republicans to come to the hearing to talk about the conduct of the war. There have been no oversight hearings on that.

All of us want the same thing, it seems to me. We want us to prevail and do well. We want to protect our country. We want to defeat terrorism. All of us want those things. But it seems to me we are moving in the wrong direction in some of these areas. Incidentally, much of the information that ought to be available is classified in order not to embarrass anybody.

Let me mention that General Batiste and others who testified yesterday said this country is not mobilized. We send our men and women to war, but the country is not mobilized. They made a point I thought was very interesting. I read a book that was written a long while ago, a brilliant book called ''The Glory and The Dream,'' written by Manchester. He described in the Second World War what this country did to mobilize. This country mobilized to beat back the oppressive armies of Hitler, the Germans and the Japanese. We mobilized. Manchester, in ''The Glory and The Dream,'' described what happened with American manufacturing capacity and what they did. At the end of the war we were building 50,000 airplanes a year to fight that war.

Colonel Hammes yesterday testified there is a new armored vehicle to carry personnel that is much safer than the humvee. Are we producing those? Are we mobilizing to produce those to provide them to our troops? No. We built 50,000 airplanes a year at the end of the Second World War. This war has now lasted longer than the Second World War. Yet we have built a total of 1,000 of these stronger, better armored security vehicles in which to haul American troops. Why? Because we are not mobilized.

The majority says to the American people, not only don't you have to pay for this war, we want you to have a big tax cut—not to everyone, just a few, at the top. We want to repeal the death tax. At a time when we are at war and we are borrowing money to prosecute that war—$400 billion—not a penny of which has been paid for, the majority says our highest priority is to repeal the so-called death tax, which does not exist? No, there is no tax on death. That may come as news to some in this Chamber because they have used the moniker often. There is no tax on death. When someone dies, their spouse, if they are married, owns everything taxfree. There is a 100-percent spousal exemption. So there is no tax on death.

There is, in fact, a tax on inherited wealth and the majority party is intent on relieving the tax burden of the wealthiest Americans at a time when we are at war. We are at war, we are spending hundreds of billions of dollars and we are not paying for any of it. It is, in my judgment, a Byzantine set of priorities.

No, when people say they have a chart that shows the accomplishments of the 109th Congress, they might listen to what Harry Truman said to Steven Douglas in one of their debates. He described the Douglas argument:

> As thin as the homeopathic soup made by boiling a shadow of a pigeon that had been starved to death.

Bring those charts out with the accomplishments of the 109th Congress. Those accomplishments are as thin as the homeopathic soup made by boiling the shadow of a pigeon that has been starved to death.

I wish it weren't so. I wish we could stand here and describe a set of accomplishments that makes all of us proud, but the priorities here can hardly be called accomplishments for the American people. The American people deserve, finally, to be getting what both political parties have to offer. Instead of getting the best of both, we are getting the worst of each.

This Congress needs to come together to address these issues. We do not control the Congress. The majority party does. It is the way it works. The majority party describes what the issues are that will be brought to the floor of the Senate.

Go almost any place around the world, the President says and others say, we will go and help. But they forget at home when people are in difficulty. Somehow we do not seem to find ways to say, let us help our citizens at home—health care costs, prescription drug prices.

I have not mentioned energy. Energy obviously is a very important issue. In the year 2004, the average price of oil was $40 a barrel. At that price, the largest integrated oil companies had the highest profits in their entire history. Now the price of oil has gone from that level to $70, $75 a barrel. Now it is down to $60 and just under, and everyone thinks, Isn't that wonderful? The fact is, it is still 50 percent higher than it was at which point the major integrated companies had the highest profits in history. As the money is shoveled into their company, it is taken from the consumers, from the farmer who loads the fuel, the people paying at the gas pump.

We need to deal with energy prices. It will not last for this country to be a country that consumes a quarter of the oil every single day. We have this little planet of ours and we stick straws in this Earth; from those straws we suck out the oil. We suck out 84 million barrels a day from this Earth, and 21 million barrels a day is used in this spot of the planet called the United States of America.

We use it predominantly for transportation, among other things. We have done nothing to change the basis of fuel use in transportation in nearly 100 years. We put gasoline in a 2006 Ford the same way we put gasoline in a 1924 Model T. I know that because I restored an old Model T when I was a kid. Nothing has changed. Everything else has changed. There is more computing power on a new car than there was on the lunar lander that landed Neil Armstrong and Buzz Aldrin on the Moon. Everything has changed about automobiles, except we have never changed how we fuel or power that car; just drive to the pump, stick a hose in and pump some gasoline.

We need to move aggressively toward a different future—renewables, wind energy, biofuels, especially hydrogen and fuel cells. There are so many opportunities, yet so little time, and

seemingly so little appetite on the part of this Senate and others to do something meaningful for the long term.

I wish I were part of a Congress I could say has been an enormously productive Congress for the country. We are not. We need to get busy and find a way to solve this. This President, this Congress, chart the agenda. They describe what is going to come to the Senate floor. We need to begin zeroing in on things that are important.

First, we need to win this war in Iraq in a way that satisfies our objectives. We need to fight the war on terrorism in a manner that allows us to prevail. Incidentally, this issue of cutting and running, we are going to leave Iraq at some point. That is not the issue. This country is going to leave Iraq. Our military is going to be withdrawn. The question is, When? When and under what conditions? It is appropriate to say at some point to the Iraqi people, this is your country, not ours. This country belongs to you, not to us. Saddam Hussein was found in a rat hole. He is on trial. He is not part of the government. Iraqis have their own government. And the question for those in Iraq is, do you want your country back? If so, you have to provide for your security. We are attempting to train and provide security at this point, but we are not going to provide security forever in the country of Iraq. We cannot do that. We must expect the Iraqi people to decide to take back their country, at which point we will be able to bring the American troops home. That, I hope, is sooner rather than later.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOMELAND SECURITY AND HEALTH CARE

Mr. BINGAMAN. Mr. President, I want to speak on three issues this morning. First, I will talk about two amendments I have filed to the Secure Fence Act which is the legislation the Senate is debating once we get through morning business. I will talk about the merits of those amendments and the reasons I believe Senators should support those amendments, that we should be allowed an opportunity to offer those amendments. There is some question as to whether we will be allowed that opportunity. After that, I will say a few words about health care and health care issues in this 109th Congress.

First, as to the Secure Fence Act, H.R. 6061, I represent, as all of my colleagues know, a border State. I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem, and we do need to do a much better job in addressing this problem. The Senate has passed a comprehensive immigration bill. It is not a perfect bill by any means, but it is aimed at improving security along our borders and at also reforming our immigration laws. I believe that the bill passed through the Senate was a step in the right direction. I was disappointed that the leadership of the House of Representatives refused to appoint conferees to meet with Senate conferees and instead decided to hold hearings around the country to concentrate on differences of opinion and to stir up discontent rather than to seek some common solutions to our substantial immigration problems. The Senate has passed a bipartisan bill. The House passed what I would characterize as a different bill. We should have convened a conference committee. We should have tried to work out differences between those bills. The failure to at least have made a good faith effort in that regard I think is very unfortunate.

Mr. President, with regard to the specifics of this Secure Fence Act—and the Secure Fence Act is a piece of the House-passed immigration bill from about a year ago—I do believe there are locations along our border where fencing makes sense and additional fencing is required. However, we need to be smart about our security. Walls may make good sound bites in political ads, but the reality is that individuals charged with securing our borders have consistently stated that walls and fences are only part of the solution and that there are better and more cost-effective ways to provide for greater border security.

Ralph Basham, who is the Commissioner of Customs and Border Protection, stated earlier this year in response to a question about the proposal to build 700 miles of double-layered fencing:

> It doesn't make sense, it's not practical.

He went on to say that what we need is an appropriate mix of technology and infrastructure and additional personnel.

Let me take a moment to also read some remarks delivered by Secretary Chertoff, the Secretary of Homeland Security. These were delivered on March 20 of this year in a speech he gave at the Heritage Foundation. In describing the Secure Border Initiative, also known as SBInet, Secretary Chertoff stated:

> We are going to build ourselves what I call a virtual fence, not a fence of barbed wire and bricks and mortar, which I will tell you simply doesn't work, because people can go over that kind of fence but rather a smart fence, a fence that makes use of physical tools but also tools about information sharing and information management that let us identify people coming across the border and let us plan the interception and apprehension in a way that serves our purposes and maximizes our resources thereby giving our border patrol the best leverage they can have in order to make sure that they are apprehending the most people.

This week, the Department of Homeland Security selected Boeing as its contractor for this Secure Border Initiative. Under Boeing's proposal, it will build a network of approximately 1,800 towers along the southern border. It is unclear how mandating 700 miles of fencing as is proposed in this pending bill will fit into the proposal which Boeing has made and which has been selected by the Department of Homeland Security and whether the two together make sense. Unfortunately, the bill as currently drafted does not provide the Department of Homeland Security with the discretion that Department needs in order to determine the most appropriate means to secure the border. It also ties their hands with regard to the use and the placement of fencing. I do not think we should be mandating over 700 miles of fencing at specific locations. I do not think this Senate and those of us here in the Congress have enough detailed knowledge of the various areas along the border to be making the decision as to the specific areas where fencing needs to be built.

It is also clear that the cost per mile is something we do not have a good handle on at this time in our debate. According to the Department of Homeland Security, it costs approximately $4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which would add up to about $6.6 billion for the 730 miles of fencing required under this bill.

In discussions with local law enforcement, local, State, and Federal law enforcement along the border in the southern part of New Mexico, we have meetings with what we call the Southwest New Mexico Border Security Task Force, and at some of those meetings I have attended the point has been raised by local security officials that the location of the proposed double-layer fencing in this bill is, in their view, at least, at the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers rather than fencing because it was the judgment of the Border Patrol that vehicle barriers were more appropriate in those areas.

If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that the Department of Homeland Security can make necessary adjustments in the interest of securing our borders. To this end, I

hope to offer an amendment that would ensure that the Secretary of Homeland Security has the ability to modify the placement and the use of fencing that is mandated in this bill; that is, he has that discretion to make those modifications if the Secretary determines that such use or placement of the fencing is not the best way to achieve and to maintain operational control of the border. I believe this is a reasonable amendment. I believe it will help ensure that DHS has the flexibility it needs to alter this proposal if the proposal is determined not to advance our overall security strategy.

I hope that the majority party will allow a vote on this important measure and that they will support this important measure. Let me be clear. I believe we need to do whatever it takes to secure our borders. You cannot have a nation without secure borders. I have consistently worked to secure increased funding for vehicle barriers, for surveillance equipment, and for additional Border Patrol agents, but I also believe we need to pursue that secure border in the most effective way both from a security standpoint and in terms of the overall cost of the security.

Mr. President, that is my description of the first amendment I do hope to offer. Let me also speak briefly about an amendment I hope to offer to this legislation. This is regarding the Border Law Enforcement Relief Act of 2006. This is an amendment which is cosponsored by Senator DOMENICI of my State. It will provide local law enforcement in border communities with much needed assistance in combating border-related criminal activity.

During our debate on the immigration bill, this legislation was adopted by a vote of 84 to 6. It was also adopted by unanimous consent as part of the Senate's Homeland Security appropriations bill.

For far too long, law enforcement agencies operating along the border have had to incur significant costs due to the inability of the Federal Government to provide adequate security of the border. It is time that the Federal Government recognize that border communities should not have to bear that burden alone. This amendment would establish a competitive grant program within the Department of Homeland Security. These grants would help local law enforcement situated along the border to cover some of the costs they incur as a result of dealing with illegal immigration, with drug trafficking, with stolen vehicles, and with other border-related crimes.

The amendment authorizes $50 million a year to enable law enforcement within 100 miles of the border to hire additional personnel, to obtain necessary equipment, to cover the cost of overtime, and to cover additional transportation costs. Law enforcement outside of this 100-mile geographical limit would be eligible if the Secretary of Homeland Security certified that they are located in what we call a high-impact area.

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along the border are small rural departments charged with patrolling very large areas of land with very few officers and with very limited resources. According to a 2001 study by the United States-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceeded $89 million in each and every year. Counties along the southwest border are some of the poorest in our country, and they are not in a good position to cover these initial costs. The States of Arizona and New Mexico have declared states of emergency in order to provide local law enforcement with immediate assistance in addressing criminal activity along the border, and it is time that the Federal Government step up and share some of this burden.

I urge my colleagues to support this amendment again as they have in the past. Let me make it clear to my colleagues I am offering this because, although it was adopted as part of the immigration bill, we need to once again adopt this amendment and attach it to this bill if this bill in fact winds up going to the President for signature.

Mr. President, let me now change subjects once more and speak not about the Secure Fence Act, which is the legislation the Senate is dealing with today, but to speak about a subject that has been given very short shrift here on the Senate floor in recent weeks and months; that is, Congress's failure to enact any serious legislation with respect to the major health care problems facing our Nation. While problems such as the fact that 47 million uninsured Americans continue to be ignored by this Congress, by this administration, what is equally disappointing to me is that there are a number of Federal health programs that we are failing to reauthorize each year, and that number continues to grow. These are programs which are public, they are well-known, and I believe the failure of the Congress to reauthorize these is a major neglect of our responsibilities.

Although the Appropriations Committee continues to provide resources for a number of these expired Federal programs, Congress has increasingly failed to provide the roadmap to the executive branch for how these funds are expected to be spent. In fact, in each of the last several years, the Congress has ceded more of its legislative and its oversight roles in regard to health care to the executive branch in what one head of a national physician organization referred to as ''inexcusable inaction.'' The result is that Congress is increasingly acting more like a trade association in trying to lobby the executive branch of Government to do things related to health care than it is acting as a legislative branch actually considering and passing legislation on these important issues.

I find myself being asked by colleagues to cosign letters to the administration urging them to use their discretion, their administrative discretion, their administrative authority to essentially sidestep the law, ignore the law, take unilateral action to address some of these health care issues that we in the Congress seem unable or unwilling to deal with in legislation.

That is, I fear, the sad legacy of this 109th Congress on health care policy. When the question is raised: What did the 109th Congress do to improve health care for Americans, I think the answer almost certainly will be very little, if anything.

First, let's take the Medicare physician payment formula. As part of the Balanced Budget Act of 1997, Congress enacted a provision that attempted to save Medicare money, and it did so by placing physician payments on an automatically adjusting formula called the sustainable growth rate or SGR. During the economic boom of the 1990s, this SGR formula worked well for physicians, and physicians did receive positive updates year after year during that period.

Without getting into great details about the formula that we enacted back in 1997, there are four factors that have caused the formula to result in cuts in payments to physicians in recent years. Let me mention those four factors: First was the economic downturn in the first term of the Bush administration; second, the changes in the composition of managed-care enrollment; third, the addition of more preventive care services; and, fourth, the inclusion of prescription drugs in the calculation of the formula.

Congress created a mess with a poorly devised formula and, in 2001, more than two-thirds of the Members of Congress—both Democrats and Republicans—cosponsored legislation to halt the cuts and to change the manner in which this SGR formula was to be calculated. That legislation, unfortunately, died when the congressional leadership declined to schedule a vote. As a result, physician payments were cut by 5.4 percent in 2002.

In 2002, there were more than 80 percent of the Congress who signed on to cosponsor legislation to fix the physician payment formula, but some deal was brokered that year, 2002, by one of the committee chairs and one physician group to impose a freeze in the payment and backloading the cuts in a budget-neutral manner in later years.

So rather than fixing the problem, that has become the new mode in Congress: we go for year after year patchwork. Physician groups face an impending cut year after year. Congress pushes back the need to truly fix the problem, and the problem grows bigger and bigger, to a point where some would argue it is virtually unfixable at this point.

What do I mean by ''virtually unfixable''? According to a new Congressional Budget Office analysis of the Medicare physician payment formula, one solution to fix the problem would cost $200 billion over the next 10 years. The sham of these annual 1-year adjustments to the Medicare physician payment formula masks the true size of our Nation's budget deficit, as we all know very well that the Congress is not going to allow scheduled cuts to physician payment rates of more than 40 percent in the coming years, as is provided for in the law that is now built into the Congressional Budget Office baseline projections.

So this SGR formula is clearly broken, but the hole that has been created is so deep that the problem is largely unsolvable at this point. The problem is made worse, of course, by the very fact that Congress has failed to pass a budget this year. In its next budget—hopefully, next year—Congress needs to enact, in my view, a ''truth in budgeting'' amendment for Medicare physician payments so that we can admit the true level of our Nation's deficit by revising the payment formula baseline, and through that device address the problem with the SGR formula in a forthright manner.

It is, sadly, too late to hope that we can solve all of this problem this year in this 109th Congress. I urge congressional leadership and organizations that represent physicians groups to push to resolve this annual crisis in the next Congress—early in the next Congress—in what would be a far more honest and open manner that would lead to a permanent fix with respect to this physician payment formula.

Unfortunately, the Medicare physician payment formula is just one example of the much larger institutional problem facing the Congress in coming to grips with health care issues. Just a year ago Congress failed to restore more than $1 billion in expiring funding for the State Children's Health Insurance Program, or SCHIP. While there is not a single Member of Congress who would admit to not supporting the State Children's Health Insurance Program, congressional leadership has failed to find a way to ensure that $1 billion in dedicated resources to SCHIP was actually available to spend on the program.

Now SCHIP faces a larger problem because the States are estimating a $900 million shortfall in fiscal year 2007 in order to provide current levels of health insurance coverage for children. According to the American Academy of Pediatrics and 85 other national organizations in a letter to Congress dated September 18:

> Without additional federal funding to avert these shortfalls, states may have to reduce their SCHIP enrollment, placing health care insurance coverage for over 500,000 low-income children at risk. States may also be forced to enact harmful changes to their SCHIP programs, such as curtailing benefits, increasing beneficiary cost-sharing or reducing provider payments.

Just a few years ago, Congress and the administration provided what is now estimated to be a $700 billion Medicare prescription drug benefit to our Nation's seniors. Yet somehow we cannot find our way to provide 1 percent of that amount for our Nation's children to avert a shortfall in funding in order to ensure that not only prescription drugs but comprehensive health care is provided to those low-income children.

Four days before that, the Institute of Medicine issued a report noting that despite a profound epidemic confronting our Nation with respect to childhood obesity, the Federal Government, the food industry, schools, and others have made little progress in stemming this growing tide of childhood obesity.

In 2 straight years, the Senate has passed amendments to the Agriculture appropriations bill by overwhelming majorities to increase funding for programs such as TEAM Nutrition, only to see that money disappear once we got into conference with the House. What is needed, in my view, is national leadership, both by the administration and by the Congress. We have failed to deal with this extremely important issue affecting the long-term health of many of our children.

In addition to confronting expiring provisions with programs such as Medicare and SCHIP and major problems through the appropriations process in getting adequate funds to deal with childhood obesity, I also want to raise the issue of Congress' failure to enact reauthorizations of numerous Federal programs. According to the Congressional Budget Office, in its annual report entitled ''Unauthorized Appropriations and Expiring Authorizations'':

> The Congress has appropriated about $159 billion for fiscal year 2006 for programs and activities whose authorizations of appropriations have expired.

Some of the major health care programs whose authorizations have expired include the National Institutes of Health, the Ryan White CARE grant programs, the veterans' medical care, the Indian Health Service, and the Administration on Aging.

Considering all the Congress must consider on an annual basis, it is not surprising that some programs are not reauthorized in a timely fashion. What has become disappointing is that there appears to be a lack of effort in some instances to even try or to bring these issues to closure despite the vast need.

For example, the Indian Health Care Improvement Act expired in 2001, and for 6 long years American Indians and Alaska Natives have tried repeatedly to reauthorize the programs administered by the Indian Health Service. Moreover, the U.S. Commission on Civil Rights issued a report in 2003 entitled, ''A Quite Crisis: Federal Funding and Unmet Need in Indian Country,'' that called for immediate passage of the Indian Health Care Improvement Act and for the Federal Government to ''act immediately to reverse this shameful and unjust treatment'' that is the Indian health care system and funding levels.

And yet, here we are 3 years later and the Committee on Indian Affairs has reported a reauthorization bill to the Senate floor over 6 months ago, but this bill has not yet been bought up for debate.

Failure with respect to the Medicare physician payment formula, the State Children's Health Insurance Program shortfalls, childhood obesity, and the Indian Health Service are just examples of a larger problem that has grown over the years.

Other programs, such as the Health Professions Act, so desperately need to be reauthorized and improved that both the administration and Appropriations Committee recognize are not working well, so they continue to get dramatically cut or even zeroed out. Meanwhile, as a Nation, there are areas in the country with terrible health profession shortages, and we are now importing 25 percent of our physician workforce from foreign nations, which is not a good result either for our Nation or for the country from which we have taken their doctors.

Mr. President, our Nation's health care system is in a mess, and yet the Congress is not addressing rather critical and fundamental issues due to inaction, neglect, or inattention.

In the coming days and during the lameduck session, I urge the leadership of the Congress to begin the work of addressing these important health care problems facing our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from South Carolina.

Is the Senator seeking consent to proceed in morning business?

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 30 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FAMILY PROSPERITY ACT

Mr. DEMINT. Mr. President, earlier this year Republicans put together one of the most important bills we have considered, and Republicans asked for a vote on that important bill we call the Family Prosperity Act. Indeed, it does deal with the prosperity, the economic well-being, the cost of living for every American family. It contains three very important measures and all enjoy majority support in the Senate. One was permanent death tax relief, another was the extension of very important expiring tax provisions, and a minimum wage increase of more than 40 percent.

The bill represents a true bipartisan compromise. Yet it met unified Democratic obstruction that prevented it from receiving an up-or-down vote. I do not think I have ever seen a vote that

has so clearly demonstrated Democrats' willingness to turn their backs on American families in order to score political points. I believe Americans understand that Republicans worked hard to reach a true compromise that would raise the standard of living for all American families. I think they will remember that after years of rhetoric, Democrats proved they were all talk and no action.

For years Republicans, along with many Democrats, have worked for permanent death tax relief because it is an immoral double-tax that punishes death and savings. As the Senator from New York, Mrs. CLINTON, said when she was running for office in the year 2000:

[Y]ou ought to be able to leave your land and the bulk of your fortunes to your children and not the government.

Other Democrats have supported death tax relief in the past, including Senators WYDEN, BAYH, PRYOR, LANDRIEU, and CANTWELL. Even the minority leader, Senator REID, has said he is for ''fixing the estate tax.'' Yet when it came time to vote, they joined their fellow Democrats to block death tax relief.

The Family Prosperity Act also extends several important tax relief provisions that are set to expire in October to extend several critical relief measures, including State and local sales tax deductions, research and development tax credits, college tuition deductions, work opportunity tax credits, welfare-to-work tax credit, depreciation for restaurants, timber capital gains, teacher classroom expense deductions.

These tax relief provisions enjoyed broad bipartisan support and need to be renewed to keep our economy growing. Instead, in August, Democrats obstructed these items and essentially voted to raise the cost of living for American families.

Additionally, the Family Prosperity Act contained a longtime priority for Senate Democrats, a 40-percent increase in the minimum wage.

I must make it clear that I personally oppose a minimum wage increase, as do many of my Republican colleagues. Economists agree that raising the minimum wage prices people with low skills out of the job market and keeps them from getting a job that ultimately pays higher wages. Yet Republicans such as myself are willing to vote for this true compromise bill. Unfortunately, Democrats chose election-year partisan obstruction instead of lowering the cost of living for American families.

However, today we can change this. We are nearing the end of the 109th Congress, and we have debated these issues over and over. We now have one final opportunity to get this right and pass this bill to secure America's prosperity. In fact, I understand that some Democrats just gave a press conference earlier today urging the passage of the tax relief extensions in this Family Prosperity Act. Well, they are about to have their chance. The Democrats now have one final opportunity to either do what is right for American families and lower the cost of living or they can choose to continue their partisan political games of blocking American priorities so they can try to blame Republicans as a do-nothing Congress.

Mr. CORNYN. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. CORNYN. Mr. President, I would inquire of the distinguished Senator from South Carolina—he has just described the blocking of the Family Prosperity Act, which, as I recall, combines the death tax, an increase in the minimum wage, and so-called extension of the tax relief, including the teacher classroom deduction, the State and local tax deduction, and the R&D—research and development—tax credit. But I believe he also referenced a press conference that was held at 10 o'clock this morning here at the Capitol where Republicans were charged with raising taxes against the middle class for failing to extend the very tax extenders that they blocked just in August. Is that the Senator's understanding?

Mr. DEMINT. The Senator from Texas knows as well as I do that this has become the pattern of our Democratic colleagues: to purposely block important legislation and then attempt to come down and blame Republicans or blame the President when it doesn't actually get done.

I am excited, as the election nears, that the American people are much smarter than that. They are going to clearly see through those attempts. These important things which need to be done, many of which we have been able to accomplish despite Democratic obstruction, are still being blocked by our Democratic colleagues.

Mr. CORNYN. Mr. President, will the Senator yield for an additional question?

Mr. DEMINT. Yes.

Mr. CORNYN. Is the Senator aware that in addition to blocking the Family Prosperity Act, which would have achieved the No. 1 item on the Democratic agenda, which is raising the minimum wage, in addition to reducing the death tax and providing additional tax relief, which we discussed, that there have been other efforts to block and then blame Republicans for being a do-nothing Congress?

I would just like to read a short list—I know the Senator has some other prepared remarks he is going to focus on—just to cover sort of a survey of the field, of areas which our friends on the other side of the aisle have sought to block and blame the majority while, at the same time, being the ones responsible for blocking important legislation.

For example, is the Senator aware that there is now an attempt on the Democratic side to block the Child Custody Protection Act—and we mentioned the estate tax and Extension of Tax Relief Act, the Gulf of Mexico Energy Security Act, which would help us become less dependent on imported energy and oil, the Arctic Coastal Plain Domestic Energy Security Act, the Health Insurance Marketplace Modernization and Affordability Act, the Legislative Line Item Veto Act, the Federal Election Integrity Act, and the Social Security Guarantee Act? Is the Senator aware that in each of those instances, but for blocking by our friends on the other side of the aisle, we would actually be able to make bipartisan reforms and actually advance the agenda of the American people in very positive and constructive ways?

Mr. DEMINT. Yes, I am aware. And I am aware that all of the bills and legislation that my colleague mentioned have majority support in the Senate. But by using procedural blocking techniques, the Democrats have kept these from coming to a vote, or even debated in some cases. But, again, I am confident the American people, as they focus on what we have been doing—and I realize our Democratic colleagues produced their commercials to call us a do-nothing Congress several months ago, so it has become very important for them in the last days of this Congress to block everything that they can. But we have several important pieces of legislation this week related to the security of this country that we need to pass, and we are going to have the opportunity in a few minutes to hopefully get unanimous consent to pass the Family Prosperity Act, to give people a raise in the minimum wage, to pass these tax extenders, and to create a compromise on this death tax, which is so immoral and hurts so many families.

Mr. CORNYN. Mr. President, if the Senator would yield for one last question.

Mr. DEMINT. Yes.

Mr. CORNYN. Mr. President, I know the Senator's focus is on the Family Prosperity Act. But one of the bills that I mentioned, just as a final example of this tactic of blocking and then blaming the majority for being a do-nothing Congress, is the Health Insurance Marketplace Modernization and Affordability Act. As I recall, this is sometimes called the small business health insurance bill, which would be designed to allow small businesses and other associations to pool together to buy health insurance for their employees at about 12 percent lower rates than are otherwise available.

Is the Senator aware that while we attempted to close off debate, 55 Senators voted to be able to close off debate and go to that important small business health reform legislation, and 43 Senators voted against closing off debate, thus preventing us—again, blocking us—from passing this important health care legislation which appears to otherwise have broad bipartisan support?

Mr. DEMINT. I am glad the Senator from Texas brought that up because this morning our distinguished colleague from New Mexico was talking

about how Republicans have done nothing significant to lower health insurance costs when, in fact, the small business health plan would have done just that. I was a small businessman for many years. Health care is one of the highest expenses we had. The chance to pool together with small businesses all over the country to buy insurance, just like large companies can do, is a commonsense measure that should have been passed in the Senate, yet was blocked by our colleagues.

Mr. CORNYN. I thank the Senator.

UNANIMOUS CONSENT—H.R. 5970

Mr. DEMINT. Mr. President, we have the opportunity to correct a wrong. An important bill was blocked. I would like, as we consider this Family Prosperity Act this morning, to ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 5970, which is the Death Tax Repeal Act, which we call the Family Prosperity Act. I ask unanimous consent that the bill be read the third time and passed, and a motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, we see again a bill that has been debated and considered for many months, a bill on which a press conference was held this very day saying we need to pass a major portion of it. Yet at every turn there is blocking.

I would like to take a few minutes—and if the Presiding Officer would let me know when I have 5 minutes left—to talk about one of the provisions of the Family Prosperity Act. My friends on the other side of the aisle are holding up legislation that would prevent an enormous increase in the death tax on everyday Americans. I will talk more about this chart, but Democrats widely claim that the death tax impacts only a few of the wealthiest Americans. The truth is, the only reason the death tax doesn't affect more hard-working Americans today is that it currently—the Republicans have passed temporary legislation that is phasing out the death tax, as we can see on this chart through 2010. And we have done this despite Democratic obstruction. But as you can see from this chart, if the Democrats have their way, a huge number of American families will be in the death tax death grip in 2011.

Minority Whip DURBIN, my colleague from Illinois, said this about the death tax:

> How many families will benefit if the estate tax is repealed? Each year in America, a Nation of 300 million: only 8,200 families. You have to search long and hard to find them. These families are so well off, who have done so well in this great Nation, who have benefited from this democracy and the blessings of liberty, who have enjoyed a comfortable life because of their prosperity, who now have taken millions of dollars to hire the most effective lobbyists in Washington, DC to push this outrageous special interest legislation, the fattest of cats in America will get a great bowl of tax cuts, tax cuts on the estate tax.

Senator DURBIN argues against full repeal of the death tax, but we are not arguing for full repeal of the death tax. Our legislation would simply prevent an enormous increase in the death tax, while Senator DURBIN is arguing that we should let the death tax increase in 2011 to a top rate of 60 percent. That is not taxing, it is taking. No, in fact, it is stealing.

Senator DURBIN also argues that the death tax only affects 8,200 families. The truth is, the death tax doesn't affect 8,200 family members who may die; it affects millions of family members still living who are left to deal with Uncle Sam's sticky fingers.

Let's take a look for a minute at homes in Senator DURBIN's State. Keep in mind, in 2011, if Senator DURBIN has his way, all estates of $1 million or more will be taxed at a very high rate.

He says: You will have to search long and hard for these families.

But look at these homes in Chicago that he says are owned by the fattest cats. These are very modest and some would consider lower scale homes, all valued at over $1 million today. Are these the wealthiest Americans? If you look at Chicago, right now over 36,000 homes in urban areas would be affected by the 2011 death tax. But if you move ahead to 2011 and look at the number of homes in the Chicago area that will be affected by the death tax, the Democratic death tax increase, you are looking at more than 143,000 homes. You don't have to look long and hard to find that many houses.

What about other cities? By 2011, when the death tax is raised to the Democrats' level that they want, if you look around the country, over 500,000 in New York City, over 200,000 in Boston, over 250,000 in Newark. If you go to Atlanta, 26,000; Chicago, as I said, 143,000; San Francisco, over a quarter of a million; Los Angeles, 812,000. You don't have to look long and hard to find these homes.

The Census reports that just over 1 million homes in 2004 were subject to the death tax at the Democrats' level of 2011. In 2005, that number reached 1.4 million, over a 40-percent increase. As properties continue to appreciate, that number will continue to increase year after year, subjecting more and more Americans to the Democratic death tax. If you look at 2005, under the levels that will happen in 2011, there has been a 143-percent increase in the number of homes that will be affected, just in 2 years, based on the Democratic death tax.

Let's talk about some farms. Let's look at who these families are who Senator DURBIN claims have enjoyed a comfortable life—the ''fat cats'' as he calls them. There are nearly 30,000 farms in Illinois alone, many of them owned by families whose comfortable life has made them a target of Senator DURBIN's death tax should we not vote to block the impending tax increase. Based on 2002 Illinois Farm Bureau figures, over one-fourth—26.7 percent—of all Illinois farms would currently be subject to the death tax at Senator DURBIN's rate of taxes in 2011. In 2011, you will have about 30,000 Illinois farms, or over 40 percent of all farms will likely be subject to the death tax. When we fail to prevent the 2011 Durbin death tax increase, it will not be hard to find almost one-half of Illinois' farms. If you take the USDA figures, the Department of Agriculture, they say that over half of the farms in Illinois will be subject to the death tax in 2011 if Senator DURBIN gets his way.

How many farms will be eligible if hit by the Democratic death tax increase in 2011? Well, again, the fat cats we are talking about, if you look at Arkansas, you have nearly 5,000; Missouri, 9,200; Iowa, nearly 20,000 farms; South Dakota, 5,500; in California, 20,000. Lots of family farms are going to be affected by the Democratic tax increase.

Let's talk about small businesses, really the backbone of the American economy. Who are these—to quote Senator DURBIN—''the fattest of cats who have taken millions of dollars to hire the most effective lobbyists in Washington, DC to push this''—as he calls it—''outrageous special interest legislation.''

Again, his numbers are somewhat questionable. The National Federation of Independent Business reports that 1.4 million small businesses would currently be subject to DURBIN's tax increase in 2011 if the Democrats get their way. And by 2011, an additional 1.2 million will be eligible for the tax. A vote against the Republican legislation to reform the death tax is a vote to increase the death tax on 2.6 million small businesses.

Are these 2.6 million hard-working small business owners and employers the fattest of cats? Small businesses that we all use every day will be affected.

Let's take a closer look at some of the specific examples of these family farms, family homes, and family-owned businesses if the death tax is implemented the way the Democrats want. I will use one. The Greens, the Green family—Greens Printers. For 97 years, Janet Green and her family have owned and operated Greens Printers, Inc., in Long Beach, CA. Her company operates a sheet-fed, four-color printing plant with full bindery and electronic capabilities. The family wants to remain in business for many years to come. The fact that they have to pay a ridiculous insurance premium for the sole purpose of paying a tax when they die is not only absurd, it is antibusiness. However, the future of Greens Printers is being threatened by the death tax. Janet's company cannot afford to pay an enormous life insurance cost that would help pay for the death tax when

her parents need to pass on the business.

Janet says:

Because we are a third generation printing facility, we have already paid the estate tax in the early 1970's. Both of my parents are well into their seventies and not insurable because of ill health and the astronomical cost associated to do so. At roughly $100,000 a year [for this insurance policy], we cannot afford it.

She says:

Let my employees keep their jobs and let us maintain the risk of owning the business to keep them employed.

She is reminding us it is not just the family that is affected, but it is everyone who works for these businesses who are ruined by this death tax.

Over the years, Green has tried not only to be successful in generating profits, but also successful at being a good neighbor. She does this by supplying 20 people in the community with good jobs and benefits, and by building lasting relationships with employees that allow the company to plan for future growth and the workers to enjoy a stable income and fulfilling livelihood.

Her family wants to keep Greens Printers even after she is gone.

We have 16 grandchildren who would love to take over the company and see it grow someday.

She asked us in Congress:

Does Congress really think that we small, family-owned businesses out here have hundreds of thousands of dollars tucked away for estate taxes? Any money we make we put right back into the business by purchasing new equipment and hiring more employees.

Let's look at another business, the Barthle Brothers Ranch, in Florida. These are some more fat cats, as Senator DURBIN would call them. Larry, Mark, and Randy Barthle are brothers who share a similar story with many ranchers around the country. They are trying to maintain the family ranch their father built in the early 1930s so they can pass it on to future generations.

The ranch has received national recognition for its environmental stewardship practices that protect and promote the environment and wildlife. The family is dedicated to youth development to encourage future generations of ranchers to care for resources responsibly.

Larry Barthle says:

Our family was first struck by the Death Tax in the early 1970s when both my grandfather and uncle passed away within a short period of each other. We had to sell 1,200 acres of the ranch. Every penny went to pay taxes assessed to us and we still had to take out a loan for the balance. Not one cent was used for anything except taxes. After such a devastating blow, it was my father's lifelong goal to be able to pass along the ranch to his kids without being hit by the Death Tax. He was successful at the time of his death because he was able to make the transfers to my mother. We currently have our ranch set up [in all kinds of legal frameworks in order to try to get it through the death of another owner.]

This is not fair to American families and businesses.

Just one more quick example here, Mt. Pulaski Products. Scott and Kathryn Steinfort operate the family-owned Mt. Pulaski Products, Inc., in a small town in Illinois that bears the company name. It has been in business since 1951. They sell products that are absorbents and abrasives. For decades, the family has worked to build a successful business, which employs over 44 citizens there in Mt. Pulaski.

The Steinforts also are known for their community service, dedicated to serving the community. They have two sons. Both are serving in Iraq, both with engineering degrees. While many other engineering graduates are making big salaries, they serve our country. Someday they would like to join the company business, but the death tax looms over the family business. Without wealth, the Steinforts may be forced to sell the business to pay for the death tax, not only taking from future generations but possibly putting 40 families out of work. They say:

My wife and I have life insurance to cover these taxes, but as we age our premiums are marching steadily higher. Combined with not knowing how much we need to plan for in taxes and fees, the potential costs ultimately point to only one path: sale or liquidation of our plants to pay our tax burdens.

I have a lot more here that we could talk about, but I will put up one more chart. The Senator from Illinois, Senator DURBIN, has told the American people that only 8,200 American families are affected by the death tax. The only reason that is today is because the Republicans have overcome Democratic obstruction and at least temporarily reduced the death tax. If the Democrats get their way, the tax on the American family will reach over 3.3 million children and grandchildren of those who die in the 10 years after 2011. Over the next generation, millions of children and grandchildren and workers in small businesses and farms will be affected.

I ask all my colleagues, what is the difference between these numbers? The difference is the truth. We have been misled, that this tax is about the wealthiest of Americans. Whereas, as we have seen today, in the homes and the farms, the small businesses, this tax is immoral. It steals from the American people, the hard-working families who put together some savings to pass along to the next generation. It is not to the fat cats and their lobbyists. It is to the average Americans, who are doing what we expect them to do, and that is to work and to save and to build a better future.

Today we have seen again that the opportunity to compromise and at least reduce these taxes was blocked again by our Democratic colleagues. Yet they come to this floor every day and ask why we are not doing something for the cost of living of the American people, to help improve their future. I think the reason for this is obvious. Senator CORNYN brought it up a minute ago. The Democratic strategy is to block what needs to be done and then try to blame someone else when it does not get done. The American people are smarter than that and they will see the difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? The Senator from Louisiana.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Ms. LANDRIEU. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that I be recognized as soon as the distinguished Senator from Louisiana has finished.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is agreement to both requests.

Ms. LANDRIEU. Mr. President, I am sure there is going to be a very vigorous response to the charges that were made by my good friend, the Senator from South Carolina. Those will come later. I am sure that will be a very heated debate as we go on through these next few days and next few months.

The PRESIDING OFFICER. The Senator from Louisiana is recognized as in morning business for up to 15 minutes.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 585 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

OIL AND GAS DRILLING IN THE GULF OF MEXICO

Ms. LANDRIEU. Mr. President, I would like to turn my attention to one issue we have to resolve before we leave on this Friday or Saturday.

The Senators from Mississippi and Texas and Alabama and Louisiana and the Senators from Florida have stepped forward to come up with a plan that will do more than just talk about the recovery of the gulf coast but will actually put money behind that promise. We will put real money behind that promise.

We have been working for months and months through an extremely difficult negotiation and have come up with a way to open more drilling in the Gulf of Mexico, drilling for oil and drilling for gas—particularly natural gas—as our region struggles to come back, to stay competitive as industries large and small struggle to come back. The price of natural gas remains too high. One way to drive it down is to open more gas reserves in this Nation, to open the supply.

In the last Energy bill we passed, there were any number of ideas and new initiatives for energy conservation. But what we didn't do in the last Energy bill—please hear me—was open

new production. We spent the whole time debating ANWR as if it were the only place in America we could drill. We have debated it for 40 years, and maybe we will continue to debate it, but it ended in a no advance-no retreat status—basically a draw—in the last Energy bill because all the energy was spent in a discussion of ANWR, which is a very important subject, but it is not the only place that has oil and has gas. We have a lot of it in the gulf. We are willing to drill.

This is the extraordinary find just off the coast of Louisiana—actually an outside distance of over 200 miles—most extraordinarily, 28,000 feet deep, 20,000 feet of water and 8,000 feet below the floor. This well in this small, little square will double the size of the reserves in the entire Gulf of Mexico. There is plenty of oil and gas in the gulf, and the great news is that Texas, Louisiana, Mississippi, and Alabama will do the drilling. We will be host for the industry. We respect the rights of other States that might choose other ways. Your State, Mr. President, has chosen a different way, other States look at the Atlantic coast and have chosen a different way, and Florida has chosen a different way. That debate is for another day.

Right now, the American people need this leadership team to act, to open 9 million new acres of land in the Gulf of Mexico. This has been agreed to by Democrats, by Republicans, by Florida, by Alabama, by Mississippi, by Louisiana, and by Texas, by all the Governors, starting with Governor Bush, to Governor Perry, to Governor Blanco, to Governor Riley, to Governor Barbour. You would think we could get this done before we leave.

This is a jack well, one little square. This is lease sale 181 and 181 south, which PETE DOMENICI has led in an extraordinary bipartisan effort with 72 votes on the floor to open this drilling. Many want to say it is not enough. It looks pretty big to me. We don't even know the oil and gas that is there because we haven't even tested it. Trust me, there is a lot of oil and gas. Check the industry, check the Web site about what must be there. And there is no fight about it. The only fight is we can't seem to get this bill passed when most everybody has agreed to it. Some people are holding out to drill off the coast of California or off the coast of New Hampshire or off the coast of New Jersey, which is not going to happen in the next week. It may not happen in the next year or two. But this can happen now. We need to make this happen now. The industry needs the oil and gas.

Why do I keep saying it is America's energy coast? Because this is the pipeline. I didn't make this up. This comes off of the Web site. It is from the Annual Florida Natural Gas Supplemental Gas Supply and Disposition from the Energy Administration. This is not from MARY LANDRIEU's office; this is from the Energy Administration. This is where the natural gas is. This is where it comes from. The infrastructure is here, and our country desperately needs it.

Here is another chart that shows it in a more colorful fashion. This is the pipeline coverage. You can see the contributions of Texas, Louisiana, and Mississippi. This is the Superdome. It sits right here. There is Mississippi, Louisiana, and Texas. Right here is the heart of America's energy coast. We are proud of it.

There is not a whole lot of drilling going on up here, not a whole lot up here in the northwest, but the infrastructure is here.

We need to open up lease sale 181. The steady stream of revenue to restore this coast and to build these levees—$8 billion—is produced off of this coast every year, and getting a portion of these revenues back to these States, opening additional reserves, and sharing these revenues to build this coast and to restore this coast is something we can get done.

In the spirit of the leadership and the spirit of the great victory last night, let this team in Washington get this victory for the country before we leave.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I certainly enjoyed the remarks of my friend from Louisiana.

MARKING THE 20TH ANNIVERSARY OF THE APPOINTMENT OF SUPREME COURT ASSOCIATE JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, I proudly rise to mark the 20th anniversary of a great event.

Twenty years ago today, Antonin Scalia took the oath of office to become an Associate Justice of the Supreme Court of the United States.

Through his dogged commitment to the fundamental principles of liberty, and the brilliance and passion with which he expresses that commitment, Justice Scalia is having a profoundly positive impact on our nation.

In the time I have this morning, I would like to offer a few general remarks about Justice Scalia's judicial philosophy, his judicial personality, and his judicial impact.

Antonin Scalia was born on March 11, 1936, in Trenton, New Jersey, the only child of immigrant parents.

After graduating first in his high school class, summa cum laude and valedictorian from Georgetown, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and the judiciary.

President Reagan appointed Antonin Scalia in 1982 to the U.S. Court of Appeals for the D.C. Circuit, and then in 1986 to his current post on the Supreme Court.

President Reagan did not choose Justice Scalia simply because he is smart and talented.

With all due respect to the good Justice, there are many smart and talented people around.

No, President Reagan chose Justice Scalia because his smarts and talents are connected to a deeply considered and deliberately framed judicial philosophy rooted in the principles of America's founding.

Indeed, as Pepperdine law professor Douglas Kmiec has said, Justice Scalia "is the justice who works the hardest to construct a coherent theory of constitutional interpretation that does not change from case to case."

When the Judiciary Committee hearing on Justice Scalia's nomination opened on August 5, 1986, I quoted from the Chicago Tribune's evaluation that the nominee before us was "determined to read the law as it has been enacted by the people's representatives rather than to impose his own preference upon it."

Consider for a moment the vital importance of this simple principle.

Since the people and their elected representatives alone have the authority to enact law, the way they have enacted it is the only sense in which the law is the law.

The way they have enacted it, then, is the only legitimate way for judges to read it.

This fundamental principle is at the heart of Justice Scalia's judicial philosophy.

This principle springs directly from the separation of powers, which America's founders said was perhaps the most important principle for limiting government and preserving liberty.

Alexander Hamilton wrote in The Federalist No. 78 that there is no liberty if the judiciary's power to interpret the law is not separated from the legislature's power to make the law.

In his dissenting opinion in Morrison v. Olson, Justice Scalia highlighted the Massachusetts Constitution of 1780 which, to this day, contains what Justice Scalia called the proud boast of democracy, that this is a government of laws and not of men.

The Massachusetts charter, however, also states what is required for this boast to be realized.

It requires the separation of powers, including that the judiciary shall never exercise the power to make law.

Today, only 42 percent of Americans know the number of branches in the federal government and fewer than 60 percent can name even a single one.

But America's founders insisted that identifying them, defining them, and separating them is essential for liberty itself.

In Marbury v. Madison, the great Chief Justice John Marshall wrote that it is the duty of the judicial branch to say what the law is.

Not what the law says, but what the law is.

The law is more than simply ink blots formed into words on a page.

Saying what the law is requires saying what the law means, for that meaning is the essence of the law itself.

But here is the crux of the matter, Mr. President.

The meaning of the words in our laws comes from those who made them, not from those who interpret them.

Those who chose the words in our laws gave them life by giving them meaning, and the judicial task of saying what the law is requires discovering the meaning they provided.

The separation of powers, therefore, excludes from the judiciary the power to change the words or meaning of the law and secures to it the power to interpret and apply that law to decide cases.

As President Reagan put it when swearing in Justice Scalia 20 years ago today, America's founders intended that the judiciary be independent and strong, but also confined within the boundaries of a written Constitution and laws.

No one believes that principle more deeply, and insists on implementing it more consistently, than Justice Scalia.

President Reagan often used the general label judicial restraint for this notion of judges restrained by law they did not make and cannot change.

A speech last year at the Woodrow Wilson International Center for Scholars here in Washington was one of many instances in which Justice Scalia used the more specific label originalism for his judicial philosophy.

When judges interpret the law, he said, they must ''give that text the meaning that it bore when it was adopted by the people.''

Whether that simple statement elicits growls or cheers today, Justice Scalia was merely echoing America's founders.

James Madison said that the only sense in which the Constitution is legitimate is if it retains the meaning given it by those who alone have the authority to make it law.

This body unanimously confirmed Justice Scalia on September 17, 1986, the 199th anniversary of the Constitution's ratification.

I see that as having more than coincidental significance, for it is Justice Scalia's judicial philosophy that gives the most substance and power to the Constitution.

The Constitution cannot govern government if government defines the Constitution.

That includes the judiciary, which is as much part of the Government as the legislative or executive branch.

To once again cite Chief Justice Marshall from Marbury v. Madison, America's Founders intended the Constitution to govern courts as well as legislatures.

It cannot do so if, as Chief Justice Charles Evans Hughes famously claimed, the Constitution is whatever the judges say it is.

If the Constitution is little more than an empty linguistic glass that judges may fill or a checkbook full of blank checks that judges may write, it is not much of anything at all. We all know better.

I am not sure what such a collection of words without meaning might be called, but it is not a Constitution.

Thankfully, Justice Scalia rejects such an anemic and shape-shifting view of the Constitution, insisting that even judges must be the servants rather than the masters of the law.

Justice Scalia insists that judges stick to judging so the Constitution can indeed be the Constitution.

Analyzing Justice Scalia's jurisprudential approach in the Arkansas Law Review, one scholar described what he called the justice's meticulous, almost obsessive, attention to language.

Let us remember that the epicenter of the remarkable system of government America's founders crafted is indeed a written Constitution.

They, too, were obsessed with language.

President George Washington warned in his 1796 farewell address against changing the Constitution through what he called usurpation rather than the formal amendment process.

George Mason actually opposed ratification of the Constitution, in part because giving the Supreme Court too much power to construe the laws would let them substitute their own pleasure for the law of the land.

President Thomas Jefferson said that ''our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction.''

Justice Scalia appears to be in some good obsessive company.

No one should assume that while originalism is relatively straight-forward to describe, it is either perfect or easy.

Writing in the University of Cincinnati Law Review just a few years into his Supreme Court service, Justice Scalia himself acknowledged that originalism is, in his words, not without its warts.

But it is consistent with, I would say compelled by, the principles underlying our form of Government.

And it is certainly better than the alternative, which puts judges rather than the people in charge of the law's meaning and the nation's values.

Let me emphasize that Justice Scalia's judicial philosophy is about the process of interpreting and applying the law, to whatever ends the law requires.

That process can produce results in individual cases that political conservatives or liberals will support or oppose.

But when the law, and not the judge, decides the outcome of cases, those who do not like the outcome can work to change the law.

When, however, the judge and not the law decides the outcome of cases, the people are nearly always left with no voice at all.

Justice Scalia's critics attack his judicial philosophy for the same reason he embraces it.

Originalism limits a judge's ability to make law.

The famed Senator and Supreme Court orator Daniel Webster once said that ''there are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.''

Justice Scalia has often said that judges are no better suited to govern than anyone else, and certainly have no authority to do so.

Unelected judges, no matter how well-intentioned, do not have the power to be our masters.

The temptation and danger of judges making law reminds me of a scene in The Fellowship of the Ring, the first installment of the Lord of the Rings trilogy.

Gandalf the wizard has discovered that Bilbo's ring is indeed the One Ring of power and Frodo insists that he take it.

Gandalf wisely says: Understand Frodo, I would use this ring from the desire to do good. But through me, it would wield a power too great and terrible to imagine.

In that same spirit, Justice Scalia declines the power to make law.

As Hamilton put it, the great and terrible cost of judges rather than the people making law would be liberty itself.

Thomas Jefferson warned that by playing with the meaning of the Constitution's words, the judiciary would turn the charter into a mere thing of wax that they would twist and shape into any form they chose.

In the last 70 years or so, the judiciary has been doing a lot of twisting and shaping.

One of Justice Scalia's predecessors on the Supreme Court, Justice George Sutherland, was also one of my predecessors as a Senator from Utah.

Justice Sutherland wrote this in 1937:

> The judicial function is that of interpretation; it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to . . . convert what was intended as inescapable and enduring mandates into mere moral reflections.

In 1953, Justice Robert Jackson lamented what had become a widely held belief that the Supreme Court decides cases by personal impressions rather than impersonal rules of law.

Many people, conservatives as well as liberals, do not seem to mind this trend so long as it is their moral reflections and their personal impressions that are twisting and shaping the Constitution.

Many people, conservatives as well as liberals, applaud or criticize the Supreme Court when it amends the Constitution, depending on whether they like the Court's amendments.

Yet I ask my fellow citizens, both conservatives and liberals: would you rather have your liberty secured by moral reflections and personal impressions or enduring mandates and impersonal rules of law?

If you cede to judges the power to make law when you support the law they make, what will you say when

judges—and they will—make law you oppose?

Liberty requires separating judges from lawmaking.

Liberty requires that judges take the law as they find it, with the meaning it already has, apply it to decide concrete cases and controversies, and leave the rest to the people.

Professor John Jeffries of the University of Virginia Law School writes that Justice Scalia ''is the most nearly consistent of our judges. He cares more about methodology than is usual among judges, worries more about fidelity to the law laid down, feels himself more closely bound by external sources, and is more dedicated to a vision of constitutional law as something distinct and apart from constitutional politics.''

That is precisely the kind of judge America needs on the bench.

The second thing I want briefly to describe, is what has been called Justice Scalia's judicial personality.

It animates, communicates, and gives practical force to his judicial philosophy.

It turns up the volume, making people sit up and take notice of what, from someone else, might be little more than some quiet ramblings at a seminar somewhere.

One way to describe Justice Scalia's judicial personality would be simply to read from his opinions.

Even while enjoying his powerful prose, however, this might miss the real point.

Justice Scalia's piercing logic, witty and provocative writing, verbal jousting in speeches and debates, and aggressive questions in oral argument are but means to an end.

He uses wit, humor, logic, sarcasm, and the rest to expose the premises and implications of arguments, to assert and defend important principles, and to make the necessary application of those principles absolutely inescapable.

Justice Scalia does not suffer fools gladly, nor will he ignore the man behind the jurisprudential curtain.

His judicial personality makes his judicial philosophy more potent and, quite frankly, impossible to ignore.

As a result, the adjectives attached to his name by media, political activists, and commentators seem to be multiplying, as if a single descriptive—or even two or three—just will not do.

Some call him outspoken, provocative, or fiery; others say he is aggressive, engaging, and articulate.

One profile said he is colorful, controversial, and combative; another said he is testy, witty, and sarcastic.

If adjectives are a measure of one's presence, Justice Scalia is very present indeed.

Justice Scalia is also a funny man.

What is not to like about a judge who uses words such as pizzazzy when talking about constitutional interpretation?

I had no idea how to spell pizzazzy until I read it in one of Justice Scalia's speeches.

Following our modern penchant for everything statistical, we also have empirical evidence that Justice Scalia is indeed the funniest member of the highest court in the land.

Professor Jay Wexler at Boston University Law School examined transcripts of Supreme Court oral arguments, noting when they identified laughter.

During the October 2004 term, Justice Scalia was way ahead of the laugh pack, good for slightly more than one laugh per session.

Finally, I want to address Justice Scalia's judicial impact in two respects.

The first is the impact that comes directly from him, from his judicial personality propelling his judicial philosophy.

One biography cites an unnamed Supreme Court observer noting that if the mind were muscle, Justice Scalia would be the Arnold Schwarzenegger of American jurisprudence.

The inherent power of the principles on which Justice Scalia stands, propelled by the way in which he asserts and defends them, force us confront, whether we like it or not, the issues most basic to a system of self-government based on the rule of law.

As a result, Harvard law professor John Manning writes, Justice Scalia has had a palpable effect on the way we talk and think about the issues of judicial power and practice.

In addition to the immediate work of judges, which is to decide cases, Justice Scalia has prompted, poked, and prodded us to grapple more seriously with these fundamental issues.

But he is not simply a judicial provocateur. When he enrages, he also engages. If Justice Scalia had no impact, he would get no attention. Even the commentators that call him a bully, or worse, feel they have to call him something. His harshest critics know they cannot ignore him.

Scholars or political activists can no longer simply describe the political goods they want judges to deliver, they must defend why judges have the authority to deliver those goods.

Justice Scalia has helped lead this transformation by so powerfully and consistently arguing that the political ends do not justify the judicial means.

As a result, the left-wing groups that today fight President Bush's judicial nominees often use Justice Scalia as the bogey-man, the model they say America must avoid.

To borrow an image from one of Justice Scalia's many famous dissenting opinions, he is used by some as the proverbial ghoul in the night, used to scare citizens and small children.

Somehow, I think, that is fine with Justice Scalia because, even as a foil, his judicial philosophy must be reckoned with.

He is indeed a happy warrior.

His speech at Harvard in September 2004 was typical.

According to news reports, nearly three times as many sought tickets as obtained them and he held the rapt attention of a standing-room-only crowd.

Legal scholars from across the political spectrum concede Justice Scalia's impact.

Professor Michael Dorf of Columbia Law School, for example, says that because of Justice Scalia's influence, we start more often with text rather than its history when looking at written law.

America's founders, it seems to me, assumed that judges would always start with the text and be kept in check because the meaning of that text already exists.

This is why America's founders could call the judiciary the weakest and least dangerous branch.

Putting statutory text ahead of statutory history would be a judicial no-brainer to them.

If Professor Dorf is correct, we should first lament that the courts had gotten so far off course and then cheer Justice Scalia for helping point the way back.

The second, more general, way of looking at Justice Scalia's impact has a human face.

Like every Federal judge, Justice Scalia each year has the assistance of law clerks, those super-brainy, hyper-kinetic workhorses who seem able to leap a courthouse in a single bound after virtually no sleep.

As his Judiciary Committee hearing opened 20 years ago, Justice Scalia introduced his law clerk Patrick Schiltz who had helped him prepare and who would go on to clerk for him on the Supreme Court.

Several months ago, this body confirmed Patrick Schiltz to be a U.S. District Judge in Minnesota.

In 2004, we confirmed Mark Filip, who clerked for Justice Scalia during the October 1993 term, to be a U.S. District Judge in Illinois.

In 2003, we confirmed Jeffrey Sutton, who clerked for Justice Scalia during the October 1991 term, to the U.S. Court of Appeals for the Sixth Circuit.

Justice Scalia must be proud of these former clerks who now sit on the Federal bench, and the many who have argued cases before him, even when he might vote against their position or reverse one of their decisions.

Justice Scalia's former clerks are now serving in many significant positions throughout the country.

They are partners at the Nation's leading law firms, on the faculty of the Nation's leading law schools, and heading legal teams at the Nation's major corporations.

Some, such as Solicitor General Paul Clement, serve in the top tier of the executive branch.

Ed Whelan, who clerked for Justice Scalia during the October 1991 term, served as my counsel when I chaired the Judiciary Committee and is now president of the Ethics and Public Policy Center here in Washington.

Through these talented and dedicated men and women who have served in his

chambers, Justice Scalia's impact extends far beyond the halls of the Supreme Court.

Mr. President, I have received letters from some of Justice Scalia's former law clerks offering their own thoughts, reflections, and congratulations on this important anniversary.

I ask unanimous consent that they be made part of the record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. While I have just scratched surface, my time is almost gone.

Justice Antonin Scalia is the kind of judge America needs and the kind of man Americans would want living next door.

He considers aggressively and defends passionately the principles responsible for the ordered liberty that makes America the envy of the world.

He refuses to let politics supplant principle and with a confident humility, or perhaps a humble confidence, submits himself to the rule of law and the collective judgment of his fellow citizens.

In the process, by the force of the principles in which he believes and the personality with which God has blessed him, Justice Antonin Scalia has made our liberty more secure, our citizenry and leaders more responsible, and given us all plenty to ponder, and chuckle about, along the way.

Mr. President, I have such respect for the Federal judiciary. I have such respect for those who interpret the laws rather than make them. Justice Scalia is at the head of the pack.

Justice Scalia, congratulations on your first 20 years on the Supreme Court. Thank you for all you continue to do for our Nation.

EXHIBIT 1

SEPTEMBER 21, 2006.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing you on the occasion of Justice Antonin Scalia's twentieth anniversary as a member of the United States Supreme Court to reflect on some of the enormous contributions the justice has made to our public life during his service on the Supreme Court. I first met the justice almost twenty-five years ago at the very first Federalist Society conference ever held which was at Yale Law School. I was struck then and am struck now by his vivacious intellectual manner, his tremendous enthusiasm and energy, and by his sharp wit. Justice Scalia is a brilliant man of many talents, and he is in my view the intellectual leader of the Court. I thought I would write you this letter to describe some of the many ways in which Justice Scalia has distinguished himself on the Supreme Court.

First, the justice is one of the most gifted writers ever to serve on the Supreme Court of the United States. Not since Justice Robert Jackson has anyone served on the Court with such a gift and flair for writing. Since his appointment to the Court on September 26, 1986, Justice Scalia has emerged as a brilliant, outgoing, and very outspoken Justice. His sharp and pointed opinions, which all too often are dissents, include many memorable lines. From the beginning, Justice Scalia has also been a very active participant in the Court's oral arguments where he asks probing and effective questions.

While serving on the Supreme Court, Justice Scalia became the most active proponent of originalism among the justices, and it is fair to say he is the leading proponent of originalism in American law today. Originalism is, of course, the theory that constitutional language should be interpreted according to the original meaning the relevant words had when they were enacted into law. Justice Scalia defended this theory in an important public lecture which was published under the title Originalism: The Lesser Evil and then in a book called A Matter of Intepretation: Federal Courts and the Law. Justice Scalia's originalism is evident in many of the most important decisions he has written or joined including his opinions rejecting the use of substantive due process in abortion, homosexual rights, or assisted suicide cases. On criminal law and procedure cases, Justice Scalia's originalism has sometimes led him to favor criminal defendants claims with respect to issues such as the right to jury trial in sentencing, in determining the scope of the Confrontation Clause, and in evaluating whether the President has power to detain citizens who are enemy combatants without a court hearing.

Justice Scalia has qualified his support for originalism in two important ways which illustrate his intellectual depth and contribution to legal theory. First, he has made it clear in constitutional cases that it is the original meaning of the text which controls and not the original intentions of those who wrote the text. Justice Scalia applies this approach as well in statutory interpretation cases where he has led a campaign for formalism and against any reliance on legislative history. Justice Scalia's formalism has had a big effect on the Court, and the justices make much less use now of legislative history than they did when Justice Scalia was first appointed. The revival of formalism is thus another major accomplishment of the Justice's during his twenty year tenure on the Supreme Court.

Second, Justice Scalia has also argued that when the original meaning of the constitutional text would enmesh judges in balancing judges ought in those cases to announce a minimalist rule to further judicial restraint. As a result, Justice Scalia rejects on judicial restraint grounds allowing judges to assess the proportionality of punishments under the Eighth Amendment or the necessariness of federal laws under the Necessary and Proper Clause or the unconstitutionality of broad delegations of power to the executive under the non-delegation doctrine. Justice Scalia has defended his approach in an important law review article called The Rule of Law as a Law of Rules. In this article, Justice Scalia makes it clear that when the original meaning of the text would enmesh judges in balancing he thinks they should abstain from acting instead. This too is a major contribution to the theory of judicial restraint in judging.

Justice Scalia's most important opinions on the Court include: his dissent in Planned Parenthood of Pennsylvania v. Casey, where the Court reaffirmed Roe v. Wade and his dissent in Morrison v. Olsen, where the court upheld the constitutionality of court appointed special prosecutors. The Morrison dissent amusingly came to be hailed by liberals as prophetic during the Clinton impeachment proceedings, and it helped lead to a situation where the political branches jointly decided to junk the special prosecutor law in 1999. Other very important Scalia opinions include: his majority opinion in Printz v. United States; his concurrence in Bush v. Gore; and his dissents in Romer v. Evans and in Lawrence v. Texas. Justice Scalia was also a critical fifth member of the majority which found that flag burning was protected speech under the first Amendment. In recent years, Justice Scalia has led a campaign to preclude the Court from relying on foreign law in many constitutional cases. But most important of all, no other justice who has served on the Court since Justice Scalia's appointment in 1986 has ever been able to match him in his intellectual leadership of the Court or in writing ability. A brilliant mind and a sharp pen have guaranteed Justice Scalia a place in American history as one of our most influential justices.

Best wishes,

STEVEN G. CALABRESI,
Professor of Law.

NEW YORK UNIVERSITY
SCHOOL OF LAW,
New York, NY, September 24, 2006.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am pleased to join the celebration of the 20th anniversary of Justice Scalia's swearing in as a Supreme Court Justice by submitting this letter to the Congressional Record. Although it is somewhat ironic that this tribute to Justice Scalia will be contained in pages of legislative history that he so often derides, I think even he will be convinced that, in this instance, the legislative history is authoritative. After all, if, as he has noted, the use of legislative history is ''the equivalent of entering a crowded cocktail party and looking over the heads of the guests for one's friends,'' he will see many friends and admirers today. I proudly include myself in that group. Justice Scalia has been a valued mentor and serving as his law clerk was an honor I will always treasure.

All of the Justices play a significant role during their time on the Supreme Court by virtue of their votes in the important cases of the day. But most Justices fail to leave a lasting imprint on the law that goes beyond those votes. Justice Scalia's jurisprudence, in contrast, will long outlast his time on the bench. For he has spent his twenty years on the Court not merely voting in important cases; he has been articulating his vision of the Court's place in the constitutional order. Anyone interested in the Supreme Court—from legal scholars to litigants, politicians to pundits—must reckon with his impassioned and intelligent defenses of originalism and textualism. These methodologies have never had a more brilliant advocate on the bench, and generations of law students will wrestle with the arguments he has developed in his opinions. Whether you agree or disagree with Justice Scalia's jurisprudence, there is no denying the brilliance or coherence of his vision of the Supreme Court.

It is important to note that this clarity has not come without costs to the Justice. It takes courage for a judge to stake out a clear position on what methodology he or she will follow in constitutional and statutory cases. For this transparency allows outside observers to assess the judge's performance by a clear metric. It is so much easier for a judge to take each case as it comes without declaring an overarching method or approach. This flexibility allows the judge to change positions from case to case and vote his or her preferences without much constraint. Justice Scalia has not allowed himself that indulgence. Even if we cannot predict his vote in a given case, we know how to judge his performance, for he has told us in

no uncertain terms the values he seeks to uphold and the approach he is committed to follow.

I will let history assess how each of the Justice's votes has measured up to the standards he has set for himself. But two things are clear. First, there are countless examples that prove the Justice's fealty to his methodological commitments. The Justice has not shied away from the consequences of his chosen methodologies, even when it has meant overturning an anti-flag burning law in Texas v. Johnson, 491 U.S. 397 (1989), or rejecting the government's attempt to deprive an American citizen accused of terrorism of his procedural rights in Hamdi v. Rumsfeld, 542 U.S. 507 (2004). There are numerous other illustrations of his commitment, including a multitude of criminal law cases where the Justice has protected the rights of defendants. These cases demonstrate that the Justice is not merely a great intellect; he has the courage of his convictions.

Second, and more importantly, regardless of how Justice Scalia himself has performed under the standards he has set for himself, we must thank the Justice for articulating those standards brilliantly, cogently, and colorfully for twenty years. His opinions are not only educational, they are engaging. They make us think about the role of the Court in our democracy, the nature of rights, and the balance of power in government. His opinions are also beautifully written; he is a master artisan of the craft of judicial opinion writing. Whether his opinions prompt howls of delight or screams of disgust, they are full of life, just like the Justice himself.

I hope we can look forward to at least twenty more years of Justice Scalia's service. But even if he served not a day more, his place in history is both assured and well-deserved.

Sincerely,

RACHEL E. BARKOW,
Associate Professor of Law.

BOSTON UNIVERSITY
SCHOOL OF LAW,
Boston, MA, September 25, 2006.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: One of the greatest privileges of my life was the opportunity to clerk for Justice Antonin Scalia, who has now reached his twentieth year on the Supreme Court. He taught me lessons about law, writing, and life that I will always value. I am particularly fond of two of his favorite sayings that he would trot out when pointing out to law clerks some deep complexity that they had missed: ''Nothing is easy'' and ''It's hard to get it right.'' Right answers, in law and elsewhere, do not come from slogans, party platforms, or warm feelings. They come from hard work, intellectual rigor and honesty, and a willingness to check premises and follow arguments where they lead. Justice Scalia's example in this regard was, and still is, inspiring.

I also recall—more fondly with distance—Justice Scalia's practice of checking every citation that his clerks put into a draft. Justice Scalia's meticulous concern for accuracy is truly remarkable, and the world would be a better place if more people shared it.

It has been a pleasure and an honor for me to watch this man and this mind in action. I am grateful for the opportunity to recognize one of the finest people ever to sit on the United States Supreme Court.

Sincerely,

GARY LAWSON,
Professor of Law.

SEPTEMBER 26, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I write to join you in extending congratulations to Justice Scalia on the occasion of his twentieth anniversary on the Supreme Court of the United States. I had the great privilege to clerk for Justice Scalia during his third term on the Supreme Court, October Term 1988. As a teacher of various separation of powers courses, first at Columbia and now at Harvard Law School, it has been a happy part of my job to follow his career closely. Although it is impossible to capture Justice Scalia's many achievements in a brief tribute, it is worth noting just one of the ways he has managed to change not only the law, but also the way we think about the law.

I refer to the rules of the game by which judges read legislation. When I graduated from law school one year before President Reagan (with the Senate's advice and consent) appointed Justice Scalia to the Court, the question of legitimacy lay deep in the background of the way federal judges approached Congress's handiwork. Although the dominant way of thinking about the law was known as the Legal Process school, little was said about the relationship between the legislative process and its output. The central precept of the time was that judges should be guided by notions of ''reasonableness.'' If legislation was awkward in relation to its apparent purpose, judges should make it more coherent and smooth out its rough edges. Who could be against that? Surely, no one could object to reasonableness in the abstract.

The difficulty is this: Those in your line of work know all too well that in the popularly elected bodies to which our Constitution wisely assigns the task, lawmaking requires compromise. Although sometimes the word ''compromise'' is used pejoratively as the opposite of ''principle,'' the fact is that compromise represents the way that a society as large and diverse as ours works out the inevitable disagreements that people of good faith have about the way we should solve the most pressing problems that we face. Sometimes compromises—good, socially valuable, even life-saving compromises—are awkward, rough-hewn, and uneven. The Court's former impulse to smooth out the rough edges of legislation—to make it always ''reasonable,'' no matter what the text required—ignored that reality.

No one drove this lesson home more forcefully than Justice Scalia. Twenty years ago, he began to try to persuade his colleagues on the bench and at the bar that the clear import of the enacted text best captures the lines of compromise that legislators work so hard to reach. In the old days, the Court was prone to say that even the clearest text had to yield to some often ill-defined ''spirit'' or ''purpose'' that judges perceived to lie behind a statute. See Holy Trinity Church v. United States, 143 U.S. 457, 459 (1892). Today, the Court is much more likely to emphasize that ''[t]he best evidence of [statutory] purpose is the statutory text adopted by both Houses of Congress and submitted to the President.'' West Virginia Univ. Hosps., Inc. v. Casey, 499 U.S. 83, 98–99 (1991). Or it might explain that judges ''are bound, not only by the ultimate purposes Congress has selected, but by the means it has deemed appropriate, and prescribed, for the pursuit of those purposes.'' MCI Telecomms. Corp. v Am. Tel. & Tel. Co., 512 U.S. 218, 231 n.4 (1994). In short, the Court now recognizes that the compromises brokered in a complex, untidy, but ultimately democratic process of passing legislation are not for federal courts to second-guess.

That change in judicial practice, I submit, is a healthy one. It is much more respectful of the kind of democracy our Constitution adopts. It is much more respectful of the wise process by which you and your colleagues make law—a process whose rules of procedure and whose practices quite obviously stress the importance of compromise. Greater judicial respect for that legislative reality has grown during, and because of, Justice Scalia's tenure on the Supreme Court. It is one of the many things for which Justice Scalia—and the Senate, which confirmed him without dissent—have reason to be proud.

Thank you for the opportunity to join you in celebrating Justice Scalia's first twenty years on the Court.

Very truly yours,

JOHN F. MANNING.

Mr. HATCH. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I ask unanimous consent to proceed as in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S SECURITY

Mr. BOND. Mr. President, today we are speaking about security. The major topic of discussion has been, are we safer today? Well, we are safer because of the actions this administration and the Congress have taken, backed up by our brave Americans in the military, intelligence, and law enforcement agencies.

But recently, there has been another politically motivated selected leak of classified information. Regrettably, I am talking about the National Intelligence Estimate, a fraction of which was reported on in the New York Times and, I believe, misinterpreted.

Beside the fact that leaks of this nature, 6 weeks before elections, are clearly politically inspired, these leaks are also illegal and they make the job of our intelligence agency operatives even more difficult. For example, how can intelligence operatives report on the strengths and weaknesses of our allies when those conclusions will be spread on the record? Our policymakers need to know, but what good is it to tell the world what we think about the people we depend upon?

With that said, I have read the NIE in question. It is not what the paper

and some on the other side and the media say it is. Some of our Democratic colleagues would like Americans to believe that the document confirms what the Democrats believe—that the war in Iraq is simply a distraction from and has nothing to do with the war on terror, and that is the reason for the growth of radical Islam. This is simply a pitiful election year misinterpretation of a serious document.

It is clear that critics want Americans to have only a portion of the truth. That is unfortunate, but that is what happens when some people simply see intelligence matters as another tool to aid them in the fall elections.

As I said, I have seen the NIE, which is a lengthy 35-page document. It remains classified, so we cannot discuss its contents, although the President announced that some of it will soon be declassified.

Although it is a shame that dishonorable leakers have put us in this position, I believe declassifying the relevant portions of the document so that the American people will have a more balanced perspective on what the document truly says is necessary.

The fact is the war on Iraq is a central front in the struggle against radical Islamists. Our successes in Afghanistan and Iraq have made us much safer in our homeland. There have been no attacks since 9/11. We have destroyed their safe havens, interrogated detainees, tracked terrorist financing, and listened in on al-Qaida calls in the U.S., followed up by agency, law enforcement, and military personnel.

Iraq is not a distraction from the war on terror; it is now central to the war on terror. You don't have to take my word for it; that is the word of Osama bin Laden's primary deputy, Ayman al-Zawahiri. He wrote this to the late head of al-Qaida in Iraq, Zarqawi. We intercepted that in a raid months ago. So their deputies echoed the sentiments.

They believe the war in Iraq is their best chance in the war on terror, and I believe that once you see more of the NIE, you will see it conveys that message with a warning that if we lose in Iraq, terror threats from radical Islamists will dramatically increase.

There is no greater motivation than success. If the radicals are able to claim success in Iraq, I believe we will see a geometric increase in radical recruitment as we have never seen before.

At first, Democrats argued that Iraq had nothing to do with the global war on terror. Now they are grasping at a selectively leaked portion of an NIE, claiming that Iraq is central to terrorism because of our efforts there. You cannot have it both ways. Does Iraq or does it not have something to do with the war on terror? It is clear it does.

Iraq supported terrorists before the war, and terrorists are there now. Iraq was a state sponsor of terrorism and paid the families of suicide bombers. Was Iraq the primary backer of al-Qaida? No, but Saddam Hussein supported terrorism, and that is what this is about—all groups who use terror to attack America. And they must be dislodged.

In April, about the same time the NIE was produced, current CIA Director Michael Hayden, then the Deputy Director of National Intelligence, best summarized why Iraq is crucial to winning the global war on terror. In his speech in Texas, he addressed the subject we focus on today. He said that while the war in Iraq may inspire or motivate terrorists now, the failure of the terrorists in Iraq would weaken the movement elsewhere.

He continued saying that, should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, fewer fighters would step forward to carry the fight.

He went on to explain the terrorists' greatest vulnerability—the fact that the terrorists' ultimate goal of establishing an ultraconservative religious state spanning the Muslim world is unpopular with a vast majority of Muslims.

General Hayden stated that the emergence of a Muslim mainstream, such as the one we are building in Iraq, could emerge as the ''most powerful weapon in the war on terror.''

Whatever one believes about how we got where we are now, one thing is clear: The war in Iraq and the global war on terror are part and parcel of the same thing.

Some on the other side of the aisle, and some in the media, may try to use selected leaks and political spin and half truths to cynically win votes in the election, but their efforts grossly distort reality.

If we win in Iraq, moderate Islam wins and bin Laden and other extremists will have been handed a sound defeat that will have profound repercussions.

The terrorists realize this. That is why they are there, and that is why we are fighting them on their turf before they have the opportunity to regroup and assault us on our turf.

There is no way the United States can afford to let the terrorists have their way in Iraq. That means we cannot cut and run, or establish a politically driven withdrawal date, before Iraq's security forces can control the country. Were we to do that and were the place to fall into chaos, not only would sectarian strife arise, but it would become a training ground and feeding ground for terrorists once again, and they would be emboldened, as they were after we pulled out of Somalia. That sign of weakness would be a sign for terrorists to get mobilized and get working on it.

Success in Iraq is essential. Sure, people are motivated on both sides by the war, but the only answer to that is to win, make sure that we prevail and protect freedom, democracy, and integrity throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 30 minutes, to be equally divided into 10-minute parcels, to the Senator from New Mexico, the junior Senator from New Mexico, and the Senator from Tennessee, Senator ALEXANDER, and that we speak in that order for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMPETITIVENESS INVESTMENT ACT

Mr. DOMENICI. Mr. President, while we in the Senate have been busy doing many things and our minds have been all over the world, literally, with the war in Iraq and all kinds of things that have come before us and to us for consideration, we have been confronted with a very exciting opportunity for America and America's future.

We have been listening to and acting on a rather remarkable effort involving three Senate committees, with valuable contributions from a number of other committees and a number of Senators from many committees. All of these Senators and all of these committees have worked to write this legislation and are deeply concerned about maintaining our Nation's ability to compete in the high-tech global marketplace.

Today I join a bipartisan group of Senators in speaking about legislation that will be introduced later tonight by the distinguished majority leader and the minority leader. They will introduce the legislation later this evening. Its name will be the National Competitiveness Investment Act, and its number is S. 3936.

All of us worked on this legislation because we are deeply concerned about America maintaining its ability to compete in the high-tech global marketplace.

One year ago, the National Academy of Sciences released a report that highlighted the urgency of the challenge. It was called ''Rising Above the Gathering Storm'' report, which was written by a distinguished committee chaired by Norm Augustine, former chairman of Lockheed Martin. His committee included three Nobel laureates, presidents of leading universities, and chief executive officers of multinational corporations.

The charge to Mr. Augustine and his committee was to develop a specific list of policy recommendations to bolster U.S. competitiveness. After an intensive 10 weeks of effort, the committee produced and recommended an impressive report with a list of 20 recommendations.

The recommendations all address a central problem; that is, we are not doing enough to harness and develop our national brainpower. The report recommends significant increases in

our investments in science and mathematics education at all levels—kindergarten through high school, college and graduate school.

The bill that will be introduced later tonight, as I have indicated, contains provisions to address nearly every one of the recommendations of the Augustine report. Many of these provisions were included in the Protecting America's Competitiveness Edge, or PACE, legislation, which I introduced in January along with Senators BINGAMAN, ALEXANDER, MIKULSKI, and an additional 61 cosponsors.

Through this new legislation, we are going to put the Augustine report's recommendations into action. We will authorize a doubling of research dollars to each research agency, including the Department of Energy, Office of Science, National Science Foundation, and the National Institute of Standards and Technology.

As chairman of the Energy and Water Appropriations Committee, I was pleased I was able to slightly exceed the President's request for a 14-percent increase in the Office of Science in fiscal year 2007, putting it on a track to double in a decade, which is the goal and objective of the Norm Augustine report. The NCIA, which it will be called, also includes provisions that will build on the educational program sponsored by the Department of Energy, by engaging the facilities and scientific workforce of the national laboratories, and these educational programs will help ensure that we are preparing today's young people for the demands of tomorrow's high-tech workplace. The NCIA is a good partner to the President's initiative. I applaud the President for his bold vision which he expressed to us in his State of the Union Address, and which we have built upon in the legislation we are talking about today.

I applaud the President for his bold vision and leadership in the issue of U.S. competitiveness, which is so serious and about which many of us worry, because we know that without our remaining competitive, America has no chance in a world which is built on competitiveness. We need to take action to support our standard of living and to ensure that we continue to grow and prosper. If we do not, we can expect other nations to rival our global competitiveness and one day to surpass us without a doubt.

I ask unanimous consent to have printed in the RECORD a chart I have prepared which examines and compares side by side the National Competitiveness Investment Act to the Augustine National Academies report and the administration's American Competitive Initiative to show how this bill compares with each of those.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIPARTISAN SENATE, NATIONAL COMPETITIVENESS INVESTMENT ACT, COMPARISON TO THE AUGUSTINE NATIONAL ACADEMIES REPORT AND ADMINISTRATION'S AMERICAN COMPETITIVENESS INITIATIVE, SEPTEMBER 2006

Category	Rising above the gathering storm	National Competitiveness Investment Act	Administration ACI
Increase talent pool by improving K–12 science/math Education.	Recruit 10,000 science & math teachers w/4 year scholarships.	√ Robert Noyce Scholarship Program to recruit and train math/science teachers $700 million/5 years.	
	Train 250,000 teachers via summer institutes, masters programs to teach AP/IB.	√ NSF Teachers Institutes, DOE Lab Teacher Institutes, $400 million/5 years. Noyce Scholarship Teacher Masters Program (DoEd), $165 million/5 years. NSF Graduate Research Fellowship, $180 million/5 years	
	Increase # of students who take AP and IB science and math courses.	√ AP and IP Grants $58 million/2 years	"Math Now" $147 million/year–FY 2007 and 2008.
Strengthen the nation's traditional commitment to research.	Increase Federal investment in fundamental research by 10% a year for 7 years.	√ DOE/NIST/NSF NASA/NOAA, 9.8%/year over 5 years	8%/year over 10 years DOE/NIST/NSF only.
	Provide $500K/year over 5 years to each of 200 top early-career researchers.	√ $100 K/year	X
	Create Coordination Office to manage $500m research-infrastructure fund.	X	X
	Allocate 8% of the budgets of Federal research agencies to discretionary funds.	√	X
	Create within DOE an organization like DARPA	√	X
	Institute a Presidential Innovation Award program	√	X
Increase talent pool by improving higher education	Provide 25,000, 4-year competitive undergraduate scholarships.	X	
	Fund 5,000 graduate fellowships for U.S. citizens in "areas of national need".	√ PACE Fellows, $98 million/5 years Fellows + IGERT, $91 million/year	
	Provide tax credit to employers for employee S&T continuing education.	Not Applicable, Finance Committee jurisdiction	
	Continue improving visa processing for international students and scholars.	Passed as part of Senate Immigration Bill	
	Extend stay of intl. students with PhDs in science/math to remain and seek employment.	Passed as part of Senate Immigration Bill	
	Institute a new skills-based, preferential immigration option.	Passed as part of Senate Immigration Bill	
	Reform current system of "deemed exports" so foreign researchers have same access as non-cleared U.S. citizens.	Issue has been resolved through administrative procedures in consultation with Committees.	
Improve incentives and infrastructure for innovation	Enhance and reform intellectual-property protection system.	X	
	Enact a stronger R&D tax credit	Not Applicable. Finance Committee jurisdiction	
	Provide tax incentives for U.S. based-innovation	Not Applicable. Finance Committee jurisdiction	
	Ensure ubiquitous broadband Internet access	X	
Five Total Authorizations		$72.8 billion	$71.4 billion [2]
Five Year Net additional authorizations		$20.3 billion [3]	NA

[1] Unofficial CBO draft bill estimate, September 15, 2006.
[2] OMB "Comparison of PACE Administration's Budget," July 2006.
[3] Majority Staff estimate—assumes no inflation adjustment to FY 2007 authorizations.

Mr. DOMENICI. Mr. President, I think it is good to summarize by saying that S. 3936 contains all but one of the provisions that are contained in the 20 suggestions made to us by the Augustine report, which has been heralded by so many to be such a vital piece of legislation which we ought to adopt and implement so as to keep our country free and competitive in a very changing world.

Mr. President, I yield the floor to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator DOMENICI, for his comments, and I join him and Senator ALEXANDER and many other colleagues who have cosponsored this legislation and congratulate our majority leader, Senator FRIST, and our minority leader, Senator REID, for their leadership in getting this issue introduced into the Senate. I hope very much this bipartisan effort can succeed and that before the end of the 109th Congress, we can see this legislation on the President's desk for signature.

This bill is the result, as Senator DOMENICI said, of a close, cooperative effort by three of our Senate committees: the Energy and Natural Resources Committee, which Senator DOMENICI chairs and of which I am the ranking member, and Senator ALEXANDER is on that committee as well; the Commerce, Science, and Transportation Committee; and the Health, Education, Labor, and Pensions Committee. I commend the staffs of those committees

for their hard work in producing this legislation, as well as the personal staffs of all Senators involved.

As Senator DOMENICI pointed out, this is a major piece of legislation which arises out of the good work that was done by the National Academies. This report which was done there made a series of recommendations which are clearly specific which will intend to put the country on a track to reverse some of the unfortunate trends we have seen in connection with our ability to compete with other countries in the world.

Senator DOMENICI, Senator ALEXANDER, Senator MIKULSKI, and I introduced three bills in January of this year in order to put into legislative form the recommendations of the National Academies report. Each of these bills went to a different committee.

Since all three of us on the Senate floor today are members of the Energy Committee and since Senator DOMENICI chairs that committee, we were able to move more quickly in the Senate Energy and Natural Resources Committee with the legislation that was assigned to that committee, S. 2197, which authorizes a number of programs to strengthen the Department of Energy's role in promoting stronger math and science education from kindergarten through graduate school. It creates a Director for Math and Science Education in the Department of Energy. The bill strengthens the role of our national laboratories in this K–12 math and science education. It authorizes a program whereby national laboratories adopt a nearby school to increase its math and science proficiency.

The bill goes on and on with other initiatives which are taken directly from the recommendations of the Augustine commission that was referred to earlier. These provisions that are in S. 2197 have remained largely intact in the legislation that is being introduced today. In some cases, we had to reduce the authorization levels so that the increases to particular programs were ramped up over a period of time instead of suddenly doubling existing programs as had been recommended.

In the education area, the National Academies report assigned highest priorities to this need to strengthen K–12 math and science education, and this legislation does so in a variety of ways. Senator DOMENICI elaborated on some of those. I will not go into great detail about them, but they are directly taken from the National Academies report.

We are all aware here in the Senate that we operate on two different tracks: we operate on the track of authorizing legislation and the track of appropriating legislation. The legislation we are talking about today and introducing today is authorizing legislation, so it is only one of the steps needed in order to get action accomplished here in the Congress. But it is an important step, and it is particularly important when you are setting a long-term goal.

That is what this legislation attempts to do: It tries to look long term. It tries to say that we need to ramp up our investment in these critical areas of concern so that 5 years from now, 10 years from now, we will see a change in these trend lines which have so concerned the National Academy of Sciences as well as many of us here in the Congress.

This bill authorizes $73 billion to be spent over 5 years to maintain our Nation's competitive edge. Of that, about $20 billion is considered new funding; that is, it is funding above the 2006 level at which we are today. These are only authorizations. It is not an appropriation. It is going to be our job, and it is not an easy job, but it is going to be the job of the Congress not only to appropriate these new moneys we are here authorizing but also to make sure those moneys are not appropriated at the expense of other important programs in the Department of Education or in the National Science Foundation or in the Department of Energy. I think we are all aware that this has to be new money in a genuine sense of that term.

Again, I thank my colleagues for joining in this bipartisan effort. I believe this is a very good piece of legislation. It is an important piece of legislation. Often we allow the urgent to crowd out adequate consideration for the important items that ought to be on our agenda. This is an exception to that. This is a case where we are giving attention to the important issues.

Let me particularly single out for praise Senator ALEXANDER. He has, at every step in this process, been pushing to get this initiative one step closer to the goal line. I compliment him for doing that. I compliment him for the introduction of this legislation today, and I compliment all my other colleagues who have been so cooperative in seeing that happen as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico and the senior Senator from New Mexico for their leadership and their comments. This is important legislation.

It is worth pausing today to notice that this is legislation which will be introduced tonight by the majority leader of the Senate, Senator FRIST, and by the Democratic leader of the Senate, Senator REID. There are not very many things this year in this Congress that have been introduced by our distinguished two leaders. They do that for a reason. They usually don't even cosponsor legislation. But they have decided that in this case, this issue is so important that they wanted to send a signal to our country, to the rest of us in the Senate, to the Members of the House of Representatives, to all of us.

The Presiding Officer and I deeply believe it is urgently important for our country to do what it takes to keep our edge in science and technology so we can keep our share of good-paying jobs in the United States of America and not see them go overseas to China and India and other places. This is the way to do that, and this is an important beginning. It would not have happened but for Senator DOMENICI and Senator BINGAMAN and a variety of other Senators—so many, it is hard to mention them all. In fact, the reason I think the bill is having such success as it moves through the Senate is that it has so many fathers and mothers, it is not possible to tell who they are because this is a subject matter which many Senators have been working on for a long time.

This bill is about growing our economy, creating as many good new jobs as we can, so that in 20 years we don't wake up and wonder how countries such as China and India passed us by. This is a pro-growth investment. This $20 billion of new spending over 5 years is as much a pro-growth investment as a tax cut is.

In my experience as a Governor of a State, we had low taxes, and that helped to create new jobs. But we also needed to make investments in centers of excellence and good teaching and distinguished scientists because we knew what most of the world now is learning: most of our good new jobs come from brainpower, from our advantage in science and technology. We are in a constant state of losing jobs every day as most healthy economies are. So the key to our success is how many good new jobs we can create, and the key to that is our brainpower advantage.

We are not the only ones in the world who understand this. We have a Democratic leader who understands it. We have a Republican leader who understands it. We have a President of the United States, President Bush, who understands it and who made it a central part of his State of the Union Address. But let me mention just one other President who understands it.

Just about a month ago, a group of Senators, led by Senator STEVENS and Senator INOUYE, traveled to China. We met with the President of China, President Hu Jintao. We also met with the Chairman of the National People's Congress, the No. 2 person in China, Mr. WU. Just 2 months earlier, in July, President Hu went to the Chinese Academy of Sciences and the Chinese Academy of Engineering to outline a new 15-year plan to make China the technology leader in the world. In his speech, the President of China said China must:

> Promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment.

His plan included reforming China's universities and massively investing in new research.

The President of China concluded his speech this way:

> We all bear the time-honored mission to provide strong scientific support for the construction of a well-off society by improving

our independent innovation capability and building an innovative country. I hope that our scientists and technicians will strive hard to make brilliant achievements and constantly contribute to our country and the people.

Mr. President, I ask unanimous consent that the complete remarks of President Hu to the Chinese Academies of Science and Engineering in July be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. We met with President Hu for about an hour, those of us from the Senate. We talked about a variety of issues with him: North Korea, Iran, Iraq. He was more animated about this subject than any other subject, which is why I suppose we had 70 Senators—35 Democrats, 35 Republicans—who cosponsored the Domenici-Bingaman bill that was the Augustine report. We all understand it is very important.

We have seen what is happening in India. India is another great country with a distinguished group of scientists, and they now recognize if they want a bigger share of the world's economic pie, the way to do that is through science and innovation.

The challenge America faces today is really a challenge about brain power and jobs. I appreciate the way the Augustine report especially put this into perspective. It didn't say the United States of America is about to fall off a cliff or that China and India are going to catch us tomorrow. It said we face a gathering storm.

We need to realize how fortunate we are in the United States of America when it comes to our standard of living. We constitute between 4 percent and 5 percent of the world's population. Last year we had 28 percent of the world's wealth. The International Monetary Fund says the gross domestic product of the United States last year was 28 percent of the global total for just 4 to 5 percent of the people.

The average Chinese person probably has a share of the gross domestic product that is one-twentieth of the average American. By some estimates, China may be moving fast enough to have a gross domestic product as big as that of the United States by the year 2040. But even then, the average American's share of that amount of wealth will be four to five times as much as that of the average Chinese person. So we are not about to fall off the cliff.

But at the same time, we know if we want to keep our high standard of living for all Americans, we have to constantly create a large number of good new jobs. And the way we do that is brain power. Our good fortune comes from that advantage in brain power. We have the finest system of colleges and universities. We attract 500,000 of the brightest foreign students. They come here because these are the best institutions. Many stay here, creating good new jobs for us. Many go home. Many are going back to China and India to help their countries succeed. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science. We have registered the most patents. That innovation has been responsible for at least half of our good new jobs.

That is why we introduced this bill today. That is why we went, together, the Democratic side, the Republican side, to the National Academy of Sciences and said: We see this coming. Tell us what we should do. Tell us specifically what we should do, 1 through 10 in priority order. If you tell us, if you are specific about it, I bet we will do it.

Some who watch Congress might think that is a little bit naive because we disagree about a lot and there are a lot of politics here. But the National Academies came back with 20 recommendations. The Council on Competitiveness already had a very good report. The President made his own proposal, which was very substantial. Lo and behold, we have worked together for 18 months and came up with an even better piece of legislation than any of us introduced to begin with. And we have virtually a unanimous agreement about it, among three of the largest and most important committees here, and the majority leader and the Democratic leader are sponsoring the bill themselves.

We should pass this legislation this year. We should not go home without doing it. We can't do it this week. But by introducing the legislation today, Senator FRIST and Senator REID give our country a chance, while we all are at home in the next 4 weeks, to tell us what they think about it.

There are a lot of people running for the Senate. I hope in every single Senate race this year someone asks the question, Are you in favor of the Frist-Reid competitiveness legislation, and do you believe it ought to pass the Senate before the end of the year? I hope that question is asked. I believe the answer will be yes.

Our friends in the House of Representatives have been working hard on this issue, too. Again, it is not just a Republican initiative, not just a Democratic initiative, they have plenty of bipartisan effort there, too. It would be my hope that we can take what they have done and what we have done and do it before the end of the year. This is just the beginning of what we are able to do.

Senator DOMENICI and Senator BINGAMAN did a good job of suggesting what the bill includes, so I will not belabor that. But I would simply like to conclude my remarks to try to bring these lofty words down to Earth a little bit in terms of how this legislation might actually affect one State.

For example, if this legislation is enacted, many bright Tennesseans could receive 4-year scholarships to earn bachelor's degrees in science, technology, engineering, or math while concurrently earning teacher certification. The new teachers would be expected to teach in poorer schools for at least the first few years after graduation. That would be available in every State.

There could be summer academies for math and science teachers in Tennessee. In our case, it could be at the Oak Ridge National Laboratory, providing opportunities for those teachers to work with distinguished scientists and go back to the classrooms and inspire their students.

There would be more advanced placement training for 400 Tennessee math and science teachers so more students could learn math and science, we could have more home-grown scientists. There would be support for a proposed math and science specialty high school. Our Governor has recommended that. North Carolina has had one for 20 years. We never felt we could afford it in Tennessee, but this would give some help to our State in terms of having a specialty high school in math and science.

There would be high-tech internships for middle and high school students across our State, and there would be growing support Tennessee-based researchers that would lead to new high-tech jobs. This is in addition to the increases in funding for the physical sciences authorized in this legislation, which would especially affect our research universities and our National Laboratories.

So I am delighted to have had the opportunity to be a part of this. I look forward to advancing it. I certainly intend, as I go across Tennessee, to let our citizens know what the Frist-Reid competitiveness legislation offers our country. I intend to let them know that this is the way we keep our high standard of living and that we should be expected to act on it before the end of the year.

I congratulate all those Senators who have worked on it, and I invite every single Member of this body to be a cosponsor.

EXHIBIT 1

ADDRESS BY HU JINTAO AT 13TH ACADEMICIAN CONFERENCE OF THE CHINESE ACADEMY OF SCIENCES (CAS) AND 8TH ACADEMICIAN CONFERENCE OF THE CHINESE ACADEMY OF ENGINEERING (CAE), BEIJING, JUNE 5, 2006

Dear academicians and comrades, Today witnesses the opening of 13th CAS academician conference and 8th CAE academician conference. First of all, on behalf of the CPC Central Committee and the State Council, I would like to extend my warm congratulations to the conferences, and my sincere greetings to the academicians of CAS and CAE and all scientists and technicians in China!

The conferences of CAS and CAE are held in this crucial moment of turning on the 11th Five-Year Plan. The success of the conferences will have great significance in giving play to the leading role of academicians of CAS and CAE in China's scientific and technological development, and encouraging scientists and technicians to build China

into an innovative, well-off society in an all-around way.

Today I would like to talk about three issues.

I. CURRENT SITUATION AND SCIENCE AND TECHNOLOGY TASKS OF CHINA

China has maintained a sound momentum of economic growth in the 28 years since reform and opening up. The process of industrialization, urbanization, marketization and globalization has been accelerated, social productivity, technological strength and overall national strength have been significantly enhanced, and people's living standard has been improved. Socialist political and spiritual civilization construction has been fully strengthened, China's standing has been elevated and its international influence has expanded. We have successfully completed the 10th Five-Year Plan, and are striving for goals of the 11th Five-Year Plan on a new starting point. At the beginning of this year, the State Council issued China National Mid- and Long-Term Science and Technology Development Plan. Meanwhile, CPC Central Committee and the State Council decided to implement the Plan and enhance independent innovation capability, while holding a National Conference for Science and Technology, calling for building our country into an innovative country within 15 years. The scientists and technicians around the country are striving vigorously for the strategic task.

The more achievements we have made and the more promising outlook we are facing, the calmer shall we remain. While affirming the achievements, we shall analyze correctly the opportunities and challenges we are facing.

Seen from an international perspective, peace, development and cooperation is the irresistible trend of the times, world multipolarization and economic globalization are progressing, science and technology are advancing rapidly, international industry and technology transfer is accelerating, and there is a growing tendency of foreign countries to cooperate with China. Meanwhile, international situation is experiencing profound and complicated changes, instabilities and uncertainties that affect peace and development are increasing, international competition is being intensified, and our country is still pressed by economic and technological advantages of developed countries.

As for domestic development, our economic strength has been notably strengthened, and socialist market economic system is improving. Abundant labor resources, huge market and stable social politics lay solid foundation for the economic development of our country and promise us a bright future. However, China, the large developing country with over 1.3 billion people, is now in the primary stage of socialism and will remain so for a long time to come. For the time being, we are challenged by such acute problems: low productivity, unbalanced development, low living standard, weak agricultural foundation, extensive economic growth mode, growing limitation by energy resources, worsening environmental pollution and ecology contamination. We shall make long-term efforts to tackle such problems and achieve the goal of modernization.

Now turn our eyes to the world's scientific and technological development. Science and technology, especially strategic hi-tech has become an increasingly decisive factor of economic and social development, as well as the focus of overall national strength competition. Science and technology are advancing rapidly, creating many new cross-subject fields through overlapping and penetration between subjects, between science and technology, and between science and humanities. Scientific discoveries are providing more favorable conditions for technical innovation and productivity development, leading to shortened S&T result industrialization cycle, faster technological updating, and rapid development of hi-tech and industries represented by information technology and biotechnology. New scientific breakthroughs and economic growth points have been created to mark scientific innovation and advanced productivity, while driving economic and social development. A nation's core competition increasingly reflected in cultivation, configuration and controlling capability of intelligence resource and scientific results, as well as ownership and utilization of intellectual property. In the surging waves of world scientific development, it is clear that whoever masters the new features and trends, grasps opportunities and constantly improves scientific strength especially independent innovation capability will hold priority in overall national strength competition. Now, major countries are accelerating their steps of scientific R&D. Rapid scientific progress and its impelling influence have posed inevitable challenges before us. The only way out for us is to catch up with the developed countries with persistent spirit and independent innovation capability, enhancing our core competitiveness and boosting our productivity in order to win in the fierce international competition.

Through long-term efforts, we have made brilliant achievements in science and technology, formed a complete subject layout, and fostered a team of scientific scholars who are in scientific innovation. Our R&D ability in some crucial fields has ranked top in the world. However, compared with the world's advanced level, we still have a long way to go. There are problems that hamper economic and social development, including weak independent innovation capability, few invention patents, high dependence on key technologies abroad, low proportion of hi-tech industry, enterprises not truly becoming the mainbody of technological innovation, scientific results not industrialized yet, and lack of excellent talents etc. We have to make great efforts to tackle them.

In a word, seen from any angle, we are facing both opportunities and challenges. Under the circumstance of intensified international competition and complicated tasks on domestic reform, development and stability, we must be prepared for any eventualities, facing, meeting and defeating challenges while recognizing, seizing and taking opportunities. Furthermore, we should put more attention to varied challenges that may affect current or long-term development of our country, focus on vital contradictions and problems, and promote the better, swifter economic and social development based on technological development.

To build an innovative country is a strategic decision made by CPC Central Committee and the State Council based on the consideration of building a well-off society in an all-round way and creating a new situation in building socialism with Chinese characteristics. To realize this objective, we shall raise strengthening independent innovation capability to a strategic position, create a new way for independent innovation with Chinese characteristics, and promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment and economic growth mode transformation, build a resource-efficient, environment-friendly society, and push forward swifter and better development of national economy; we shall take strengthening independent innovation capability to be our national strategy and implement the strategy throughout modernization construction; we shall inspire the nation's innovative spirit, cultivate high-level innovative talents, form a system or mechanism favorable for independent innovation, promote innovations in theory, system and technology, and continuously consolidate and develop socialism with Chinese characteristics. With strong sense of historical responsibility and worldwide vision, and under the guideline of ''independent innovation, key breakthrough, sustainable development and leading the future'', we shall persistently take science and technology as primary productive force, implement strategies of Invigorating China through Science and Education and Reinvigorating China through Human Resource Development, stick to the principle of ''rely economic construction & social development on science & technology, and science & technology progress serves economic construction & social development''; develop major policies and relevant measures for scientific development, push forward national innovation system construction, strengthen studies on basic science, hi-tech field and sustainable development, quicken the transformation of knowledge and technology to actual productivity in order to provide strong technological support to economic and social development, and make science and technology modernization the true drive forces for rejuvenation of the Chinese nation.

II. BUILD A LARGE-SCALED TEAM OF INNOVATIVE TECHNICAL TALENTS

Talents, especially innovative technical talents, play a key role in building an innovative country. It is impossible to realize this goal without the support of a powerful team of innovative technical talents. The worldwide competition of overall national strength is actually a competition for talents especially for innovative talents. Only those who cultivate, attract, and make good use of the talents especially innovative talents can hold priority in the fierce international competition, and realize the development goals as well. Here, I would like to talk about how to intensify the cultivation of innovative talents.

The whole technical innovation history has proved that innovative technical talents are creators of new knowledge, inventors of new subjects, leaders of technical breakthroughs and development approaches, and strategic treasures for a nation's development. Cultivation of innovative technical talents with no hesitation is essential for improving independent innovation capability and building an innovative nation, and is also indispensable for realizing the state's development goals and rejuvenation of the Chinese nation. We should persist in the strategy that considers talents to be primary resources, take cultivation of innovative technical talents as a strategic measure to build an innovative nation, and quicken our steps of building a large-scaled team of innovative technical talents.

To cultivate innovative technical talents, we should thoroughly carry out the strategy of paying respect to labor, knowledge, talent and creation, follow the requirements of building an innovative nation and the rules of talent development. We should attract the talents with business, shape the talents with practices, spirit up the talents with our system and protect the talents with our laws so as to enlarge the team of the technical talents.

The cultivation of innovative technical talents is complex program that requires joint efforts from all party committees, governments, relevant departments, universities, scientific institutions and the whole society. We should highlight the following aspects in our work:

First, improve the cultivation system. The cultivation of innovative technical talents is a long comprehensive process, and we must begin from education. We should further enhance education reform and the education for all-round development according to China's economic and social development especially technological development, in order to establish an education system favoring for innovative technical talents. We should take systematic control of primary schools, middle schools, universities and employment in order to establish an effective mechanism to cultivate innovative technical talents. In addition, we should change the traditional indoctrinatory way of education into a new innovative manner, paying more attention to students' initiative and creative thinking mode while respecting the guiding role of teachers. We should reduce the homework burden of primary and middle school students, inspire their curiosity and exploration enthusiasm so that they will make all-round development based on their interest and potential. We should reform the course arrangement of colleges and universities, update teaching materials, and pay more attention to the combination of theory and practice, in order to cultivate the students' innovation spirit and capability. We should lay great emphasis on the cultivation of technical development and practice capability, and improve the ability to turn scientific achievements into project application. Moreover, we should provide continuing education for on-the-job technicians at different layers through multiple channels, and accelerate the establishment of an open, independent networking life-long education system, so that the technicians will learn new knowledge and skills continuously to improve their capabilities of technological innovation.

Second, use talents without prejudice. We should establish and complete a targeted management system and method to distinguish and cultivate talents on an equal competition basis. Instead of paying sole attention to one's educational background, qualification or status, we should provide more opportunities for excellent talents, especially young innovative technical talents. We should carry out the state's and industry's plan for technical talent cultivation, actively push the building of the innovation team, and create a good environment for cultivation and development of innovative technical talents under the support of the state's talent cultivation programs, important researches and projects, major industry projects, key subjects and research bases and international academic exchange projects. We should carry forward the innovation culture, build harmonic interrelationship, keep a free working environment, create a solidaric organization system, understand the personalities of the innovative talents, allow them to express their new academic thoughts and ideas, encourage and cultivate their innovation spirit, inspire their enthusiasm in innovation, and ensure that they make innovations dedicatedly. The technological innovation is risky and unpredictable, which requires tolerance of failure during innovation. Therefore, we should take good care of the talents facing frustrations, and support their future work based on past experiences. In addition, the leaders and managers of the technical team should improve their leading and management capability, make every effort to be the talent scout, and make good use of the talents.

Third, improve the system and policy support. We should continue deepening the science & technology system reform to give full play to the leading role of the government and the fundamental role of market in the distribution of technological resources. A comprehensive system pertaining to talent training, utilization, appraisal, assignment and flow should be established. By changing attitudes, practices and systems that block the growth and accomplishment of talent, we should guarantee the successful implementation of systems and policies that encourage technological innovation in scientific research institutions. Considering one's moral character, performance, knowledge and capability, a comprehensive appraisal system should be established to realize management by objectives (MBO) for the innovative talent's contributions and further curb the usual practice of ignoring capability and performance while focusing on educational background and seniority during appraisal. Improve the mechanism of encouraging enterprises to increase scientific investment in order to give play to their leading role in technological innovation and diversify the pattern of scientific investment. Establish an enterprise-centered, market-oriented scientific innovation system that combines production, education and research; encourage innovative talents to gather in enterprises. Improve the intellectual property system to inspire people's zest for innovation, safeguard their rights and interests, and provide legal protection for technological innovation and utilization of innovative achievements. The title evaluation should be restructured to encourage all kinds of talents to engage in knowledge-based and technological innovation. More attention should be put on key industries and human resource-intensive organizations, technology extension in remote and poor areas, industrial and agricultural production bases, various enterprises and institutions that have brought significant social and economical benefits, as well as young and middle-aged technicians. Income distribution and incentive systems that encourage innovation should be established; priority shall be given to key positions and distinguished talents, and talents with remarkable contributions will get rewards. In this way, we can form a mechanism in which posts are obtained by competition, salaries depend on contributions, and eminent talents have enviable income. The talent flow system and talent information management system should be improved to wipe out institutional obstacles in talent flow, promote the orderly and rational flow of talents, let rare talents and professionals demonstrate their full capabilities, and ensure the reserve of talents for the state's major scientific and technological projects.

Fourth, adopt open cultivation. No innovative technical talent, especially the pioneers, can be cultivated without going deep into the reality. Under the critical situation that international scientific and technological level surpasses ours, it's hard to cultivate a group of innovative talents in a short time without adopting an open manner. Improving independent innovation capability based on introduction and assimilation is an effective way to catch up with international advanced level, while open cultivation is the right method of bringing up internationally recognized, top-notch talents and pioneers in science and technology. Having studied abroad and communicated with the foreign companions, most academicians in CAS and CAE and outstanding technical workers have demonstrated their talents in international exchange and cooperation, while learning advanced innovation concept and latest technologies. By sticking to the opening-up policy and communicating with international scientific institutions in various forms, we can benefit from global technological resources and learn from all civilizations that human beings have created. Scientific institutions and universities are encouraged to cooperate with overseas R&D institutions to build joint laboratories or R&D centers. International programs shall be promoted under the protocol of bilateral and multilateral scientific cooperation. National enterprises are encouraged to establish R&D institutions or industrial bases in foreign countries and multinationals are also encouraged to set up R&D institutions in China. We should actively participate in large international scientific projects and academic organizations. Chinese scientists and scientific institutions are encouraged to join or organize large international or regional scientific projects. Utilize human resources from both home and abroad by combining domestic talent cultivation with introducing overseas talents. While developing human resources at home and training talent independently, we should step up efforts to introduce foreign talents as well as new and high technologies. Various measures can be taken to attract talents studying abroad to come back and start their own business; highly-qualified overseas talents or talents urgently needed for our social and economic development are warmly welcomed.

Fifth, create a social environment that fosters technological innovation. Innovation culture and technological innovation promote and encourage the development of each other. The Chinese culture has long been advocating innovation and our ancestors emphasized, ''A gentlemen shall strive along with perseverance''. We shall encourage the spirit of innovation so as to provide a powerful cultural support to building an innovative talent team and an innovative nation. Innovation awareness should be raised in the whole society. We encourage people to think innovatively, act initiatively and take risks in the hope of creating a favorable social environment that supports talents to start business and succeed. Scientific knowledge, methods, ideas and spirit should be widely spread to equip more common people with scientific knowledge, which in turn will lead a trend of doing things scientifically, loving science, studying science and applying scientific findings. Publicize exemplary stories and figures in technological innovation to make people realize the role of innovation in driving economic and social development. The value that ''innovation is glorious'' should be emphasized, enabling technological innovation to be a kind of work and activity respected by the whole society. Science popularization should be strengthened to foster a notion of technological innovation in teenagers' minds and inspire them to become the main force in technological innovation and scientific development in the future.

It is proved that innovative technical talents, especially the pioneers, are all endowed with basic qualities and characteristics necessary for their development and technological innovation. In sum, there are six qualities to become an innovative scientific talent in China today. First, you must have high ideals for life, love the country, the people, and science and technology, be qualified in both ability and moral integrity, and realize your values of life in making scientific contributions. Second, you shall have enough aspiration and courage to seek truth, emancipate your mind, draw conclusions from facts, keep pace with the times, keep strong desire for innovation and exploration, have sharp eyes on new things and knowledge, dare to challenge authority and traditional concepts, and run forward without fear to seek truth and innovation. Third, you must be competent in precise and scientific thinking, master the thinking method of dialectic materialism, and keep lifelong studying by using scientific methods to constantly update your knowledge and theories, build a wide, profound knowledge structure, and foster comprehensive scientific and cultural

quality. Fourth, you must have solid professional knowledge, international vision and keen insight to grasp the trend of scientific development and innovation, and be adept at providing key solutions for major scientific problems. Fifth, you must have strong team spirit to lead the innovative team in implementing major scientific programs or tackling front-line science difficulties by organizing multi-subject experts and collecting knowledge on all fronts. Sixth, you must be honest and serious about your work, indifferent to fame and wealth, have strong ambition and high ideals, hardbitten and determined, unafraid of hardships and frustration. You must have the courage to defeat difficulties in technological innovation in order to make great achievements continuously. These qualities can be found in successful scientists of any country, as well as our academicians, excellent scientists and technicians. We shall inherit and carry forward the fine traditions and styles of Chinese scientists and technicians, which will play a very important role in cultivating a large group of innovative scientific talents.

There is a Chinese saying, ''It is easy to recruit thousands of soldiers, but it is not so easy to find a general.'' A leading scientific elite, an international scientific master or pioneer can lead a team of excellent innovative scientific talents to make world-leading scientific achievements, giving birth to competitive enterprises and new industries. There are many such leaders among our academicians, but there's shortage of such talents in our whole country. So our work of cultivating innovative talents shall focus on such talents esp. youth or middle-aged leaders. Meanwhile, we shall cultivate innovative talents at different levels, who will act as backbone of academic and technical innovation and form a talent structure suitable for scientific innovation, thus promoting innovation practices in each field and at different layers.

The scientific and technological development in China is now facing many opportunities for huge leap forward. Under the background of reform, opening up and modernization construction, it is urgent to develop science and technology, and the scientists and technicians are able to exhibit their brilliancy. The aspirant scientists or technicians shall seize the opportunity to contribute to the construction of an innovative country while realizing their own dream in this course.

III. ACADEMICIANS OF CAS AND CAE DISPLAY THEIR TALENTS IN BUILDING AN INNOVATIVE COUNTRY

Academicians of CAS and CAE represent our country's highest academic level in science and engineering technology. They enjoy highest honor and are respected by the whole society. As leaders of national science and technology, academicians of CAS and CAE has long been committed to our country's scientific and technological development as well as economic and social development. Thanks to their painstaking efforts, we have made all these achievements from drawing of The 1956–1967 Science and Technology Development Plan to successful development of ''two bombs and one satellite'' in hard times, from drawing and implementation of ''863 Program'' and ''973 Program'' that play a key role in our scientific development to the launch of manned spaceship of Shenzhou V and Shenzhou VI, from a series of discoveries including hybrid rice, nonmarine oilgeneration theory and application and high performance computer to the great projects of Three Gorges, south-to-north water diversion, west-to-east electricity and gas transmission, Qinghai-Tibet Railway, and high speed railway transportation. Mr. Wang Xuan who passed away recently is just one of the most outstanding academicians. He devoted all his life to science, and becomes the model of all scholars with the spirit of pioneering, earnest aid to young generation, and utter devotion. Academicians of CAS and CAE are truly the pride of our nation and people!

It has been proved that the academician system with Chinese characteristics fits the real situation of our country. It is very effective in gathering scientific elites to contribute their ideas and tackle difficulties in economic and social development, organizing innovative team for national major scientific projects, and stimulating the scientists and technicians to work for our country's flourishing and prosperity. But after all, academician system has existed in China for only decades. To give better play to its functions, we shall continue improving the system based on real situation and experiences.

The Central Committee of CCP, State Council and Chinese people have high expectations towards academicians of CAS and CAE. We hope that, with the advantages of cross-subject, cross-department and high academic level, CAS and CAE will carry out macroscopic, strategic, proactive and comprehensive decision consultancy on such major issues as promoting economic and social development, improving people's living standard and ensuring national defense. Meanwhile, they shall organize scientific research team to play a leading role in professional fields, provide the Party and government with valuable opinions, and make major decisions more scientific and democratic through real efforts.

We hope that academicians of CAS and CAE will endeavor to become pioneers standing at the frontier of scientific innovation with the patriotic spirit of love for our homeland and conscientious devotion, scientific spirit of being practical and innovative, exploration spirit of being unafraid of hardships, and team spirit of being cooperative and indifferent to fame and wealth. They shall bear in mind the major scientific problems in economic and social development, combine national demand and micro-deployment with free exploration, continue to drive original innovation and R&D of core technology and integrated technology, promote introduction, assimilation and re-innovation, industry-academy-research integration, and work hard for huge leaps of independent innovation capability as well as construction of an innovative country.

We also hope that academicians of CAS and CAE can take lead in all-out efforts of building an innovative country; carry forward the scientific spirit of seeking truth from facts, foster socialist concept of honor and disgrace—Eight Honors and Eight Disgraces; bear the responsibility of demonstrating innovative behavior and achievements to the public and promoting innovative culture; develop the people's interests in science and technology, deepen their knowledge about scientific innovation, and build innovative culture together. Meanwhile, I sincerely hope you will shoulder the heavy task of cultivating talents especially innovative scientific talents, develop academic echelon, and make every effort to support the innovation and rapid growth of youths.

Dear academicians and comrades!

We all bear the time-honored mission to provide strong scientific support for the construction of a well-off society by improving our independent innovation capability and building an innovative country. I hope that our scientists and technicians will strive hard to make brilliant achievements and constantly contribute to our country and the people.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I join Senators ALEXANDER, BINGAMAN, and others in talking about a topic that I personally have spent a great deal of time on over the past two years: how to improve the ability of the United States to compete in an increasingly global marketplace.

We have held many hearings in the Commerce Committee and in the Commerce Subcommittee that I chair on technology, innovation, and competitiveness issues. I know that both the HELP Committee and the Energy Committee have also examined related issues of competitiveness and innovation within the scope of their jurisdiction. A major focus of these hearings has been to consider how we keep America on the cutting edge.

We have learned some startling statistics. First of all, we find out that America will graduate somewhere around 60,000 to 70,000 engineers this year. China and India together will graduate a much larger number of engineers in that same time period.

In the 21st century, we need to encourage more people to go into the technology fields, into science, math, and engineering. We need more students to pursue advanced degrees in these fields. We need to inspire more of our young people to go into these fields.

One interesting fact that came out is that if our kids become disinterested in science and math in elementary school, the chances of them ever becoming interested in these fields later on in life are virtually nil. So we have to focus on inspiring our young kids to go into science, technology, engineering, and math from a very young age.

We had a fascinating hearing with the Director of the Museum of Science in Boston—Dr. Ioannis Miaoulis—who put it very simply. He said: When we started our curriculum in the United States for elementary school, we started it back in the late 1800s. Engineering was not a big field back then, so it didn't get a lot of attention then and that has carried over into our current curriculum. Now when we teach about science, we learn a lot about nature. Those are good things to learn. As a matter of fact, I have kids in school now, and one of the things we all learn about is how a volcano functions. Dr. Miaoulis talked about this when he testified before my Subcommittee. We all build our model volcanos with our kids and see how a volcano works.

Dr. Miaoulis posed this question. He said: Have you ever noticed how everybody in America learns how a volcano functions, but nobody really learns how a car functions?

Then he asked this question: Where do you spend more time, in a car or in a volcano?

As the story suggests, our children are not learning enough about engineering concepts in our schools, and as a result they are not becoming interested in those engineering concepts. The National Competitiveness Investment Act that I am happy to join with my colleagues in introducing today focuses on three primary areas of importance to maintaining and improving the innovation of the United States in the 21st century: research investment, increasing science and technology talent, and developing an innovation infrastructure.

A tremendous amount of bipartisan cooperation has gone into the development of the National Competitiveness Investment Act, going back well over a year to when Senator LIEBERMAN and I first started drafting legislation to address key concerns, identified in ''Innovate America,'' a report from the Council on Competitiveness.

Subsequent reports such as the National Academies' ''Rising Above the Gathering Storm,'' have raised similar concerns and have led several Senate committees to look at programs related to basic research, education, and other areas of competitiveness within their respective areas of jurisdiction.

As a matter of fact, Senators ALEXANDER, BINGAMAN, and DOMENICI introduced what they called their PACE bills that addressed a lot of the problems that were identified in the National Academies, ''Rising Above the Gathering Storm'' report. During the past several weeks we have undertaken a bipartisan effort to combine the work products of the Senate Commerce Committee, the Senate Energy Committee, and the Senate HELP Committee. This effort has included the involvement of the chairmen and ranking members, both Republicans and Democrats, from all of these committees, as well as several other Members who have been involved. This has been under the direction of the two leaders' offices. This is the most bipartisan effort on any bill probably in the last several years in the Senate.

This was no easy task, especially when we need to be ever vigilant about growing deficits. We were forced to take a hard look at how to best address pressing needs related to science, technology, engineering, and math education, basic research and barriers that U.S. companies are facing as they compete in this global economy.

I believe the legislation before us today is a good compromise, and it reflects a good mix of spending on key priorities like basic research and education, while being sensitive to avoiding the duplication among various federal agencies. This legislation will ensure these programs are being evaluated and are being responsive to key needs, while at the same time being fiscally responsible.

Specifically, the National Competitiveness Investment Act would increase authorization for the National Science Foundation, or the NSF, from approximately $6 billion in fiscal year 2007 to more than $11 billion in 2011.

We doubled the funding for the National Institutes of Health, the life sciences, and it is now time to do the same for basic research in the physical sciences. This is an investment in our country.

I am a fiscal conservative. I am one of the most fiscally conservative Members of the Senate. But every dollar we spend on basic research is a dollar that will come back to us in spades in terms of stimulating economic activity and helping to keep the United States at the forefront of global innovation.

By the way, those who are concerned about tax revenues coming in, the better our economy does, the more tax revenues come into the Federal Government.

The bill also expands existing NSF graduate research fellowship and traineeship programs. It requires NSF to work with institutions of higher education to develop professional science master's degree programs and strengthens the NSF's technology talent program.

It also helps to prioritize activities in NSF's research and related activities account to meet critical national needs in the physical or natural sciences—technology, engineering, mathematics; or to enhance competitiveness or innovation in the United States. And there is language to authorize the National Institutes of Standards and Technology from approximately $640 million next year to $940 million 4 years later.

It would require the same agency to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

This is very important because this is different than what people do today. We need to invest in high-risk, high-reward basic research and setting that 8 percent as a minimum is very important.

This bill also requires the National Academy of Sciences to conduct a study to identify the forms of risk that create barriers to innovation 1 year after enactment and 4 years after enactment. It establishes the Innovation Acceleration Research Program to direct Federal agencies funding research in science and technology to set a goal, once again, of dedicating approximately 8 percent of the research and development budget toward high-risk frontier research.

It also authorizes increased funding for the Department of Energy's Office of Science over the next 5 years. We all know how important it is for the Department of Energy to be involved in basic research.

There are other provisions to assist States in establishing specialty schools in math and science to benefit high-need districts. The bill also strengthens the skills of thousands of math and science teachers by establishing training and educational programs at summer institutes hosted at the National Laboratories.

The bill also establishes partnerships between the National Laboratories and local, high-need high schools to create centers of excellence in math and science education.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills that are needed to succeed at institutions of higher education and in our marketplaces in the 21st century.

This is a comprehensive piece of legislation to address the key recommendations in the two reports, ''Innovate America'' and ''Rising Above the Gathering Storm.''

While I am sure there are many other well-intentioned ideas of other provisions to add to this bill, I would plead with my colleagues to not overload this bill. We have worked diligently together in a bipartisan fashion over the last 2 years to remain absolutely disciplined and to confine this effort to enacting the key provisions that relate to innovation and competitiveness. We have worked hard to keep the cost of this bill within a responsible budgetary framework.

I believe we have a solid work product that will help the United States be competitive as we enter an increasingly difficult global marketplace where our students and our U.S. companies need to be prepared to meet an unprecedented global challenge.

I am pleased that Senators FRIST and REID have agreed to address an issue of this tremendous importance to the United States on a bipartisan basis.

I thank my colleagues from the Commerce Committee, Senator STEVENS and Senator INOUYE; from the HELP Committee, Senator ENZI, Senator KENNEDY, and Senator ALEXANDER; and, from the Energy Committee, Senators DOMENICI and BINGAMAN and their staff for great bipartisan work to pull this bill together.

I also would like to specifically recognize Senator HUTCHISON for her great work, and all of the staff—my staff and all of the Senators' staff—who have contributed a great deal of personal time and effort on many of the key provisions of this legislation.

Finally, I would like to acknowledge the work of my colleague, Senator LIEBERMAN, who started in this endeavor with me many months ago.

As Senator ALEXANDER said a few moments ago, we encourage all of our colleagues to join us in cosponsoring this important piece of legislation. Now is the time to act. We have a rare opportunity to put aside our party labels and to put our country first. In many other areas, we should be not Republican, not Democrat, not Independent—we should be Americans. This is such a bill. This piece of legislation is critical for the future competitiveness of our country.

I urge all of our colleagues to join us in this bipartisan effort.

I thank the Chair. I yield the floor.

Mr. ALEXANDER. Mr. President, I would like to acknowledge the role of

Senator ENSIGN in this competitiveness piece of legislation.

It would not have gotten started without him and the work he did with Senator LIEBERMAN in the Council on Competitiveness, and it would not have been finished without he and his staff taking a lead role in helping to bring the Senators together.

It is important the way he characterized this as a progrowth initiative. This is progrowth legislation. It is part of a progrowth agenda. Sometimes we forget that.

It is a great pleasure to work with him on this legislation. I wanted to acknowledge his leadership.

I want to say to the Senator from Massachusetts that I appreciate his leadership on this legislation. He was already a veteran when I was a Senate aide here many years ago. He has been deeply involved in these issues for a long time. He and his staff made it possible for us to bring this to a conclusion.

There are many ideas about how to do this. To have three committees basically unanimously agree that this is how we should begin—there are many other issues to be dealt with. Many of them may be dealt with in amendments after the recess. But without Senator KENNEDY's leadership and without Senator ENSIGN, nothing would have happened.

After Senator KENNEDY's remarks, I would like to say a word about Secretary Spellings' speech today. I appreciate him allowing me to speak now.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just want to say a few words on the competitiveness legislation to which Senator ALEXANDER and Senator ENSIGN referred. My full statement will accompany the bill's introduction later today, but I do want to mention that I am a very strong supporter of the bill. As Senator ENSIGN and Senator ALEXANDER mentioned, it is the result of a strong bipartisan process.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We were called into action in 1957 when the Soviet Union sent Sputnik into space. We rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was by an American. We increased the commitment we made to math and science and doubled the federal investment in education.

Money in itself may not be the answer to everything, but it is a very clear indication of a nation's priorities.

Now we are faced with the challenges of globalization, and now we must decide—are we going to get consumed by it, or are we going to embrace the challenge and make sure that every individual, whether in Tennessee or in Massachusetts, is going to be prepared to respond to it; that our States are going to be prepared to respond to it; and that our country is going to be prepared to respond to it? This is critical not only for the sake of our economy, but for the sake of our national security.

We need the same bold commitment today that we made four decades ago, in order to help the current generation meet and master the global challenges of today and tomorrow. The National Competitiveness Investment Act is a strong first step in that effort.

I will not take the time here to review how America is slipping behind in technology and engineering compared to what is happening in India and in China and other countries. But one brutal fact is that the jobs of the future are going to go to the societies and the economies that are on the forefront of innovation. That is where the economic strength is going to be, and it will directly impact our national security. This legislative effort is a very important downpayment on ensuring that the United States is that society at the forefront of innovation. And the legislation is the result of a good deal of work.

The good work of the Senator from Tennessee, Mr. ALEXANDER, of Senator BINGAMAN from New Mexico, and the large bipartisan group the Senator from Nevada mentioned. It stems from the work of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine as well as some very important leaders in the private sector who have played an extremely important role in our efforts to keep America on the cutting edge.

We are also dealing with other important issues that are before the Senate today. But I agree with my colleagues that these issues related to America's competitiveness are issues that Congress needs to act on as soon as possible. It is extremely important.

At a time in Washington when the debate seems to be dominated by partisan politics, it should be reassuring to the American people that we are united in recognizing the importance of investing in America's competitiveness in the years to come. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments needed to fully support and build on these important proposals.

IMMIGRATION

Mr. KENNEDY. Mr. President, before the Senate tomorrow, we will be dealing with one of the provisions relating to immigration, the amendment dealing with the fence on the southern border of our country. I would like to address the Senate about this issue and about the general issues of immigration.

We face a clear choice on the bill between two fundamentally different approaches to immigration. We are talking about the underlying legislation on which the majority leader now has put forth a cloture motion, which we will be voting on tomorrow. We will be unable to have any kind of amendments to it. That opportunity has been foreclosed. I think that is regrettable. I think this would have given us an important opportunity for alternatives that have been debated and accepted in the Senate earlier this year. That is the way we have to deal with it in terms of Senate rules and procedures. That is where we are at the present time. We will vote on this tomorrow.

There is no debate about our immigration system being broken and in need of repair. All of us at this point understand that reform is essential. The choice we confront is whether we will answer that call with a decisive vote in favor of comprehensive reform or whether by failing to do so we will defer to the House of Representatives, which has an enforcement-only approach.

I listened to Dr. Land today, who is the President of the Southern Baptist Organization—not recognized as being either a Democrat or liberal figure—talk about the morality of this issue and also about the immorality of the House approach. He commented on a joint press conference he read with great particularity and with the language which is the approach of the House of Representatives included in terms of its immigration bill. He was pointing out that any person of the cloth who cares for the least among us, whether it is food, clothing, or a stranger, any act of general humanity, would be accused of aiding and abetting an undocumented and, under their language, he concluded could be both arrested, tried, and convicted.

He spoke enormously eloquently about the morality of that particular House legislative approach and its inappropriateness, and compared it to the fugitive slave law wherein innocents were helping free slaves in the mid-1800s.

The recent report of the Independent Task Force on Immigration calls immigration the oldest and newest story of the American experience.

Immigration has always been part of our history. It is in our blood and genes. In the beginning, immigrants helped to build our country, make it strong, loved America, and fought under our flag with great courage. Over 70,000 permanent residents have fought in Afghanistan and in Iraq. A number have won medals for bravery and courage. Generations of immigrants have settled here, found a nation that rewarded their hard work, respected their religious beliefs, and enabled them to raise their families.

Immigrants today are no different. They work hard, they practice their faith, they love their families, and they love America.

Today, more than 60,000 immigrants serve in the U.S. military. Many have made the ultimate sacrifice, giving their lives for America on the battlefields of Iraq and Afghanistan. That

has always been the American story. It is what makes America a land of liberty and progress and opportunity.

Reform is a pressing issue today. It is a security issue, an economic issue, a moral issue. The question is, How do we secure our borders effectively to keep out criminals and terrorists who want to harm America and not obstruct the entry of many others who want to continue to benefit our country?

How do we deal with 12 million law-abiding, taxpaying, undocumented immigrants and their families in this country? They live beside us, worship in our churches, attend our schools, are part of our communities. They deserve a fair chance to come out of the shadows and contribute fully and legally to our country.

U.S. businesses that are unable to find the American workers they need must be able to draw upon workers from other nations. Both native-born and immigrant workers deserve to be free from exploitation, be paid fair wages, receive the protections of our labor and health and safety laws.

In May, the Senate met this challenge and passed a comprehensive immigration bill with effective enforcement measures. Enforcement alone and fencing alone will not work. Those who support enforcement only, anti-immigrant approach may think it is good politics, but security experts agree that cracking down harder on illegal immigrants won't result in our regaining control of our borders. Instead they believe the Senate had the right approach.

As Tom Ridge, the former Secretary of Homeland Security, recently noted:

> [T]rying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with the robust temporary guest worker program and a means to entice those now working illegally out of the shadows in some type of legal status.

Instead of following the sound advice of these experts and focusing on solving real problems, the Senate is considering a House bill to order the Department of Homeland Security to build hundreds of miles of fencing along our border with Mexico—a country that is not our enemy, but a close friend, our second largest trading partner.

The House bill is unnecessary. Earlier this year, Secretary Chertoff told Judiciary Committee members that he needed about 370 miles of fencing and 461 miles of vehicle barriers and targeted urban areas along the southwest border. The Senate included a provision in our immigration reform bill to do that and on August 2 we agreed, by a vote of 94 to 2, to appropriate $1.8 billion for that purpose.

The much longer fence in the pending bill would be a waste of taxpayers' money. The Congressional Budget Office estimated it would cost roughly $3.2 million a mile, which may be the low end. The first 11 miles of the San Diego fence cost $3.8 million a mile and the final 3.5 mile section cost approximately $10 million a mile.

Under more recent estimates, which take into account the cost of roads, lighting, infrastructure, terrain, and other factors, the costs are even higher. The current estimate also ignores the annual maintenance costs which could be as high as $1 billion a year. The more than 700 miles in fencing that the House proposes but that Secretary Chertoff does not need will result in at least $1 billion in unnecessary spending.

Fences don't work. Undocumented inflows have increased by a factor of 10 since fencing was introduced. San Diego's wall has benefited the smuggling industry and increased the loss of immigrant lives by shifting entry to the desert. The track record of the four concentrated border enforcement operations in border States shows that tougher border controls only enrich smugglers, endanger the lives of migrants, and encourage those who overcome the obstacles to settle permanently here in the United States.

Testimony we had before our committee recently from some of those who have studied this issue pointed out that up to 60 percent or more of those who come here want to work for a while, make some money and be able to return to their families and to their community to be able to enjoy it. By putting the fence up, we are making sure they are locked in the United States illegally.

Recent testimony from the bipartisan Congressional Budget Office concluded that the sharp increase in border security funding over the past decade and the near doubling of the number of Border Patrol agents over that time have not kept sizable numbers of illegal migrants from entering the country illegally. The reason? Jobs were the magnet. As long as you have the magnet of jobs, people are going to find ways around the fence, under the fence, and over the fence. Until you have a comprehensive approach that will deal with that issue, as our comprehensive approach does, the idea of putting more fencing is basically going to be ineffective.

For example, the Border Patrol budget increased from $263 million in 1990 to $1.6 billion today, a sixfold increase, yet during this period more than 500,000 undocumented immigrants entered the United States each year. In all, nearly 9 million have arrived since 1990. During the same time, the probability that an unauthorized border crosser would be apprehended fell from 20 percent to 5 percent. The United States now spends $1,700 per border apprehension, up from $300 in 1992.

Nor will fencing keep out criminals or terrorists. The September 11 terrorists did not come across the Mexican border illegally. They entered the United States with visas. Fences won't stop immigrant workers from coming here to work. Governor Janet Napolitano of Arizona, who knows a lot about borders, recently said:

> You show me a 50-foot wall and I'll show you a 51-foot ladder at the border.

Fences can be outflanked—and not only over land or through underground tunnels. Increased fences prompted smugglers to move migrants in boats and transport them by plane to Canada, with its 4,100 mile largely open border. A recent study of the Pew Hispanic Center found that roughly 40 to 50 percent of the people currently in the United States illegally entered the country legally. We are going to vote on this measure tomorrow in order to stop allegedly illegal immigration coming across the southern border when half of those who are undocumented today come here legally. herefore, you have to deal with that particular issue. That fence issue does not do anything about that problem. Our comprehensive approach does.

More fences would do nothing about immigrants who come here legally and then overstay their visas. Unnecessary enforcement measures also harm United States relations with Mexico and other countries. A ''fortress America'' mentality alienates other nations and makes it harder to work with them on other counterterrorism priorities. Already, the ''muro of muerrte,'' the wall of death, is a rallying call for opponents of free trade and other aspects of United States economic agenda in Latin America.

Cardinal Mahoney, of Los Angeles, has pointed out, ''as the world's lone superpower and greatest democracy, we possess the resources and ingenuity to solve our immigration problems humanely and without resorting to the construction of barriers and walls.''

The United States is facing a delicate period in its current relations with Mexico. Andres Manuel Lopez Obrador will soon become the President of Mexico after a very close election that challenged Mexico's democracy. Mr. Obrador stated that fencing will increase tension and insecurity at the border.

President Bush got it right in May when he declared an immigration reform bill needs to be comprehensive because all elements of the problem must be addressed together or none of them will be solved at all. He got it wrong last week when he indicated that the House fence bill is an acceptable interim measure.

We will have the opportunity to vote. I hope the Senate recognizes what it recognized during the course of the 2-week debate, and that is, the comprehensive approach is the approach that will ensure the strongest security at our borders. The law enforcement within our country, in terms of the enforcement of programs and human policy, recognizes that those who worked hard, played by the rules, contributed to their community, have sent their sons and daughters off to war, want to be a part of the American dream, who are willing to pay a penalty and also go to the end of the line, would be able to adjust their status.

A comprehensive approach is the way we ought to be going. That is effectively the way everyone who has talked about the overall challenges of the undocumented and illegal immigration believe is the way to go. Sure, we need to do what needs to be done at the border, but it ought to be done in a comprehensive way with these other elements.

This legislation does not do so, will not be effective, and should not be accepted.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURE FENCE ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to Amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to Amendment No. 5039), to amend the effective date.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I have 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING SENATOR ALEXANDER

Mr. DOMENICI. Mr. President, I note that the distinguished Senator from Tennessee, Senator LAMAR ALEXANDER, is in the Chamber. I am sure he has already spoken this afternoon, but I was not present because I was attending another meeting.

Senator, if you do not feel good this afternoon, I don't know what we are going to do in the Senate in terms of qualifying you to be happy. I don't know what else we will do to make you happier than what we are going to do tonight or during the next week or so on this competiveness measure.

Senator ALEXANDER came to the Senate, and before his first term has expired he has taken the lead, without anyone wanting to run around and try to figure out who should get the lead, on this mammoth piece of legislation. It falls automatically that LAMAR ALEXANDER deserves the credit for getting it started. It was his idea. He recruited the junior Senator from New Mexico.

They asked me, as members of my committee, if they could take the proposition of what we could do to better America's position in a competitive world, if they could take that to the Academy of Sciences to get a report so we could adopt a report during this calendar year.

Believe it or not, they did that. As a result, 71 Senators cosponsored the legislation. As a result, we will have introduced a bill today that almost takes care of every recommendation that committee made to the Congress. We are having it introduced officially by the leadership this evening. It will be held and passed by this Senate before we adjourn this year.

Imagine that, for a Senator who has just come to the Senate. If he cannot say and put up whatever he puts up, matters of high esteem, completed by him, something that he can be proud of, that is this legislation.

There will be a day when it passes that he can be happier, but he will be overjoyed today when he sits down and thinks for a moment of what is accomplished for America to get moving to develop our brain power where we could, where we can, as we can, and as we should, without any doubt.

I compliment the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. He is overly generous. I learned as a staff aide in the Senate that if an idea has many fathers and many mothers, it has a much better chance of moving along than if it just has one.

Senator DOMENICI is being overly modest about his own role. This would not have gotten to first base—by ''this,'' I mean the competitiveness legislation—had not Senator DOMENICI created the environment in which it could succeed, and if he and Senator BINGAMAN had not had such a good partnership and been able to work together, set a good example and have been willing to step back and allow other good ideas that were progressing through the Commerce Committee and the HELP Committee.

It has been a remarkable exercise in restraint for many distinguished Senators, some among the most senior Members of the Senate, and at a time when politics is at a pretty high level.

I thank the Senator for what he said. It means a lot to me.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the National Competitiveness Investment Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE NATIONAL COMPETITIVENESS INVESTMENT ACT

The National Competitiveness Investment Act is a bipartisan legislative response to recommendations contained in the National Academies' ''Rising Above the Gathering Storm'' report and the Council on Competitiveness' ''Innovate America'' report. Several sections of the bill are derived from proposals contained in the ''American Innovation and Competitiveness Act of 2006'' (S. 2802), approved by the Senate Commerce Committee 21–0, and the ''Protecting America's Competitive Edge Through Energy Act of 2006'' (S. 2197) approved unanimously by the Senate Energy Committee. Accordingly, the National Competitiveness Investment Act focuses on three primary areas of importance to maintaining and improving United States' innovation in the 21st Century: (1) increasing research investment, (2) strengthening educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, and (3) developing an innovation infrastructure. More specifically, the National Competitiveness Investment Act would:

Increase research investment by:

Doubling funding for the National Science Foundation (NSF) from approximately $5.6 billion in fiscal year 2006 to $11.2 billion in fiscal year 2011.

Setting the Department of Energy's Office of Science on track to double in funding over 10 years, increasing from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

Establishing the Innovation Acceleration Research Program to direct Federal agencies funding research in science and technology to set as a goal dedicating approximately 8 percent of their Research and Development (R&D) budgets toward high-risk frontier research.

Authorizing the National Institute of Standards and Technology (NIST) from approximately $640 million in fiscal year 2007 to approximately $937 million in fiscal year 2011 and requiring NIST to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Directing NASA to increase funding for basic research and fully participate in interagency activities to foster competitiveness and innovation, using the full extent of existing budget authority.

Coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields.

Strengthen educational opportunities in science, technology, engineering, mathematics, and critical foreign languages by:

Authorizing competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the 21st century workforce, and the Armed Forces, and grants to support the establishment or improvement of statewide P–16 education longitudinal data systems.

Strengthening the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the National Laboratories and by increasing support for the Teacher Institutes for the 21st Century program at NSF.

Expanding the Robert Noyce Teacher Scholarship Program at NSF to recruit and train individuals to become math and science teachers in high-need local educational agencies.

Assisting States in establishing or expanding statewide specialty schools in math and science that students from across the State would be eligible to attend and providing expert assistance in teaching from National Laboratories' staff at those schools.

Facilitating the expansion of Advanced Placement (AP) and International Baccalaureate (IB) programs by increasing the number of teachers prepared to teach AP/IB and pre-AP/IB math, science, and foreign language courses in high need schools, thereby increasing the number of courses available and students who take and pass AP and IB exams.

Developing and implementing programs for bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials and part-time master's in education programs for math, science, and critical foreign language teachers to enhance both content knowledge and teaching skills.

Creating partnerships between National Laboratories and local high-need high schools to establish centers of excellence in math and science education.

Expanding existing NSF graduate research fellowship and traineeship programs, requiring NSF to work with institutions of higher education to facilitate the development of professional science master's degree programs, and expanding NSF's science, mathematics, engineering and technology talent program.

Providing Math Now grants to improve math instruction in the elementary and middle grades and provide targeted help to struggling students so that all students can master grade-level mathematics standards.

Expanding programs to increase the number of students from elementary school through postsecondary education who study critical foreign languages and become proficient.

Develop an innovation infrastructure by:

Establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Requiring the National Academy of Sciences to conduct a study to identify forms of risk that create barriers to innovation.

Mr. DOMENICI. I thank the Senator.

Mr. ALEXANDER. Mr. President, although most cannot hear it right now, I want to say how much all in the Senate appreciate the extra hours and the skill with which the staffs met and worked through August and over the last several weeks to bring the three committees together. Senator ENSIGN played a major role, and his staff did. There were many staffs. This was not a bill that Republicans wrote and Democrats looked at or vice versa. We did it together.

FUTURE OF HIGHER EDUCATION

Mr. President, today the Secretary of Education, Margaret Spellings, made an important speech at the National Press Club. In her remarks, she discussed the report from her Commission on the Future of Higher Education. This commission was chaired by Charles Miller, who was the former chairman of the board of regents of the University of Texas system and a leader in education reform at all levels.

I am very impressed with Secretary Spellings. I know her job. I once had it. I do not think we have had a more effective Secretary of Education. I am very impressed with Mr. Miller. I know about his work in Texas as part of a group of business leaders over the last 20 years who have led the country in terms of helping to set accountability standards in elementary and secondary education.

Mr. President, I encourage my colleagues to read Secretary Spellings' speech from today.

Secretary Spellings is the first U.S. Secretary of Education to assume the role of lead adviser to coordinate all of higher education. I am glad she is doing that because almost every Department of the Federal Government has something to do with higher education. Currently, no one is the lead person for that. It ought to be the Secretary of Education. She stepped up to do it. I applaud her, and I applaud President Bush for asking her to do that.

The Secretary's recommendations in her speech today are sensible and respect the prerogative of Congress to make major changes in higher education policy. In plain English, she laid out some very good recommendations, but she recognized that is one branch of Government, we are the Article I branch of Government, and if there are major changes in policy, we will make them here, and then it is their job to implement it.

But among the strong recommendations in her report are the following: Simplify the financial aid system. We are already doing that, having worked with the Secretary on a commission, and it is included in the higher education bill that has not passed. That is a very good recommendation. Another recommendation is expanding more access to more students. The initial cost estimates of her commission's report suggest its recommendations might cost $9 billion or $10 billion more in terms of Pell grants. That is a lot of money, but it is an important goal.

Another recommendation is increased competitiveness. The Secretary's commission spent quite a bit of time urging the Congress and the country to adopt the recommendations of the Augustine commission, to adopt the recommendations of the Council on Competitiveness, and to adopt the President's recommendations on competitiveness. That was a help in getting us come to the point in this body where tonight Senator FRIST and Senator REID will introduce the National Competitiveness Investment Act.

The Secretary's committee recommended less regulation for higher education, which is something I want to talk a little bit more about in a moment. I thoroughly agree with that. And, of course, another recommendation is to find ways to reduce costs, which every family who has a student headed toward higher education thinks about. In our own family, where we have two new grandchildren who are less than 1 year of age, the parents—our children—are already thinking about it: How in the world are we going to pay for college out of our budgets in 18 years? That is at the top of almost everyone's concern.

I want to wave one bright, yellow flag, a cautionary flag, at one troubling aspect of the report of the Secretary's commission. That is best captured by the following sentence on page 13 of the commission's report, and I quote: ''Our complex, decentralized post-secondary education system has no comprehensive strategy, particularly for undergraduate programs, to provide either adequate internal accountability systems or effective public information.''

''Our complex, decentralized post-secondary education system has no comprehensive strategy. . . .'' The commission apparently believes that is a weakness. I believe that is a strength. I believe that is the greatest strength of our higher education system. The key to the quality of the American higher education system is that it is not one system, but that it is a marketplace of over 6,000 autonomous systems, independent systems.

These autonomous or independent institutions—such as the University of Tennessee, or Fisk University, or the Nashville Auto Diesel College, or Yeshiva University—these institutions are regulated primarily by competition—competition for students, for faculty, and for research dollars—and by consumer choice, which is fueled by generous Federal dollars that follow more than one-half of American college students to the institutions of their choice.

There is, in addition, a system of independent accreditation to help regulate these independent and autonomous institutions. To be sure, there is still plenty of the traditional kind of command-and-control Government regulation. That is very hard to get away from. Every State has a regulatory body, such as the Tennessee Higher Education Commission. And each of the 6,000 institutions I described that accepts students with Federal grants or loans must wade through over 7,000 Federal regulations and notices. Those regulations exist today.

The president of Stanford University has said that 7 cents of every tuition dollar is spent on compliance with Government regulations. The last thing American higher education needs is a barrage of new Federal regulations requiring sending new data to Washington so someone here can try to figure out how to improve the Harvard Classics Department or the Nashville Auto Diesel College, both of whose students are eligible for Federal grants and loans.

I believe the overregulation of higher education is the greatest deterrent to maintaining the quality of American higher education, and that autonomy, competition, and choice are the greatest incentives to excellence.

I would, therefore, wish to lead the bandwagon or be on the bandwagon or

push the bandwagon for more deregulation and to increase the autonomy of institutions of higher education and to preserve competition for research dollars and to give students the broadest array of education choices possible.

Today in America we are doing that much better than any other country in the world. It is instructive that China and several European countries are deregulating their overly bureaucratized colleges and universities to try to catch up with the quality of ours. Of course, better information informs choices. And, of course, easier transfer policies between or among institutions could increase opportunities. Much is to be gained from research that will help institutions measure what value their classes add to students.

But I do not want rules about transfer policies to diminish institutional autonomy. I do not want to see rules from Washington substitute for choice and competition as the principal regulators of the quality of our colleges and universities. I do not want to see even more tuition dollars go to pay for complying with costly Government regulations instead of to improving research and teaching in the classroom.

By design or luck, the United States has created a magnificent marketplace environment that has resulted in, by far, the best higher education system in the world with remarkable access for students of all incomes. Our goal should be to improve that system, not to replace it with some command-and-control structure.

Mr. President, I spoke before the Secretary's Commission on December 9 of 2005, and I hope that those remarks were useful to the Commission.

Mr. President, I want to comment that it is important to keep all of this discussion in some perspective. For example, there is a great concern about the rising cost of tuition. Secretary Spellings, in her remarks, says she wants to know why. Well, I know why it has gone up. It has gone up because State funding for higher education has been flat. It has actually gone down in many cases. As State funding of colleges and universities in Minnesota or Tennessee or South Dakota has gone down, colleges and universities have had to raise their tuition to have enough funds to maintain quality.

Now, of course, there are plenty of ways to reduce costs, and we need to push that and encourage that. And the Secretary has many suggestions for that. She is right about that. But let's not overlook the fact that Federal spending for higher education has gone way up in the last several years, but State spending has been flat. If anyone wants to know why your tuition bills are higher, it is because your Governors and your legislatures have not been paying their fair share of what it takes to have a quality system of higher education in America. I talked about that in my testimony to the Commission, and I hope they listened to that. I hope the Administration and my colleagues understand that as well.

For example, during the 5-year period from 2000 to 2004, State spending for Medicaid, which is where the Governors have to put most of their extra money, was up 36 percent; State spending for higher education was up barely 7 percent. As a result, tuition went up 38 percent.

There is another way I think about it. When I left the Governor's office nearly 20 years ago in Tennessee, Tennessee was spending 51 cents of every State tax dollar on education and 16 cents on health care—mainly Medicaid. Today, instead of 51 cents on education, it is 40 cents on education. And instead of 16 cents on health care, it is 26 cents on health care. So if we do not get control of Medicaid spending here in this Chamber, and in the other Chamber, one of the unintended consequences will be that we will drive down the quality of higher education all across America because it will not have appropriate State funding and we will not create the new jobs that will help us compete with China and India.

On the question of cost, two other things: One is, I ask unanimous consent, Mr. President, to have printed in the RECORD a short column by the president of the University of Maryland, William E. Kirwan, who discusses State funding that I have just talked about, and talks about what some colleges and universities are doing to reduce costs to help control the rise of tuition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 14, 2006]

SECURITY THROUGH EDUCATION

(By William E. Kirwan)

A national security crisis is brewing, and if our country doesn't take immediate action, it could be devastating for the future of the United States.

Consider these facts: Worldwide, the United States ranks seventh in high-school completion rates and ninth in the percentage of high-school graduates who enroll in college. Of every 100 current eighth-graders in America, just 18 will receive a college degree during the next 10 years. Based on current participation and completion rates, the education pipeline reveals alarming holes.

The ''prescription'' for what ails education in this country enjoys widespread consensus: Improve the performance of our primary and secondary school students and provide access to affordable, high-quality higher education to more people. But how the country goes about filling this prescription is a matter of significant debate.

Clearly, a ''fix'' to the problem requires the combined and coordinated efforts of various sectors. Central to the effort, however, must be higher education. Higher education, after all, prepares the teachers for the schools and sets the standards for the degrees.

What should higher education do to help plug the holes in the education pipeline and enable our nation to address its most pressing long-term national security issue: the development of a robust and superbly educated workforce?

First, higher education must become more engaged in improving primary and secondary school performance. Colleges and universities need to encourage more students to pursue teaching careers and, in partnership with local school districts, better prepare prospective teachers with the content knowledge and pedagogy skills to succeed. Universities must work more effectively with the K–12 sector to ensure that student assessment in high school is closely aligned with college entrance requirements, and that the transition from high school to college is as seamless as advancement from 11th to 12th grade.

The best way to achieve such transformational changes is through so-called statewide K–16 councils, which bring educational leaders from all levels—superintendents, principals, university presidents, deans—together with business and community leaders on a regular basis to develop reform agendas. Such an approach is working in Maryland and a few other states.

As a second means of plugging the holes, state governments and higher education need to rethink the way they distribute financial aid. During the past two decades there has been a huge shift in the allocation of university-based aid, away from students with demonstrated financial need and toward high-ability students—often from upper-middle-class families—whom universities seek in order to improve their SAT profiles and ''vanity'' rankings. Too many low-income students are either discouraged from attending college or must work such long hours that their progress toward a degree is unreasonably delayed or, worse, terminated.

Fortunately, we have seen several ''enlightened'' universities—including the University of North Carolina at Chapel Hill, Harvard University, the University of Virginia and the University of Maryland, College Park—introduce programs to ensure that students from families at the lower end of the economic ladder can graduate debt-free. At the University System of Maryland, we recently adopted a policy requiring that students from families with the lowest levels of income graduate with the lowest debt. Planned expenditures on institutional need-based aid by USM institutions have increased more than 30 percent in the past year.

Finally, higher education—especially public higher education—must learn to operate with a more cost-conscious budget model. Most others sectors have experienced significant productivity gains through rigorous attention to cost containment. Higher education can no longer afford to ignore this strategy.

Investment of state funds in higher education on a per-student basis is at a 25-year low. It has fallen from about $7,100 in 2001 to just over $5,800 in 2005. As state investment on a per-student basis has declined, the tuition burden on students and their families has increased. In more than a quarter of our states, tuition revenue is now greater than the state's investment in its public colleges and universities. In the coming decades, areas such as health care, energy, and social services for an aging population will require an ever greater proportion of available tax dollars, accelerating the decline in public investment in higher education.

With that decline and without serious attention to cost containment, colleges and universities will face two highly undesirable alternatives: Accept more students at generally affordable tuition levels and see quality erode or protect quality by driving up tuition to levels that will be prohibitive for low-income students.

With the leadership of its Board of Regents, the University System of Maryland has incorporated cost containment as a formal part of its budget development process. These efforts have reduced the ''bottom line'' by more than $40 million for the system's 13 institutions during the past two years.

Filling the holes in America's education pipeline must become an urgent national priority. Nowhere is strong, unified action more necessary than at our colleges and universities. In partnership with other sectors, higher education must be held accountable for embracing its role and responsibilities to help improve K–12 education, increasing its need-based financial aid substantially, and containing costs more aggressively. If this doesn't happen, U.S. leadership in the global economy will erode. Perhaps even more threatening, our national ethos of social upward mobility will be lost and we will devolve into a two-tier society with a permanent underclass.

Mr. ALEXANDER. Sometimes we talk so much about the high cost of higher education where families hear that and think no one can go to college. I was president of the University of Tennessee. Tuition has gone up there for the reasons I just talked about. But today tuition at the University of Tennessee, which is one of the leading research institutions in this country—the manager of the Oak Ridge National Laboratory—is $5,300 a year. It is $5,300 a year for tuition at the University of Tennessee. That is more than a lot of people have, but that is a very good bargain in today's marketplace.

Volunteer State Community College, a public 2-year college—we encourage many people to go to community colleges, and then to our research universities—the tuition there is $2,383 a year.

At Tennessee State University, in Nashville—an excellent institution—it is $4,300. It is the same story in many other States. At the University of North Carolina at Chapel Hill, for North Carolina students—one of the best universities in the world—it is $4,500 a year. At the University of Phoenix—a different kind of university, but I had a distinguished scientist from the University of Texas tell me he looked at colleges of education all over America, and he thought the college of education at the University of Phoenix was as good as any to get your teacher's degrees—the comparable cost there for a year's tuition is about $6,669. They do things a little differently, but they provide an education and a service that many people are asking for, and I think that reflects the strength of our autonomous system of higher education.

Now, if you want to go to Harvard, it is a lot more. If you want to go to Vanderbilt, it is a lot more. But the rest of that story is, if you show up at Harvard, or if you are admitted to Vanderbilt, and you do not have the money, they are going to do their best to help you pay for that.

So I would hope as we talk about the cost of higher education that we recognize that many of the State institutions are reasonably priced, that the failure of State funding over the last several years is the principal culprit in the rising increase for public schools, and that we do not get carried away up here in Washington by thinking if we pass some more regulations here, somehow we are going to solve the problem, and we are going to make our higher education system better.

My main point is this: Our greatest threat to quality higher education is overregulation. And our greatest incentive for it is deregulation, choice, and competition. Those are the incentives I would like to preserve.

Mr. President, I yield the floor.

Mr. THUNE. 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. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY INDEPENDENCE FOR AMERICA

Mr. THUNE. Mr. President, as we wind down this legislative session in this last week, we have a lot of work to do on the agenda. We have bills dealing with port security, Homeland Security appropriations, Defense appropriations, and border security, which is the subject of discussion right now, the Secure Fence Act of 2006, and those are probably going to be the things on which we can find consensus. We can add to that the issue of how we deal with detainees and continue to acquire high-value intelligence that will enable us to prevent future terrorist attacks. That legislation is coming down the pike, too. So we have a lot of things to vote on in the last few days before the election. And the assumption, of course, is that we will probably come back in after the election to wrap up some of the outstanding issues.

There are other pieces of legislation that could be dealt with in this period—legislation that is without controversy, legislation that has been acted on by the House of Representatives and on which there is broad bipartisan agreement. It seems to me, at least at this point in the legislative session, that in order to get these bills through, it is going to take considerable agreement on both sides of the political aisle, with enough critical mass behind them to get them through.

I have a bill that fits into that category. I have come to the Senate floor on a couple occasions to speak about it. It has been cleared by the House of Representatives by a vote of 355 to 9. Now it is sitting here, and Senator SALAZAR from Colorado and I have a substitute amendment to that, and as soon as it is picked up and the Senate passes it, it goes back to the House. The House has indicated that if we send it back, they will pass it. Then we can put it on the President's desk.

The bill has to do with an issue that I think is on the minds of a lot of Americans—energy independence. It is a fairly straightforward issue. As I have explained previously on the floor, it has to do with closing the gap in the distribution system between the production of ethanol, the supply of renewable energy in this country, and the demand for it, the ultimate consumer of renewable energy.

Right now, as you know, in the last year we passed an energy bill which required, for the first time ever, certain use of ethanol in this country—7.5 billion gallons by 2012. We are ramping up to that level now. In South Dakota, we already have 11 ethanol plants. We have three under construction, and in a short period we will be at a billion gallons a year—just in South Dakota. If you add to that the production underway in the Chair's home State of Minnesota and other States in the Midwest, there is a tremendous amount of ethanol that is in the pipeline. We have now a requirement that States around the country have to meet that 7.5 billion. I think we also have a very robust demand for it because people in this country realize that if we are going to get serious about energy independence, we have to begin shifting away from some of the types of energy that we get from other places around the world. This is American energy, homegrown energy, renewable energy. We can raise it every year. We have a corn crop every year that can be converted into gallons of ethanol. We have other types of biomass materials that, raised in places such as the Midwest, are on the cusp in terms of the technology that will soon be available. One is switch grass. There is a research project at South Dakota State University right now looking at the probability in the near future of having the essential ingredients and processes that will enable us to make ethanol out of switch grass, something that is in abundance in the upper Midwest.

This movement toward renewable energy, American-grown energy, is long overdue. People are demanding that we begin to move in that direction. We have a renewable fuel standard, as a result of the Energy bill that passed, which is a great success for moving in that direction. We have, as I said, a lot of production now that is currently on line, with additional plants under construction. What we are missing is the method by which that ethanol or other renewable fuels—bioenergy—is distributed to consumers in this country.

Right now, we have about 180,000 filling stations in America, and only about 800 of those make available E85 or other alternative fuels. If you do the math on that, that is 1 filling station for every 10,000 cars that are currently capable of using E85 or some other form of alternative energy. The Auto Alliance—and probably Members of this Chamber have seen them—has run ads in some of the publications in town saying that today there are 9½ million cars on the road that can use alternative sources of energy. ''Flex-fuel vehicles'' is how we refer to them in most cases. If you look at the 9½ million cars already on the road and those currently in production, the car manufacturers are gearing up to come up with more vehicles that can run on alternative sources of energy, primarily 85.

We have an enormous opportunity out there, a great potential for increasing usage of ethanol and renewable fuels, thereby lessening our dependence upon foreign sources of energy, which has implications for our economy, for our national security, and foreign policy.

This is a win-win. This is flatout a no-brainer for America and for the Senate. Yet we have a hold—a secret hold—by someone on the Democratic side that is preventing this bill from moving forward.

Mr. President, I understand the traditions and the rules of the Senate allow for that sort of thing to happen, but whoever it is—and I have my suspicions about who it is—who has a hold on the bill, I wish they would come forward and defend that hold. This is a noncontroversial piece of legislation which has broad bipartisan support, has passed the House with a 355-to-9 vote, and is ready for action in the Senate. But as of right now, it is being held up by someone on the other side. Again, I don't know who that is. I would like to know who that is and have the opportunity to visit with them to find out what their objection is.

The reality is that this is a piece of legislation which makes so much sense for our economy and, as I said, for our need for energy independence, to have American energy so we can get away from our dependence on foreign sources of energy. It is good for the environment. There are so many benefits to moving this legislation forward. Again, it is heading in a direction that gets us away from dependence upon foreign energy and more energy independence in this country.

I come to the floor to urge my colleagues—it has been cleared on the Republican side. It is ready for action in the House. It is teed up to go there; we have talked with our colleagues in the House. It passed once there.

The amendment Senator SALAZAR and I have offered, the substitute amendment, is a modification of that bill, but it keeps in place the basic concept of the bill. Very simply, in terms of explanation, it provides up to a $30,000 cash incentive for fuel retailers to install pumps that would provide E85 or other types of energy. The average cost to install that pump is somewhere between $40,000 and $200,000, depending on where you are in the country. We believe the convenience stores and the gas stations across this country would take advantage of this if it were in place. It would do something about this ratio I just mentioned where we have 1 filling station for every 10,000 cars in this country that are capable of running on E85 or some other form of alternative energy.

Again, I commend this to my colleagues in the hopes that we can move ahead. We have a few days left this week before everybody heads home for the elections. We don't know what will happen with the elections. This is legislation which, as I said, is broadly supported on a bipartisan, bicameral basis and has the support of the auto manufacturers across the country and the National Association of Convenience Stores. I submitted letters previously for the RECORD expressing the support of the entire ethanol industry and environmental groups. I think it has been cleared on the Republican side, and I hope that whoever on the Democratic side who has placed a hold on the bill will make that known so we can discuss what the objection is and, hopefully, clear it for action so we can get something meaningful done about the issue of energy security before Congress goes home for the elections.

Mr. President, I raise the issue again, and I urge and ask and request that my colleagues work together to accomplish what I think is a very important objective before we leave for the election; that is, moving America in the direction of lessening our dependence upon foreign energy, becoming energy independent, and helping to address the issue of high gas prices in this country. This bill would do that. I simply ask my colleagues to work with me to get that done.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Illinois is recognized.

Mr. DURBIN. I thank the chair.

MENTAL HEALTH PARITY ACT

Mr. DURBIN. Mr. President, in just a few weeks while we are in recess, we will mark the fourth anniversary of the untimely death of our former colleague from Minnesota, Paul Wellstone. Paul Wellstone died at the age of 58 in an airplane crash about 4 years ago. Paul and his wife Sheila and daughter Marcia were on their way to a campaign event in Eveleth, MN on October 25, 2002 when their plane crashed in a wooded field 2 miles short of the airport. We mourn for the surviving children Mark and David and for the families of the campaign staffers, Will McLaughlin, Tom Lapic, and Mary McEvoy, and for the families of the pilots flying that fated aircraft.

Paul's tragic and premature death silenced one of the leading voices in America on the issue of mental illness. Paul Wellstone understood the devastation that mental illness can bring: the stigma, the alienation, the broken families and, sadly, even broken lives.

In 1992, together with Senator PETE DOMENICI of New Mexico, Paul introduced legislation to require insurance companies to offer the same coverage for treating mental illness as for physical illness. The Mental Health Parity Act was passed and signed into law in 1996. The final version of the bill sadly was watered down and fell short of Paul's earliest goals.

A new bill to eliminate these disparities in insurance coverage was introduced in the last Congress. The Paul Wellstone Treatment Act attracted widespread bipartisan support: 69 Members of this Chamber and 245 Members of the House—a clear majority supporting Paul Wellstone's legacy. But unfortunately, during the past 2 years, this bill was not called for passage and did not pass.

Today I am honored to be joined by Senator Norm Coleman of Minnesota, Senator TED KENNEDY, Senator TOM HARKIN, and Senator MARK DAYTON of Minnesota in submitting a sense-of-the-Senate resolution, first to remember Paul Wellstone and honor his legacy, but also to publicly commit to finishing his work on mental health equity legislation.

Mental health disorders are the leading cause of disability. Without treatment, the consequences of mental illness for the individual and for all of us are staggering: disability, unemployment, substance abuse, homelessness, inappropriate incarceration, suicide, and wasted lives. The economic costs of untreated mental illness is more than $100 billion each year in the United States. In my home State of Illinois, close to 4 million people, or 30 percent of the population, are affected by some form of mental illness each year, including depression. Suicide is the third leading cause of death among young people 15 to 24. Seventy-seven percent of adults with severe mental illness are unemployed.

Now, the good news is this: Mental illness is treatable but only for the people who have access to sound diagnosis and care. We have a good start, thanks to the Mental Health Parity law that Senators WELLSTONE and DOMENICI led to enactment in 1996. Our next challenge is to build on the work Paul Wellstone left behind.

Current law requires insurers offer mental health care and offer comparable benefit caps for mental health and physical health, but it does not require group health plans and their health insurance issuers to include mental health coverage in their benefits package. It doesn't prevent insurers from setting higher deductibles, higher copays, and fewer services covered for mental health illness. I commend Senators KENNEDY and DOMENICI for their work in this Congress on working toward a consensus for reaching mental health parity for Americans.

I called Senator DOMENICI last week to tell him I was submitting this resolution and to cheer him on so that during the next session of Congress we can give the right tribute to Paul Wellstone and, more importantly, as Paul would see it and I see it as well, hope to millions of Americans.

This resolution honors Paul Wellstone. It commits us to continuing his work to ensure equity for people with mental illness. Paul fought against discrimination in any form. His life work was dedicated to creating a world in which everyone, regardless of race, religion, economic status, or health or mental health status, would be treated fairly and equally. I urge my colleagues to support this resolution and renew our commitment to ensuring mental health parity.

Paul Wellstone was often quoted as saying:

I don't think politics has anything to do with left, right, or center. It has to do with trying to do right by the people.

That was what Paul Wellstone said. And now we will have our chance in the next session of Congress to honor that commitment.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I thank my colleague from Illinois for submitting this resolution both on the legacy of Paul Wellstone and, in particular, focusing on this issue of mental health parity.

Paul Wellstone and I disagreed on a lot of issues. One of the great things about Paul Wellstone is that even if you disagreed with him, you admired his passion—his passion which was reflected when we had our debates. He was always energized. He was real. He was very real.

One of the things he was very passionate about was mental health parity and doing the right thing for millions of Americans. His Senate family has been touched by the tragedy of mental illness—touched. Millions of Americans have been touched or impacted by the tragedy of mental illness. The reality is there is treatment available. We can deal with this. We can lift up lives to make people whole and productive. There is a path to do this. There is a path that my predecessor laid out with the help of Senator DOMENICI in the early 1990s. We made some headway, but we didn't go far enough. We know what the voids are. We know what the gaps are. We have a path to get there. We are close. The problem is ''close'' may be good in bocce ball, but it is not good in legislation.

I have been here 4 years. It is one of my hopes that on one of the things that Senator Wellstone and I fully agreed on, which is the importance of providing true mental health parity, is that we can get it done. We are not there yet. We need to get it done. I hope that as we move forward and when we come back and finish this session—we are not going to get it done now, but I hope folks will reflect on what is the right thing. It is the right thing. With this resolution we are honoring the legacy of a great Senator, we honor the legacy of someone who had great passion, and we do the right thing for millions of Americans.

Let us get mental health parity through. It is the right thing and I hope we can get it done. Again, I thank my colleague from Illinois for raising this issue.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I at the outset thank my colleague from Minnesota who was quick to join with his colleague Senator DAYTON as a cosponsor of this resolution.

Many times politics divides us, but when it comes to an issue such as mental illness, we are all in this together. I know my colleague from Minnesota has probably had the same experience I had, of raising this issue at a town meeting or a public meeting, and then I almost guarantee you that before you leave that hall, someone will come up to you and ask if they can speak to you privately to tell you the story of a child or a spouse who has bipolar disorder or schizophrenia or who has committed suicide. It touches so many of us. What Paul Wellstone was trying to remind us of is that mental illness is not a curse, it is an illness, and an illness that can be treated. Why shouldn't we include it in our health insurance for Americans so that every family can be spared the suffering that comes with mental illness today.

I thank my colleague from Minnesota for joining me on this resolution.

Mr. DAYTON. Mr. President, I thank and commend my friend and colleague, the assistant Democratic leader from Illinois, Senator DURBIN, for submitting the Senate resolution honoring the memory of the late Senator Paul Wellstone from Minnesota, my friend of 22 years, my colleague and mentor for my first 2 years in the Senate.

I also thank Senator COLEMAN, my present colleague, for his cosponsorship of this resolution and making it a bipartisan statement. I am proud to join as a cosponsor of the resolution.

It is hard to believe that it has been almost 4 years—it will be on October 25, 2006, when we will not be in session—since the terrible plane crash occurred that took the lives of Paul Wellstone, U.S. Senator from Minnesota, his wife and partner of 39 years, Sheila Wellstone, his daughter Marcia; the Democratic Party associate chair from Minnesota, Mary McEvoy; one of Paul's longtime valued Senate staffers here in Washington, Tom Lapic; and a young Minnesota aide, Will McLaughlin, as well as two pilots.

One of Paul's most important causes was that of mental health parity. The illness of a family member made this a very personal cause for him, as well as his compassion for those throughout this country who suffer from some form of mental illness and are unable to get the treatment they deserve and which is medically available because insurance companies will not pay for and treat mental illness with the same parity they do other physical health problems.

Senator Wellstone found a valuable partner in the distinguished Senator from New Mexico, Mr. DOMENICI. Together they worked on a bipartisan basis for several years against the fervent opposition of the medical insurance industry to pass mental health parity legislation.

In the aftermath of Senator Wellstone's death, then-majority leader of the Senate Tom Daschle succeeded in getting through the Senate the Wellstone-Domenici legislation, which passed the Senate but unfortunately hit opposition by the House of Representatives. And once again the medical insurance industry prevented one of Paul's legislative dreams from becoming law in 2002.

Despite assurances beginning in January of 2003 from the new Senate majority leadership that the Senate would act on successor legislation in honor of Senator Wellstone and pass mental health parity, despite the best efforts of Senator DOMENICI, who was then joined on our side of the aisle by Senator KENNEDY and our own caucus leaders, Senator REID and Senator DURBIN, the Senate has neither considered as a body nor passed mental health parity in either the 108th Congress or the 109th Congress.

In other words, during the last 4 years following Senator Wellstone's terrible tragedy, the Senate has not acted to pass this legislation.

That is why Senator DURBIN's resolution today is so timely and so important in these final days of the 109th session. It states that Senator Wellstone should be remembered for his compassion and leadership on social issues, and the Congress should act to end discrimination against citizens of the United States who live with a illness by passing legislation relating to mental health parity as a priority for the 110th Congress.

One of Paul's favorite quotes was that of a rabbi many years ago who concluded by saying: If not now, when? If not now, unfortunately, then at least in the 110th Congress, over the next 2 years, it is my fervent hope, although I will not be here, and even though my colleague, Senator Paul Wellstone, will not be here, his spirit will continue to carry this legislation forward, and with the leadership of Senator DURBIN and others who have championed this cause in the Senate and with greater understanding perhaps on the other side of Capitol Hill in the House about the importance of this legislation to millions and millions of Americans, this would be one of Senator Wellstone's proudest moments. It would be one of the Senate's and Congress's great accomplishments, if mental health parity were to be made the law of this country for the millions of those who would benefit from it.

I again thank Senator DURBIN.

I yield the floor.

Mr. DURBIN. Mr. President, if the Senator will yield for a question, I would like to say by way of question through the Chair that I thank my colleague from Minnesota. I can recall when he first came to the Senate serving with our mutual friend, Paul Wellstone. It must have been tough to be that close to a dynamo. The man had boundless energy and committed to so many good causes.

The Senator from Minnesota has carried on the fine tradition for your State. I thank the Senator for joining us in this resolution.

Hope springs eternal, and maybe during the lame duck session Senator KENNEDY and Senator DOMENICI will be able to give us some good news that will make us proud on this important issue.

I thank the Senator for his words today.

Mr. DAYTON. I thank the Senator from Illinois. Senator Wellstone was an eternal optimist. I share the Senator's hope that something might be possible this year. If not, this resolution passing on that responsibility to the 110th Congress is very timely and appropriate. I am glad to cosponsor it.

ESTATE TAX

Mr. DURBIN. Mr. President, this morning one of my Republican colleagues came to the floor to talk about what appears to be the favorite topic of most Republican Senators: the estate tax. No matter what we are talking about on the floor, whether it is immigration reform, making America safe from terrorism, dealing with issues involving the funding for our troops, port security, without fail, you can count on one of my colleagues on the other side of the aisle trying to wedge in to this queue with what many of them consider to be at least equally important: the issue of the estate tax.

So my colleague came to the floor and mentioned my name over and over again as if I were his opponent. I would say to my colleague there are many Senators who disagree with his position, but I will be happy to address it for a moment or two.

The simple fact is this: If an American and a spouse have assets valued at less than $2 million at the time of their death, they will never pay one penny in estate taxes—not one. So if you ask who benefits from this repeal of the estate tax, well, sadly it turns out to be some of the wealthiest people in America. If you took 1 percent—that is 1 out of 100—estates in America, people who die each year, only one-fourth of those will ever pay any estate tax. It is a very small number of people who have done very well in their lives in America who may end up paying estate tax.

I want my position to be clear. There is an exemption under the estate tax, an exempt amount that you can leave to your heirs, that will not be taxed. I think we need to increase that and regularly increase it to reflect reality. It is true, the real estate we own has gone up in value while we have lived there, businesses have increased in value, farms have increased in value, and I think the exemption should be increased as well.

Where I have a problem is where we have people who are very well off—multimillionaires—who end up owing the Government—in fact, owing their country—something for their success, and they will be left in a position with the proposal from the other side of the aisle where they may have no estate tax liability whatsoever.

The majority leader of the Senate, Senator FRIST, has said he is for total repeal of the estate tax—total repeal so that Mr. Bill Gates of Microsoft, who has done so well and made so much money, would pay nothing back to America by way of estate tax when he passes away. Well, Mr. Gates is not asking for that. Many people who are well off are not asking for that. They understand this country has been very good to them, and they are also prepared to pay back so that future generations have a chance to succeed as well.

My colleague came to the floor and talked about farmers and is concerned about farmers. I am from downstate Illinois. A few years ago, after hearing all of the debate about estate taxes, I wrote to the Illinois Farm Bureau, the Illinois Farmers Union, and asked them: Tell me of any farm that you know of where the farmer's survivors had to sell the farm because of paying Federal estate tax. There was not one single instance in my State. They couldn't find one. Now, I understand some of those farmers may have to sell off a portion of their land or some of their acreage to pay their taxes at the time that the spouse finally passes away. But as far as losing farms, that is something that is said over and over again, but neither the Illinois Farm Bureau, the Farmers Union and, in fact, the American Farm Bureau could find a single example of a family being forced to sell its farm because of estate tax liability.

According to the Congressional Budget Office, only 123 family-owned farms and 135 family-owned businesses would pay any estate tax at all with a $2 million family exemption level.

So we often have to stop and wonder why are we dwelling on this or why are some Members of the Senate continuing to dwell on this. If their sympathy is for those who are struggling to survive in America, they should focus their spotlight not on the wealthiest among us but those who are struggling at lower levels.

Let's take a look at some of the realities, the economic realities in America today. This chart shows what has happened over the last 6 years. The minimum wage has been frozen under President Bush and this Republican Congress for 9 years. During that 9-year period of time, the President's pay has been increased substantially, pay for Members of Congress increased $31,600, and the $5.15 an hour minimum wage has not gone up.

It is always interesting to me that my colleagues on the other side of the aisle seem to think that it is fine for those making the lowest wages in America, some of them working very hard each day, to have no increase in their pay for 9 straight years, while they are struggling to make ends meet. They come to the floor and talk to us about those who have made millions of dollars in their lives and whether they will have to pay any taxes. I think it is a misplaced priority.

If we take a look at some of the real household income of Americans across the board, you can see what has happened from 2000 to 2005. Real household income has declined by $1,273. It means the average family, working hard, paying off the costs of living—utilities and mortgages, energy costs, education costs—is working harder and falling behind each and every year.

Our economic policies in this country really are not focused where they should be. We should be focusing on this middle-income American family that is struggling to make ends meet in a very difficult time.

The distribution of wealth in America has changed substantially over the last several years. The distribution of earnings has become even more unequal. When you look at this situation, you see the years between 1995 and 2000 with a violet color, 2000 to 2005 with the red. So in the year 1995 to 2000, the last term of President Clinton, you can see there was an increase in earnings, weekly earnings for full-time workers, across the board. All of these violet bars above show, for example, a 9.6-percent increase, a 7.4-percent increase. So in that 4-year period of time, we had the distribution of earnings increasing.

Now look at the period of time under President Bush. During that time period, in each of these categories of income in America, we have seen that earnings have been declining or rising very slowly, as they are at the highest levels of income in America

Take a look at the wealth as well under the tax breaks given under this administration the last several years. This is the Bush economic record: a $38,000 tax break for people who are making $1 million a year, but for middle-income families making $50,000 to $100,000, their tax break under the Bush administration has been $55, and for those in the lowest income categories a tax break of $6.

You can see where the priorities have been when it comes to taxes. But ask the average family making about $100,000 a year—let's take that as an example. Let's take someone who is a teacher and whose spouse may work part time, bringing in some income to the family, and together they make $100,000 a year. They have raised their kids and spent good money sending them to school. Then the kids apply to college. The families are inundated with a stack of forms—most families have seen them—to apply for student loans and students grants. Those making about $100,000 a year will find it difficult to apply for any financial assistance. So the students, their sons and daughters who finally got into the school of their dreams, may face an unconscionable debt.

Some students put off their education. Some give up on the best schools. Some go on to school and graduate with a mountain of debt, a mountain of debt which was made worse this year when, on July 1, a law signed by President Bush increased the interest rates on student loan debts by 2 percent. It doesn't sound like much, except it means the payback for that student loan has now been increased by 20 percent over the life of the loan. It means these students, borrowing money to go to school, deeper in debt, will now be paying off their student loan debt into their 50s. Imagine that student graduating today—23, 24 years

old, maybe—looking ahead to 20 or 30 years of paying off student loan debt. Finally, in their early 50s, they have paid it all off, and now they have a few years to contemplate their retirement.

What is wrong with that picture? What is wrong is students and families in middle-income circumstances are bearing this burden, and this burden is increasing, as I will show, as the cost of college education increases. So instead of talking about a $38,000 tax break for someone who makes $1 million a year, we believe on this side of the aisle that we should allow the deductibility of college education expenses. If you can deduct the amount of interest you pay on your home to encourage home ownership, why shouldn't a family be able to deduct some of the costs of college education from their tax expenses so we can encourage students to go on, further their education, and make this a better country? It is a question of tax priorities: on one side of the aisle, estate tax relief for those in the highest income categories; on this side of the aisle, we are talking about relief when it comes to tax deduction for the real cost of college education expenses.

Most of the families I represent in Illinois were quick to tell me, during the August break, how bad gasoline prices were. We know in the last 5 years they have increased 104 percent. They started coming down in the Midwest, but I think there is a false sense of security here. A lot of people were sacrificing to put more gasoline in the car, but we still don't have a national energy policy, and there is no guarantee that a few weeks from now those gasoline prices will not go back up again because we have no bargaining power.

We are so dependent on foreign oil today that we can't say to those who gouge us and those who want to really charge us the most that there is anything we will do about it. And this administration has not really called the oil company executives in, Exxon and others, to explain the absolutely unprecedented level of profits they took as the gasoline prices went up. That industry made more money more quickly than any industry in America, and they reached higher profit levels than any industry had recorded previously. Yet this administration sat back and said we can do nothing about it as Americans and families and businesses and farmers paid the price. As the cost of gasoline goes up, as prices have in the last several months, families have faced that sacrifice. Now comes the heating oil season for many, and that may again increase the cost of expenses for these families.

Take a look at what has happened as well when it comes to family health insurance premiums under this administration. Family health insurance premiums have increased 71 percent in the last 5 years. That means the average premium for family health insurance went from $6,348 when President Bush took office to $10,880. Is it any wonder families are feeling the squeeze? These premium increases, of course, translate into another $300 or $400 each month that a family has to come up with just to have the same health insurance as last year and maybe less coverage.

Have we discussed expanding health insurance or making it more affordable on the floor of the Senate? Only once and just for a few days. I salute Senator ENZI, Republican from Wyoming, chairman of the HELP Committee, for bringing a health insurance proposal to the floor. We had another proposal here. We tried, if we could, to work out something ahead of time to have a bipartisan approach. We didn't get it done. I hope that in the next Congress, we can find a way to bring real relief on a bipartisan basis to families that are struggling with these health insurance premiums.

I mentioned earlier the cost of education and student loans. This graph shows what has happened under this administration since the President took office with regard to the increased costs of college. They have gone up $3,688, the average annual cost of a public 4-year college, tuition, fees, room, and board. So there was a 44-percent increase in just this 5-year period of time under this administration, increase in college cost. Again, wouldn't our Tax Code be more sensible if we helped families pay this difference, if we helped them put their kids through college to get a good degree and a good life and contribute to this country? Wouldn't that be a higher priority in terms of our Tax Code than whether Bill Gates is going to end up being excused from paying an estate tax when he passes away?

There is also a concern as well with retirement plans. Take a look at what has happened in the last 5 years. In the last 5 years, 3.7 million fewer Americans have retirement plans. The number of workers with employer-sponsored retirement plans has gone down from 56.2 million to 52.5 million, which means more vulnerability.

A lot of people who had paid into a retirement plan through the course of their work experience believed that they had paid their dues, taken the money out of their check every week, and that the day would come and they would see it, that they would finally get to retire and relax. Then came mergers and consolidations and corporate sleight of hand and legal work, and the next thing you know a lot of these pensions started disappearing. So many families are concerned, concerned about when or if they can retire.

You read the stories in the paper all the time in Illinois and every other State about those who had their future plans wrecked when they lost their pension benefits. It has happened at the airlines. It has happened in so many industries across our country. We know it makes a real difference in life. A lot of people who thought they would be spending their time worrying about where to go fishing now are acting as greeters at stores around America and trying to find part-time jobs just to keep it together.

We need to do something about retirement in this country, and one thing we do not need to do is privatize Social Security. Privatizing Social Security is, of course, supported by the President but not by the American people. They know the math doesn't work. Taking money out of the Social Security trust fund for people to experiment with their investments is going to weaken that fund unfortunately. They will be unable to make the payments our Social Security retirees need. If there is ever a time when we need Social Security to be strong, it is now, as we see fewer and fewer Americans with retirement plans.

The number of Americans without health insurance has gone up dramatically under this administration, from 39.8 million Americans with no health insurance to 46.6 million Americans. Those who are insured will tell you many times that their health insurance is not very good. They come up to me at town meetings in Illinois and talk about frightening scenarios where someone in their family had a serious illness, a diagnosis, and then when they tried to pay off the medical bills, it turns out the health insurance fought them all the way. These health insurance companies are spending a lot less on care and a lot more on battles with the people who have the health insurance, denying coverage whenever they can. So we have to really get back to this issue as part of the priorities of this Congress. I am sorry that this Republican Congress has not really come up with assistance that many of these Americans need with health insurance.

Overall, as we go through this litany, you can understand as you go through this litany why this next chart is where it is today. In the last 5 years, under this administration, household debt has gone up over $26,000. Because Americans are struggling to make ends meet, because the cost of college and health care and gasoline and heating your home has gone up dramatically, Americans have had to borrow more and more just to keep up. They are right on the edge, trying to pay off very expensive credit card debt.

There has been a 35-percent increase in household debt in the last 5 years for the reasons I mentioned earlier, from an average inflation-adjusted debt per household of $75,000 to over $101,000. This debt is hanging over the heads of many Americans, and if there is any rock in the road that Americans families trip over—if someone gets sick, loses a job, a divorce, something unforeseen—they are going to find themselves then facing default on their debt and even higher interest rates.

While this has been going on for the average American, employee compensation has gone down some 4.6 percent. So while all the debts have been

piling up, the compensation that is being given to individuals has been going down. Meanwhile, corporate profits are up 8 percentage points. So we can see that the share of corporate income going to profits and employee compensation has gone in opposite directions, and those directions do not benefit those families that are struggling to get by.

Those who run the corporations are doing quite well, thank you. In the last 5 years, the pay for the chief executive officers of major corporations in America has gone up over $1.6 million individually. This average pay here of $5.2 million when the President took office is now up to $6.8 million. So while the pay for employees is going down and expenses are going up, in the boardrooms the median CEO compensation has gone up substantially.

When you take a look at the tax cuts under this administration, their economic record, tax cuts are over 150 times larger for millionaires than they are for most households in America. So we gave the tax cuts of $103,000 for those in the highest income levels and $684 for those making less than $100,000 a year. So the so-called tax cut program has not really helped those families struggling the hardest.

What has happened to employment, creation of jobs in America, is illustrated by this chart. We have seen the average annual growth rate of nonfarm employment in America under every President. You have to go back to Herbert Hoover and the Great Depression to see a decline of 6 percent in employment in America. You will see the lowest number of any President since Herbert Hoover has been registered by this administration, in the creation of jobs. That is the average annual growth rate of nonfarm employment. It is the slowest job growth in America in over 70 years.

The other sad reality is, while all of these things have taken place, this represents the famous wall of debt which Senator CONRAD of North Dakota has brought to our attention over and over again. When President Bush took office, our national debt was $5.8 trillion. Today, it is over $8.5 trillion—a dramatic increase in America's debt in a 6-year period of time. With policies which this administration supports and many on the other side have been arguing for, we can see America's debt reaching $11.6 trillion in 2011. So in a 10-year period of time, we will have virtually doubled—not quite but almost doubled—the debt of America, which means we are leaving a burden for our children, a burden with which they will have to deal—a burden with which they will have to deal as we see more and more baby boomers in Social Security and Medicare. As we see fewer people working, those who remain in the workforce will not only have to face their own personal challenges economically, but they will have to deal with the debt that we are leaving behind.

If this is fiscal conservatism, I don't understand the meaning of the term.

Why is it that we have reached this point? Sadly, the economy is not going as planned. We are facing a war which costs between $1.5 billion and $3 billion every week, and the other side continues to come to the floor and ask for something that no administration has ever asked for in the history of the United States—a tax cut in the midst of a war. That is what the Senator from this morning was suggesting. He wants to cut the estate tax. By cutting the estate tax there will be less revenue for our Government, the war will continue, and our debt will grow. These numbers will have to be adjusted upwards for the debt we are going to leave our children.

Yesterday we had a hearing with the Democratic Policy Conference to discuss the war in Iraq. We had two generals and a Marine Corps colonel who spoke to us. They spoke on a lot of things that we need to do to make America safer and make sure we win this war in Iraq. But one thing that MG John Batiste said I really thought was important. He said—and I think we all believe—that America can rise to a challenge. America can meet a challenge. We have done it so many times in our history. We have won wars when we were not expected to. We put a man on the Moon when a lot of people scoffed at that possibility. We developed medical breakthroughs which no one would have dreamed of. We led the world in computer technology development and in so many areas one by one. Whether it was in agricultural production or in industrial development or innovation we have led the world. We have led the world because leaders have stepped forward—a President has stepped forward and challenged us and said we need to stick together, we need to work together to reach the goal.

General Batiste said yesterday—and I paraphrase his actual testimony, but I believe what he said. He said that what we need to be reminded of is we can meet any challenge as a nation. We need to be reminded, as well, if we are challenged and work together, we can win this war on terrorism. And he said it is going to involve sacrifice. It is not the first time Americans have been asked to sacrifice. They have done that many times. I believe that spirit of sacrifice is what is needed to make sure we keep America safe from terrorism and safe from other threats.

I see that Senator ENSIGN has come to the floor. I don't know whether he wishes to take the floor at this time. But I mentioned his name earlier. I commended him for bringing the health insurance issue to the floor. I hope in the next session that we can work together to try to find some bipartisan compromise to deal with this health insurance challenge. It is still out there and getting more challenging every day. Senator ENZI of Wyoming, as Republican chair of the committee, may have been the first one to bring the health issue to the floor of the Senate in the 10 years I have been here. I commend him for that.

Although we didn't see eye to eye on all of that, I hope we come back together and sit down and try to find some common bipartisan approach no matter who is in charge of the Senate in the next session.

I yield the floor. 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. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

Mr. ENZI. Mr. President, in a moment I will request unanimous consent that the Senate pass S. 2823, the Ryan White HIV/AIDS Treatment Modernization Act.

Just last week, we made a unanimous consent request to pass this bipartisan, bicameral legislation. That means Members from both sides of the aisle and both ends of the building have agreed to the language in this reauthorization. It passed out of the House Committee on Energy and Commerce last week. However, Senators from three States are blocking the vote that would speed reauthorization programs that provide life-sparing treatment to individuals suffering from HIV and AIDS.

We have to pass this bill. If this bill is not reauthorized by September 30, several States and the District of Columbia will be slated to lose funds. People who have been counting on the money for HIV and AIDS will lose money on September 30. Therefore, Senators from three States are holding up a bill that would help Connecticut, Georgia, Kentucky, New Hampshire, Pennsylvania, Delaware, Illinois, Maine, Oregon, Washington State, California, Hawaii, Massachusetts, Maryland, Montana, Rhode Island, Vermont, and the District of Columbia, not to mention some of the towns, major cities, and some of the States that would be gaining revenue as we move the money to areas where the current AIDS and HIV cases are. People with HIV and AIDS who live in the States I just mentioned will be hurt if a few Senators continue blocking this reauthorization.

As we all know, the Ryan White program provides critical health services for people infected with HIV and AIDS. These individuals rely on vital programs for drugs and other services. We need to pass this legislation so we can provide them with the treatment they desperately need. I urge Senators who are holding up this bill to stop playing the ''numbers game'' so that the Ryan White legislation can address the epidemic of today—not yesterday.

I mentioned that we changed the formula to follow the people. The HIV/AIDS epidemic affects more women, minorities, and more people in rural

areas and the South than ever before. While we have made significant progress in understanding and treating this disease, there is still much to do to ensure equitable treatment for all Americans infected with HIV and AIDS. We must ensure that those infected with HIV and living with AIDS will receive our support and our compassion, regardless of their race, regardless of their agenda, regardless of where they live; therefore, I urge my colleagues to support this key legislation and to stop playing the numbers game so we can assist those with HIV in America.

UNANIMOUS-CONSENT REQUEST S. 2823

Having said that, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2823, the Ryan White Act. I ask unanimous consent that the Enzi substitute at the desk be agreed to; the committee-reported amendment No. 578, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements related to the bill be printed in the RECORD.

Mr. DAYTON. Mr. President, I object, not on my account but on behalf of some of my Senate colleagues who, I stress, want to join with the program.

I commend the chairman for his leadership on behalf of this legislation and the support of the reauthorization, but they object to the permanent reduction in funding for their respective States which would occur under the formula the chairman referenced. They share my hope, along with the chairman, that this issue can be satisfactorily resolved for all concerned before the expiration, September 30, so that this—I think we all agree—very important and valuable program benefiting all of our States can continue uninterrupted.

I do object on their behalf.

The PRESIDING OFFICER. The objection is heard.

Mr. ENZI. I am sorry to hear we have an objection. We need to find a way to work through this objection. I have been working desperately across the aisle with Senator KENNEDY, who has been joining me in this effort to help get it out of committee. We have been trying to find a way that the formula would work. One of the ways was to include in the bill 3 years of hold harmless for them to finish updating their system to the point where if they truly have the HIV numbers, they will truly get the money. If they don't have the HIV numbers, yes, they will lose the money.

Now, I don't know if the Senator from Minnesota is aware that our Ryan White reauthorization bill increases the funding for Minneapolis by $2 million and $2.5 million for the whole State. It is a net benefactor. There have been increases in HIV and AIDS cases in Minnesota, and this would move money to where the cases are. That is where the numbers show that his city and State would be significant beneficiaries.

I have a lot of statistics I can go through, but I wonder if the Senator is also aware that these increases are due to the inclusion of HIV/AIDS in the funding formula and that Minnesota has more HIV cases.

Mr. DAYTON. Mr. President, again, to make the record clear, I am not objecting on my own account but on behalf of my other Senate colleagues. I thank the chairman for that improvement in the funds that are going to Minnesota. I strongly support the program and intend to vote for it.

I thank the chairman again for his leadership and his continuing efforts to get this important legislation reauthorized.

Mr. ENZI. Mr. President, I appreciate that clarification.

I will ask the Senator for his help. He said he would vote for the bill. Anything we can do to move this forward. We have put a 3-year hold harmless in there for everyone.

On September 30, the world falls apart for a number of people. California, for one, will lose $18.5 million of their funding. There are a number of big losers. There are no big losers if we pass the bill, provided the numbers back up what they have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, by objecting to moving this bill, we need to look at the real lives that are getting ready to be harmed. Not only is the funding for the program going to be cut to the poorest of the poor by the formula in the preexisting Ryan White Act, but also the money for New York and California is going to be cut. The New York delegation, for example, argues that updating the formulas is devastating their State's infrastructure. A closer look reveals that the impact on New York, like other States with large urban areas, is not so great.

The national average funding per AIDS case in 2006 was $1,613. New York's average was $2,122—33 percent more than the national average. Under the corrected funding formulas, the national average in 2007 would be $1,793; New York's would still be higher at $2,107, just 5 percent less than the State currently has, so people who are getting no treatment now, especially minority women where this disease has ravaged and is growing at a larger proportion, do not have access to any care.

What we are really saying is to avoid a 5-percent cut, we are going to eliminate access for large numbers of minority women in this country who are infected with this virus and have no access to drugs, have no access to treatment today because the dollars have not followed the epidemic.

The political response to this, even though it might be parochial, is wrong for this country. It is wrong for those who have no benefit today to continue to be denied benefits because some group might lose a small percentage when, in fact, a very large number of people are going to be benefited by the new Ryan White fund.

We need to be very careful. The last Ryan White law was very specific in what is getting ready to happen. The number of people waiting for drugs is going to shoot through the ceiling if we do not pass the bill because of the funding formula that was in there to force us to pass a bill.

What we have said is we are going to object on parochial interests, a 4- or 5-percent cut, but the reason we are going to object, we do not care that other people are going to have no care, no treatment, no drugs, no access, so what we are really doing is we are not taking away any significant care, but we are markedly reducing an opportunity for life for those who are the least able to care for themselves.

Just a couple of other examples. The New York Times noted that out of this $2,107, we have dog-walking paid for through AIDS funds, we have candlelight dinners paid for for AIDS recipients—this at the same time an African-American woman in Atlanta, in Greensboro, or in Tulsa cannot get the lifesaving drugs she needs for tomorrow, the drugs that will save her life, allowing her to continue to be a mother.

There have been a lot of people who have worked very hard to get Ryan White reauthorized. I thank them personally for that. It diminishes the Senate when we think of the parochial and not the whole.

The long-term former funding for Ryan White was based on AIDS cases. The new funding is based on HIV and AIDS cases. This new funding in this new bill says that 75 percent of the money has to go to treatment—we have never had that before—to really make a difference in people's lives.

I am disappointed that we are not going to be able to do this bill, but my disappointment is nothing compared to the people who aren't going to get care, who aren't going to have a future, who aren't going to have a life if this is not changed. I thank the chairman for his hard work. I thank the Senator from North Carolina for his work and Senator JEFF SESSIONS, as well. This is a disease which is moving hard and heavy to minority communities, to the South. If we do not recognize that they ought to have equal rights for treatment and care, there is something wrong with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, this is, plain and simple, about whether this Senate is going to allow legislation to go forward to reauthorize Ryan White, that allows the funding to follow the patients. What an incredible thought, that we would be here at a stalemate over whether health dollars follow the individual HIV-positive and AIDS patients.

In North Carolina, we have gone on an aggressive program for volunteer

testing. The amazing thing we found out is that of those individuals now tested, 30 percent have full-blown aids, meaning that the options we have, that the health community has, are minimal from a standpoint of how we stop that disease in its tracks and give them any quality of life.

We are making the steps in North Carolina to try to identify the individuals who should be on a regimen of drugs. But by not allowing this bill to come to the floor for debate, we are denying the Senate the ability to bring the bill up and to consider the merits of it, and, yes, to amend it if we want to, to live with the majority of this body as to whether we change the funding formulas from what the committee has decided; which is, the funding should follow the patient.

My colleague from Oklahoma is an OB/GYN by profession. He has the medical degree. He understands the specifics of it. And the one thing that TOM COBURN has drilled in me over and over and over again is that to deny these individuals the ability to have the regimen of drugs that are available is to give them a death sentence. To deny this legislation to come up on this floor is to give a death sentence to somebody in America.

The likelihood is that some of those individuals with that death sentence live in North Carolina. Seventy-two percent of new North Carolina cases reported in 2005 were minority clients. Women of color in the South are 26 times more likely to be HIV positive than White females. In 2004, 66.7 percent of people living with AIDS in North Carolina were African American—the fifth highest rate in the Nation. The national average was 39.9 percent.

What is unique about this challenge of the demographic shift in where HIV and AIDS is affecting the U.S. population is that, for example, in North Carolina, in many cases, it is in rural North Carolina. The challenge is not only how you match the dollars for drugs with the patient, it is how you supply the transportation to the patient to get to the clinic where, in fact, they get their drugs. To deny the ability of the Senate to come to the floor and debate this bill, to bring it up and to address the merits of this formula change, to suggest that there is something wrong with allowing the funding to follow the patient—I am not sure I get it. I thought that is why America sent us here.

In 2004, North Carolina's contribution of $11.2 million a year represented the seventh highest among all States for ADAP programs in absolute dollars, and the second highest contribution as a State in percentage. Nobody can look at North Carolina and say we are not doing our share and more for the people who live in North Carolina.

But what we are denied by our inability to debate this legislation, to amend it, if some want to amend it, is to say that North Carolina will have to continue to make a bigger investment on the part of our State because certain States do not want to give up their Federal dollars, even though they no longer have the pool of HIV and AIDS patients.

In 2004—one comparison I will draw for this body—in Massachusetts, there were 8,254 individuals living with AIDS; in North Carolina, we had 7,245. Total Federal spending in Massachusetts for individuals living with AIDS was $18.6 million. In North Carolina, it was $8.1 million—$10 million shy of Massachusetts, with an affected AIDS population 1,000 less than Massachusetts. That one statistic shows the inequity that exists in the formula that we currently have within Ryan White.

One simple change means that funds will now follow the patients. That the concentration of dollars will go into the communities that affect the individuals who are infected with this disease.

I am not sure that many of us have stopped to focus on the fact that when the Federal Government makes an investment or the State government makes an investment to make sure that AIDS patients have the medications they need, we eliminate two hospital visits a year. A person living with AIDS today untreated will likely visit the hospital twice in any given year, for a week's stay each, once for a retinal infection, the second time for pneumonia. The average of those two stays is about $33,000.

For an investment of slightly over $10,000 a year—part by the Federal Government, part by the State government, part by private entities—we can eliminate those two hospital visits.

So the inability to bring up this legislation, the inability to debate a change in Ryan White, an inability to let the money follow the patients means not only will New York keep their pot of money or California keep their pot of money, but it means North Carolina is going to pick up, in unrecoverable hospital expenses, about $22,000 per year per patient for whom we could not provide the medicine. So not only are we not investing the Federal money wisely because it is being invested in communities that do not have the patient population anymore, we are turning around, and the Federal Government is picking up, in the case of North Carolina, 60-plus percent of the Medicaid expense, or of the disproportionate share of the hospital expense in DSH payments, or, in fact, the hospital is sitting there with a $33,000 bill and somebody unable to pay for it, and potentially it gives them a collection problem.

This is an opportunity for us to fix something that is broken, for us to do something that every person, every Member of the Senate understands the equity and the fairness of; and that is, if we are going to make a Federal investment, let's make sure the dollars follow the individuals who are affected with HIV and AIDS.

This is an opportunity for us to understand that AIDS does not recognize State borders, that it does not recognize the difference between sexes or ethnic backgrounds, that it has now infiltrated rural areas the same way it did urban areas years ago when we were reluctant to come to this floor and talk about it.

This is a health problem in America. It deserves our attention today. It demands that we change the formula to make sure as many Americans as possible who are infected with AIDS are, in fact, treated, in part with the money we devote out of the taxpayers' pockets to do it. The inability to bring this legislation up—to stand up and suggest that we would like to bring it up, and there is an objection—is to say, no, we do not want to debate it. Why? Because they do not want to fix it. They would rather allow a death sentence to be applied to somebody, to many people, across this country.

So as Dr. COBURN said, dogs can be watched, midnight dinners can be had, but the fact is, this legislation is focused on how we get lifesaving drugs to individuals who are infected with HIV and AIDS. My hope today is that Members who are scared to have this debate will come to the floor and lift their hold, will agree to the unanimous consent request, and come down and have a debate on this and try to defend—try to defend—these numbers, try to tell me that having $18 million for 1,000 more HIV/AIDS patients is fair. In fact, it is not fair.

We are obligated—we are obligated—as Members of this body to change the formula so it represents where the best investment can be made, and to where the American people look at it and know we have responded in a fair and equitable way.

I thank the chairman for the committee's commitment to do this legislation, for the work of the chairman and his leadership in, quite frankly, coming up with a very difficult bill to address the input of many different regions of the country and many different States. But the same population—a population that was infected with HIV/AIDS, regardless of where they live, regardless of where they grew up, regardless of what their skin color is, regardless of whether they are male or female—they ought to be equitably treated as it relates to the distribution of Federal funds available for them to access lifesaving treatments and drugs for their disease.

My hope is that at the end of this day the Chair, the committee, but more importantly the individuals who are infected across this country, will, in fact, win and we will pass this legislation and change this unfair funding formula.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator for his words. The increase in knowledge that I am sure he has created across the country—and also the

comments of the Senator from Oklahoma—both of them have made an excellent case for why we need to do this. We need to do it immediately. We need to do it for people who have HIV/AIDS. I would note that the person who raised the objection to us adopting the bill is not from one of the three States that have a hold on the bill. I would hope those people would take a look at the situation in their State, and take a look at the fact they are getting more than the average number of funds being expended on patients across the rest of the country, and see that the surpluses their States are running at the end of the year greatly exceed the rather minute loss they would have, and that they would agree for us to move forward on this bill and get it in place before that September 30 deadline that is going to be devastating to 13 States that will lose money for having done the right thing.

Now, having said that, I know there will be people who will say the Republicans cannot get anything done. Well, that particular issue, and many others are not Republican issues. They are issues of the United States. And that is one on which we worked across the aisle and had a great deal of agreement on. And I have to thank Senator KENNEDY, the ranking member on my committee, for the extreme work he did to help us find, among the thousands of formulas we looked at, the one that was the most fair so it would follow the patients. I do appreciate the work he has helped us do in the committee during the year.

ACCOMPLISHMENTS OF THE HELP COMMITTEE

Mr. ENZI. Mr. President, I want to take just a few minutes to talk about what the Health, Education, Labor, and Pensions Committee has done this year. This Ryan White reauthorization is extremely important, but it is not the only bill we have been working on. Because of the way we have done our work, some people may not be aware of what has been done. In fact, I know that to be the case.

This is a committee that has worked across the aisle. When you work across the aisle, a lot of times you can work out many of the difficulties, and when you work out the difficulties, there is not a big floor debate. And when there is not a big floor debate, there is nothing for the media to write up about the blood; consequently, it does not get coverage. So I want to correct that here today, and I would like to discuss the Senate Health, Education, Labor, and Pensions Committee's accomplishments for the 109th Congress.

We have heard some claims that this is a do-nothing Congress. Well, I am here to assure American workers, retirees, students, and parents that the Health, Education, Labor, and Pensions Committee has done a great deal to help you live more secure, productive, and healthy lives. Of course, we have more to do, but I am proud that during a time of intense partisanship on Capitol Hill, the HELP Committee has produced a lengthy list of legislative accomplishments.

Looking back over the past 2 years, most of these victories materialized when Senators were willing to work across party lines and across the Capitol to put finding a solution in front of exploiting an issue.

Mr. President, I ask unanimous consent that a list of bills and reports filed by the HELP Committee in the 109th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORTS FILED BY THE HELP COMMITTEE, 109TH CONGRESS, FIRST AND SECOND SESSION (2005–2006)

Bill No.	Ordered rpted.	Date rpted.	Written rpt.	Cal. No.	Status
1. S. 265 (Reau. Trauma Care)	2/9/2005	2/2/2006	109–215	359	
2. S. 285 (Children's Hosp. Graduate Medical Ed. Prog.)	2/9/2005	5/11/2005	109–66	98	Passed Senate, Amended 7/26/2005, Referred to Energy & Commerce 7/27/2005 (H.R. 5574).
3. S. 288 (High Risk Health Insurance Pools)	2/9/2005	2/10/2005 7/29/2005	No 109–121	2	Passed Senate, 10/19/2005, (amdt. to H.R. 3204) P.L. 109–172.
4. S. 302 (NIH)	2/9/2005	5/26/2005	109–75	117	Passed Senate, 7/27/2005, Referred to Energy & Commerce 7/28/2005.
5. S. 306 (Genetic Info . . .)	2/9/2005	2/10/2005	No	3	Passed Senate, Amended 2/17/2005, Received in House, Held at desk 3/1/2005
6. S. 172 (Amend FDA-re: Contact lenses)	3/9/2005	7/27/2005	109–110	177	Passed Senate, 7/29/2005, Passed House 10/26/2005. P.L. 109–96. 11/9/2005
7. S. 250 (Carl D. Perkins)	3/9/2005	3/9/2005 5/10/2005	No 109–65	39 39	P.L. 109–270 8/12/2006.
8. S. 525 (Caring for Children)	3/9/2005	8/31/2005	109–130	199	
9. S. 544 (Patient Safety)	3/9/2005	Discharged	....	....	Passed Senate, Amended 7/21/2005, Passed House 7/27/2005 P.L. 109–41. 7/29/2005.
10. S. 655 (Centers for Disease Control	4/27/2005	6/27/2005	109–91	140	P.L. 109–245. 7/26/2006
11. S. 898 (Patient Navigator)	4/27/2005	5/25/2005	109–73	115	P.L. 109–18; (H.R. 1812). 6/29/2005.
12. S. 1021 (WIA)	5/18/2005	9/7/2005	109–134	203	Passed Senate, Amended 6/29/2006.
13. S. 518 (. . . Prescription Electronic Reporting)	5/25/2005	7/29/2005	109–117	187	P.L. 109–60; (H.R. 1132). 8/11/2005.
14. S. 1107 (Head Start)	5/25/2005	8/31/2005	109–131	200	
15. S. 1317 (Cord Blood)	6/29/2005	7/11/2005	109–129	156	P.L. 109–129; (H.R. 2520). 12/20/2005.
16. S. 1418 (Health IT)	7/20/2005	7/27/2005	109–111	178	Passed Senate, Amended 11/17/2005, Referred to Energy & Commerce 11/18/2005.
17. S. 1420 (Medical Device User Fees)	7/20/2005	7/25/2005	109–107	173	P.L. 109–43; (H.R. 3423). 8/1/2005.
18. S. 1614 (Higher Education)	9/8/2005	11/17/2005 2/28/2006	No 109–218	300 300	
19. S. ___ (Defined Benefit Security)	9/8/2005	9/28/2005	No	[1] (See Below)	H.R. 4 Pension Protection Act, P.L. 109–280.
20. S. 1873 (Biodefense and Pandemic Vaccine and Drug Development Act)	10/18/2005	10/24/2005	No	257	
21. S. 1902 (CAMRA)	3/8/2006	9/5/2006	109–323	585	Passed Senate 9/13/2006.
22. S. 1955 (Health Insurance Marketplace Modernization and Affordability Act of 2006).	3/15/2006	4/28/2006	No	417	
23. S. 2803 (Mine Improvement and New Emergency)	5/17/2006	5/23/2006	No	439	P.L. 109–236 (6/15/2006).
24. S. 2823 (Ryan White HIV/AIDS Modernization Act)	5/17/2006	8/3/2006	No	580	
25. S. 860 (American History Achievement Act)	5/17/2006				
26. S. 3570 (Older Americans Act Amendments)	6/28/2006	9/19/2006	....	616	
27. S. 3546 (Dietary Supplements)	6/28/2006	9/5/2006	109–324	586	
28. S. 707 (PREEMIE Act)	6/28/2006	7/31/2006	109–298	541	Passed Senate 8/1/2006.
29. S. 757 (Breast Cancer and Environmental Research Act)	6/28/2006	7/24/2006	109–290	530	
30. S. 3678 (Pandemic and All Hazards Preparedness Act)	7/19/2006	8/3/2006	109–312	583	
31. S. 843 (Combating Autism)	7/19/2006	8/3/2006	109–318	578	Passed Senate 8/3/2006.
32. S. 2322 (RADCare)	9/20/2006				
33. S. 1531 (Keeping Seniors Safe From Falls and TBI)	9/20/2006				
34. S. 3771 (Health Centers Renewal Act)	9/20/2006	9/25/2006	....	639	
35. H.R. 5074 (Railroad Retirement Technical Improvements)	9/20/2006	9/21/2006	....	630	Passed Senate 9/25/2006.

[1] (Status—Was combined with a Fin. Cmte. bill and introduced as a Senate Bill on 9/28/2005 as S. 1783—Pension Security and Transparency Act of 2005. Passed Senate amended 11/16/2005. (See also H.R. 28301, H. Res. 602); H.R. 2830—House disagreed to Senate amendment/agreed to a conference on 3/8/2006.)

Mr. ENZI. Mr. President, I joined the HELP Committee when I was first elected to the Senate in 1997. It was natural for me because of my small business background as an owner of family shoe stores. I had firsthand experience with burdensome government regulations, inadequate health care coverage for my workers, and adversarial workplace safety laws. I was energized about finding common sense solutions rather than more Washington bureaucracy.

Now, another reason I joined the HELP Committee is because its broad jurisdiction touches nearly every American.

Now, there were a lot of vacancies on the committee when I signed up. I asked why there were so many vacancies, and I was told, well, that is a contentious committee. I thought I knew what contentious committees were because I served on the labor committee in Wyoming. I found out that there is another level of contentious. I wanted to work with my colleagues to find smart solutions that would address some of the most important challenges faced by my constituents in Wyoming and, of course, other people across the country. I came from Wyoming as a firm believer in my 80–20 rule. The way that rule works is that we can usually find agreement on 80 percent of any issue. We agree across the aisle on about 80 percent the issues that comes up. Now, we are probably never going to reach agreement on the remaining 20 percent.

Unfortunately, for America, what they get to watch on any bill is the debate on the 20 percent we don't agree on, and probably will never compromise on. That is what makes this body seem so contentious—the 20 percent that we don't agree on, even though 80 percent can get done. The committee process will enable us to find that 80 percent, and that has been a principle that has guided my chairmanship.

I was honored and humbled when my colleagues selected me to chair the HELP Committee nearly 2 years ago. Since my chairmanship began, the vision for both the full committee and the subcommittees is to craft legislation that provides lifelong opportunities for people to be healthier, more competitive, and to be more secure at school, work, and in retirement.

Because we have such a broad jurisdiction, the HELP Committee has had an aggressive legislative schedule in the 109th Congress. Over the past 2 years, together with the subcommittees, we have held 57 hearings and reported 36 bills out of committee; 21 of these proposals were approved by the Senate and 12 were signed by the President and became public law. We also reviewed and approved 352 nominations that require Senate confirmation. I thank my colleagues, including their staffs, for doing the work needed to maintain this aggressive pace.

In this Congress, the HELP Committee has been privileged to have in its ranks active subcommittee chairmen and engaged members. This is largely the reason the committee has had legislative success. I thank them for their dedication, and I applaud them for the joint success as a committee. Our ranking member, Senator KENNEDY, and I may disagree on a number of issues, but we have worked hard to find common ground and we share a commitment to improving the health, education, work, and retirement security of Americans.

The number of bills acted upon by the HELP Committee is certainly impressive. However, the numbers alone don't begin to tell the story of how the committee's activity will improve the lives of Americans now and in the years to come. One of the committee's most significant accomplishments came on August 17 of this year when President Bush signed into law the Pension Protection Act. That act marks the most comprehensive change to pension law since 1974. The Pension Protection Act is a real victory for working Americans who spend a lifetime working hard and saving for retirement. It dramatically strengthens pension funding rules and helps curb record pension failures. In doing so, the act better protects the retirement dreams of 45 million Americans. Not only were single employer fund rules significantly overhauled, but the rules regarding hybrid pension plans were finally clarified, and multi-employer funding rules were changed as well. The proposal strengthens current law and will better help Americans prepare and plan for retirement. It provides workers the security of knowing that moneys earned for retirement will be there when they are ready to retire.

It also secures the Pension Benefit Guaranty Corporation and secures that corporation without picking the pockets of taxpayers to keep the agency solvent. This legislation was no small undertaking. It took a year and a half of hearings, 5 months of deliberations in conference, and countless hours of negotiations on each provision of the bill.

Fortunately, pension issues are almost always handled in tag team fashion, involving both the HELP Committee and the Senate Finance Committee, which has jurisdiction over the Internal Revenue Code. While this tag team approach is a great asset and helped us get the bill through the Senate, it meant a complicated and extraordinarily large conference involving four committees in the House and Senate and 27 conferees.

Together with my ranking member, Senator KENNEDY, Finance Committee Chairman GRASSLEY, ranking member Senator BAUCUS, as well as HELP's Retirement Security and Aging Subcommittee Chairman DEWINE, and Ranking Member MIKULSKI, our committees collaborated with House counterparts to make this sweeping reform happen. Because of this teamwork, the law passed the Senate 93 to 5. The result was a policy and a process that was truly bipartisan. Total floor time for the bill—Senate debate and conference report debate—totaled about one hour and fifteen minutes equally divided.

Some may think the conference took a long time to conclude, but history proves that it was ended in record time. The last big pension conference occurred in 1994. The conference was appointed in March of that year, but did not conclude until December. Prior to that, the most recent conference took place in 1987 and operated in the context of budget reconciliation. Again, that conference commenced in March but didn't end until December.

This year, our conference began in March and ended in July—just 5 months compared to a 10-month conference for earlier bills. Comparatively speaking, the Pension Protection Act conference finished quickly, but the impact will be felt for generations.

Another major accomplishment of the HELP Committee was the enactment of the Mine Improvement and New Emergency Response Act, MINER. From the tragic loss of life in the coal mines of West Virginia and Kentucky came the first reforms of mine safety laws in 28 years. These tragedies brought together leaders from the mining industry, from government, and from the labor unions, and helped to forge a commitment to improve mine safety. I traveled to the Sago mine with Senators KENNEDY, ROCKEFELLER, and ISAKSON. We met with the families of the miners who lost their lives. We met with other miners who worked there, and we met with people in the union. I felt a commitment to those families and miners in this country to try to ensure that this would never happen again.

The committee approved the MINER Act on May 17, and the President signed the bill in June. That has to be one of the fastest, most comprehensive changes to any safety law. I can't emphasize enough the cooperation of unions and company executives, and Republicans and Democrats.

Protecting the health and safety of those who work in the mining industry need not be a partisan issue. Mining, and coal mining in particular, is vital to our national and local economies, and to national energy security. Ensuring the safety of our miners is essential to protecting and preserving the industry and protecting the workers. I especially thank Senators KENNEDY, ISAKSON, BYRD, ROCKEFELLER, and MCCONNELL for the tireless effort they extended. Their efforts contributed in large part to this proposal becoming law.

I should mention that the debate on the Senate floor was 1 hour equally divided with two votes. So nobody saw that. Nobody saw that debate, but it makes a significant difference for all the people in the country—the mining bill. You never saw any debate on the floor. It passed unanimously without debate. It passed in the House under suspension with limited debate—the same bill.

Sometimes the things that get done by unanimous consent that everybody agrees on nobody ever finds out about, except the people it does benefit; they know. That is why it is worth doing it that way. For a bill that has objections around here, there are ways to overcome it if you get 60 votes for it. But that is usually about a 3-week process. A unanimous consent doesn't use up much time, but it gets things done.

The committee has also made tremendous strides related to education and job training. This session the

HELP Committee initiated a comprehensive effort to authorize legislation that enhances knowledge and skills and helps American workers become leaders in the global economy. Some estimates suggest that 60 percent of the jobs created in the next decade will require skills that only 20 percent of the workers today currently possess, and 80 percent of the jobs will require education or training beyond high school. Eighty percent of the jobs will require education or training beyond high school. That is where the world is going. It is changing fast.

One important component of this effort is the reauthorization of the Carl Perkins Career and Technical Education Act. It was signed by the President in August, and it will help close the gap that threatens America's long-term competitiveness. The act addresses the needs of the Nation's changing workforce and prepares Americans for highly technical, higher-paying jobs. The reauthorization also made changes that will increase accountability at the State and local levels and will establish stronger links with businesses to build partnerships with high schools and colleges so they can better meet the needs of the changing workforce.

For many people, participation in these programs can mean the difference between a job with no possibility of advancement and a successful career. Passage of this legislation was a significant accomplishment. Again, limited floor debate, no debate on the conference report; unanimous consent across the aisle.

Another piece of this comprehensive effort is the reauthorization of the Higher Education Act. As my colleagues know, the mandatory portions of the higher education law were reauthorized in February under the Deficit Reduction Act of 2006. Before I elaborate, I want to stress that it is critical to reauthorize the remaining discretionary programs under the act, which I intend to make a top priority for 2007. We have the bill out of committee but haven't had the floor time to do the debate on it. I am making that a top priority for 2007 because postsecondary education is the key to the future success of our students, our communities, and our economy.

As I stated earlier, we reauthorized the mandatory components of the Higher Education Act through the budget reconciliation process. We found over $20 billion in savings by eliminating corporate subsidies for lenders and reworking the interest rate structure for many borrowers, among other revisions. A portion of the savings was used to pay for over $9 billion in enhanced students benefits. The law makes higher education more affordable for students who finance part of their education through loans by reducing borrow origination fees and increasing loan limits.

Another benefit is a $4 billion grant program for postsecondary students who major in science, math, and certain national-security-related foreign languages. These funds are dubbed ''SMART grants'' and are an important part of making higher education more affordable for low- and middle-income families. We invested resources where we need them the most, which will help ensure we have a workforce that can compete globally.

I was in India earlier this year and saw firsthand what Thomas Friedman discusses in his book, ''The World Is Flat.'' It doesn't take long to figure out that by sheer numbers alone, India has only to educate 25 percent of its population to have more literate and educated people than the total population of the United States.

By using the reconciliation process for these higher education reforms, the HELP Committee was able to produce meaningful deficit reduction. In fact, I am proud the HELP Committee led the entire Congress in deficit reduction and produced $15.5 billion in savings over five years. That is 40 percent of the entire Deficit Reduction Act of 2006. It is not right to overspend now and pass the bill on to our children and grandchildren to pay later.

I thank Chairman GREGG for his leadership on the Budget Committee and for his contribution on the authorizing committee that helped make the meaningful deficit reduction a reality.

Enactment of the Perkins reauthorization and the mandatory revisions of the Higher Education Act were critical components of a comprehensive effort to strengthen knowledge and skills. However, this effort also includes the reauthorization of the Workforce Investment Act. The reauthorization is essential because it will help train American workers to fill the good jobs being created so we can continue to be leaders in the global economy.

The reauthorization of the Workforce Investment Act has been a priority of mine since I chaired the Subcommittee on Employment and Workplace Safety in the previous Congress. Last Congress, I worked tirelessly to report the legislation from the committee, only to be held up on the Senate floor when it came time to appoint conferees. Now, that means the bill made it out of committee and cleared the Senate floor. The House passed a different version, so we need a conference committee to resolve the differences. However, we weren't allowed to appoint a conference committee. That was 2 years ago. Mr. President, 900,000 new jobs could be trained under that program. This year, once again, I have been procedurally hamstrung in my efforts to move to conference. The bill must be completed. It made it out of the committee unanimously. It made it through the floor of the Senate, again unanimously. That means everybody agreed with what is in the bill. Now the only problem left is we have to reconcile that with what the House passed.

America is facing an economic challenge that threatens our ability as a nation to compete on the world stage. This bill sends a clear message that we are serious about helping our workers and our employers remain competitive and about closing the skills gap that is putting America's long-term competitiveness in jeopardy.

Our commitment to lifelong learning never ends. It begins with giving our children the proper tools for a start down the pathway that leads to their education. The committee approved improvements to Head Start this last year, and the completion of this process is one of my top priorities.

On the health front, eight committee bills were signed into law by President Bush. One of the most significant new health care laws is the Patient Safety and Quality Improvement Act. The new law is a culmination of 6 years of work in response to the Institute of Medicine's 1999 report that found that nearly 100,000 Americans die needlessly every year due to medical errors.

The Patient Safety and Quality Improvement Act creates a protected legal environment in which patient safety organizations can analyze why medical errors happen and develop strategies to stop those errors from happening again. The law provides critical legal protection for doctors, nurses, and other health care workers who might fear coming forward with information about mistakes because the information could be used in a lawsuit against them.

This new law is the first important step toward creating a new culture of safety and continuous quality improvement in health care.

This new law is one of just several important pieces of legislation the HELP Committee produced in this Congress. I would mention again that this too took zero debate time on the floor. Another one is the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005, which will help patients with chronic diseases team up with health care experts who can help them find their way through the maze to the best treatment offered in this often complex health care system. Again, no floor debate time.

The Stem Cell Therapeutic and Research Act of 2005 supports the creation and maintenance of cord blood stem cells. Stem cells obtained from umbilical cord blood have already shown great promise in treating cancers, leukemia, and other diseases, and this law will accelerate our work in those areas. I have already had people who have reported back to me that their life may have been saved by that particular act already. I think we had 5 minutes of debate time on that bill.

The National All Schedules Prescription Electronic Reporting Act of 2005 enables physicians and other prescribers to find out whether patients are abusing and diverting narcotics and other dangerous drugs. Instead of enabling these patients and their self-destructive habits, physicians will now be able to identify them and treat them.

The State High Risk Pool Funding Extension Act of 2005 renewed a key law that funds State high-risk health insurance pools. These pools create access to health insurance for otherwise medically uninsurable individuals and are an important part of our strategy to make health insurance available to more Americans. The President also signed a bill to amend the Public Health Service Act and strengthen the National Foundation for the Centers for Disease Control and Prevention.

Finally, we passed two key laws to preserve access to medical technology. The Medical Device User Fee Stabilization Act of 2005 prevented the FDA's medical device user fee program from expiring. Without this law, patients' access to the latest medical innovations would have been compromised. Congress also acted to protect children from dangerous, unregulated cosmetic lenses, often used as part of costumes, by providing for the regulation of these lenses as medical devices.

The HELP Committee members worked together with our House counterparts in a bipartisan, bicameral way to complete action on these laws. I personally thank all of the committee members on both ends of the building for their active participation in this process.

We also scored a victory on the Senate floor this summer related to health insurance. Together with Senators NELSON and BURNS, I introduced legislation that would allow business and trade associations to band their members together in small business health plans and offer group health coverage on a national or statewide basis. It would give small businesses the capability to group together across State lines to effectively negotiate against big insurance companies. It would bring down insurance rates significantly, particularly in the area of administrative costs.

This legislation, the Health Insurance Marketplace and Modernization and Affordability Act, is a direct response to the runaway costs that are driving Americans and businesses away from the health insurance marketplace. In May, this legislation received 55 votes on the Senate floor—a clear majority. Unfortunately, obstructionists used arcane Senate rules requiring 60 votes for passage to defeat consideration of the bill. I count this as a victory for the HELP Committee because the policy is supported by the majority of the Senate. This will not be a victory for Americans until it is signed by the President.

Enacting the Health Insurance Marketplace Modernization and Affordability Act will be a top priority for the HELP Committee and me personally in the 110th Congress. I intend to act on this legislation early next year and continue to work across party lines to find the solution that produces 60 votes in the Senate. The HELP Committee has a role to play in making employer-sponsored health care more accessible and affordable. Employer-provided health insurance is voluntary, and it is in critical condition. Sixty percent of the country's employers offer insurance today. That is down 9 percent from just 5 years ago. And the cost of health insurance for companies has nearly doubled in that same period, with employers expected to pay an average of $8,167 per employee family versus $4,248 5 years ago. My proposal would provide health care coverage to over 1 million small businesses and their working families.

This fall, I am also hopeful the committee can add two more victories to our list of accomplishments. That would be the Health Information Technology conference agreement and the reauthorization of the Ryan White Care Act.

Right now, my staff is working aggressively with the House to complete action on the Wired For Health Care Quality Act conference agreement. This legislation will enhance the adoption of a nationwide interoperable health information technology system, improve the quality of health care, and contain costs. Primarily, it will allow each individual to own their own health care record and to carry it around with them easily. They will have the permanent record to carry with them and release, to the degree they want to, to any health care provider. This will contain costs: just between Medicare, Medicaid and Veterans, this is expected to save $160 billion a year. The cost to implement: $40 billion, one time. A good investment anywhere.

The committee has also been working in a bipartisan, bicameral fashion to complete the reauthorization of the Ryan White Care Act. The measure was approved by the HELP Committee in May, and I am hopeful that we can swiftly clear compromise legislation through both Chambers by December—I was hoping we could pass it today, but I see it has been stopped. It is absolutely essential that this clear by September 30.

The reauthorization of the Older Americans Act will also have a significant impact on the everyday lives of Americans. The HELP Committee approved this legislation in June, and I am hopeful we can complete action on it this year as well. This reauthorization is important because it ensures that our Nation's older Americans, including 78 million aging baby boomers, are healthy, fed, housed, able to get where they need to go, and safe from abuse and scams. We have been in bicameral, bipartisan deliberations for several months. Again, there is a little hangup on the funding formula. Money has to follow the people in all of these programs.

The committee also conducted various investigations and held several oversight hearings that exposed waste, fraud, and abuse in Federal programs and used the findings to craft legislation to increase accountability. Our first oversight hearing last year focused on how an asset management company, Capital Consultants, defrauded workers out of approximately $500 million in retirement assets. The findings from this oversight effort were addressed in the new pension law.

The committee also held the first oversight hearing in almost 70 years on the Randolph Sheppard Act and the Javits Wagner O'Day Act. Both programs are supposed to find employment opportunities for people with disabilities. The committee's investigation and hearing established that some executives were using the programs for their own enrichment—making millions while exploiting people with disabilities. Following the hearing, Federal law enforcement took action against the worst actors, and we have collaborated across party lines to systematically overhaul both programs. My goal is to address these programs with legislation next year.

I thank my ranking member, Senator KENNEDY, and his staff for their hard work these past 2 years. His assistance and cooperation are the main reasons we have been able to accomplish many of these priorities. We didn't always agree, but we were able to identify common ground to advance our mutual priorities.

I also thank each of our committee members. As I stated earlier, we have kept a full schedule. Many of the legislative victories were initiatives brought to my attention by our subcommittee chairs or individual committee members. Senators were also especially diligent about attending the committee hearings and particularly patient when we sometimes waited for a quorum during executive session. For the remainder of the year, I will be reaching out to each of our members to seek feedback on the 2007 agenda, which will serve as the blueprint for the year.

Finally, in closing, I would like to recognize two departing members of the committee: Majority Leader FRIST and Senator JEFFORDS. We are fortunate they chose to serve, and we are grateful for their contributions. Senator JEFFORDS is a past chairman of the committee, and, of course, Majority Leader FRIST has been the doctor on the committee and provided a perspective no one else could. I am proud of the work we have done here on the committee these past 2 years. By working together, we have established a track record of success.

I also wish to compliment the subcommittee chairmen for their extremely hard work. We gave them a lot of independence, and they didn't disappoint me. They took hold of programs. The competitiveness program is one of them that has reached a point where it can now be debated and pursued. The Senator from Tennessee, Mr. ALEXANDER, did a tremendous job of working that bill, along with Senator ENSIGN, collaborating with three different committees on one piece of farsighted legislation.

Senators DEWINE and MIKULSKI have done a marvelous job with the Elder Fall Act and Older Americans Act and have worked well together for a number of years across the aisle to make sure older Americans are taken care of.

I could go on and mention all of the subcommittees and the work they have done. Senator BURR has done some fantastic work on bioterrorism. He has put together a fantastic bill that contains new concepts which will allow better preparation for any of the possible terrorism acts that could happen on our own soil. Senator ISAKSON, of course, has been extremely active in handling labor issues. As I mentioned, he was a key player in the miner safety bill.

It has been an interesting year. I look forward to another interesting year. I am looking for suggestions from my colleagues on what needs to be done, and looking for that 80 percent that can be accomplished.

Our record of accomplishment is proof that we are a can-do Congress. Far from being a do-nothing Congress, we have shown our colleagues and our constituents that Congress can and is working hard to improve the lives of Americans.

One of the reasons America doesn't know more about this is because of the cooperation that has taken place. We didn't have to debate the 20 percent we didn't agree on here on the floor of the Senate, and consequently there was not a lot of coverage. But just the pensions bill and the miner safety bill, either of those, would be a major accomplishment for any committee during a 2-year period.

I am proud of the 12 bills the President signed and the 21 bills we got through this body. I think that is a record of accomplishment, and I thank all those who participated.

I yield the floor 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

MENTAL HEALTH PARITY

Mr. HARKIN. Mr. President, earlier today, my colleague, Senator DURBIN of Illinois, took the floor to describe a resolution he and I submitted and a number of others cosponsored with him to both recognize the contributions of our former colleague, Senator Paul Wellstone, and to, in that resolution which has now been submitted in the Senate, commit ourselves to making a mental health parity bill a high priority in the next Congress, the 110th Congress.

I want to join with Senator DURBIN, Senator COLEMAN, and Senator DAYTON, who also spoke on this topic today, in recognizing the contribution of our former colleague, Paul Wellstone, and to rededicating ourselves in his memory to trying to get this mental health parity bill passed once and for all.

It almost seems impossible that it was almost 4 years ago this next month when we tragically lost our friend and colleague, Paul Wellstone, and some others—his wife and others—in that tragic plane crash in Minnesota.

He was a very special individual to all of us. He was one of the best friends I ever had. Of course, I think he was to millions of other people around America. They thought he was one their best friends also because of what he stood for and what he fought for. He was always sticking up for the kind of little person—people who didn't have much voice or power around here.

Paul had one burning goal during his all-too-short tenure in the Senate, and that was to get mental health put on the same parity as physical health. He struggled mightily to get that done.

After his tragic death in October of 2002, many here talked about the need to pass in his memory the Paul Wellstone mental health parity bill. We still have not gotten it done. Four years later, we remember that political science professor who came to the Senate. He had a great impact.

Paul once said, politics is about what we create by what we do and what we hope for and what we dare to imagine. He dared to imagine and to fight for the end of neglect and denial surrounding issues of mental health, especially access to mental health services.

Right now, over 41 million persons suffer from moderate or serious mental disorders each year. Less than half receive any needed treatment. However, 80 to 90 percent of mental disorders are treatable by therapies and medications. Paul fought hard with his characteristic passion for the Mental Health Parity Act, to end this absurd practice of dividing mental health from physical health and putting them into different categories under health insurance.

Mental disorders account for 4 of the 10 leading causes of disability for persons age 5 and older. In fact, depression is the leading cause of disability in the United States. Tragically, mental disorders are also major contributors to mortality. Some 30,000 Americans die by suicide each year.

According to the Substance Abuse and Mental Health Services Administration, undertreated and untreated mental disorders cost the Nation in excess of $200 billion annually, hurting the economy, the profitability of businesses, and, of course, our Government budgets.

For example, a report released earlier this month by the Department of Justice found that more than half of all prison and jail inmates, including 56 percent of State prisoners, 45 percent of Federal prisoners, and 64 percent of local jail inmates were found to have a mental health problem.

We do not treat the mental health; we hire more police. People with mental health problems cause problems in society, and they turn, perhaps, to crime or illicit drugs to somehow treat themselves and their mental disorders and they wind up in our jails. And we pay and we pay and we pay for this as a society. More than half of all of the people in jails and prison in America have mental health problems.

A lot of opponents of mental health parity claim it will drive up the cost of health care. However, an interesting study released on March 30, 2006, in the New England Journal of Medicine released results of a study that evaluated the Federal Employees Health Benefits Program, the one we are under, to which we all belong. This has provided insurance parity for mental health since 2001. The researchers found that when the care was managed, the cost of coverage for mental health problems attributable to parity did not increase the cost, and the quality of the care remained constant.

Interesting. In our own health benefits program since 2001 we have had mental health parity. And guess what. The costs have not gone up, and the quality of care has remained constant. The Wellstone Mental Health Parity Act is modeled after the mental health benefits provided through the Federal program.

Many cost studies miss something that is very important: they fail to calculate and quantify the benefits and savings that will result from parity. They fail to weigh the offsetting cost-benefits to employers from increased productivity, reduced sick leave, reduced disability costs. Indeed, a true comprehensive assessment of the costs of parity must take into account the costs of not providing parity, including the economic costs in the workplace, the cost to taxpayers of shifting of burden to public systems—as I mentioned earlier, our prisons and jails—the cost of care of homeless persons, the cost of care of our public mental health systems, the increased cost in emergency room visits. Add up all that and the cost of not treating people with mental illnesses comes to around $79 billion a year.

When workers suffering from depression receive treatment, many of the medical costs decline by $882 per employee per year. Absenteeism drops by 9 days. Again, if we provide that care, we are saving money and increasing productivity.

Also, the good news is that millions of people with mental illness can recover. I don't know why so many people think once you have a mental illness, that person is doomed for life. That is like saying if I have a physical illness, forget it, I have to have it for the rest of my life. Not true. It is the same for mental health. People have problems; they need help; they get it; they get over it. They can reclaim their lives if they are provided treatment and support in a timely fashion.

To that end, it is time to do away with the discriminatory practice of treating mental and physical illnesses as two different categories under insurance. It is time to do away with the barriers to mental health treatment and coverage. It is time to pass mental health parity.

I might remind the Senate, we did pass it once on the 2002 appropriations bill. I happened to be chairman that year on the health appropriations bill. We passed mental health parity in the Senate. It got voiced-voted. No one even objected. Imagine that. We passed it. It went to conference. We kept it in on the Senate side, but we went to conference with the House and we lost it because the House objected to it, by two or three votes. By two or three votes in conference we lost it. We came that close in 2002 to getting mental health parity.

What has happened since? Why have we fallen so far backward? Why hasn't the Senate, since that time, brought it up? As I said, in 2002, we did it. Since 2003, it has not even been brought up. Hopefully, in the next Congress, we will bring it up again, we will pass it again, like we did before.

For those who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us and he still calls us to conscience. Each day that we fail to pass this legislation, as we have for years, we are cheating millions of Americans. Each day that we do not step up to the plate and provide adequate mental health coverage to our citizens, we cheat them from reclaiming their health and well-being, and we starve society of the talent, contributions, and productivity they have to offer. It is a disservice to society to sweep mental illness under the rug and to deny people access and coverage of adequate treatment.

Congress should make the Wellstone Mental Health Equitable Treatment Act a priority for the 110th Congress. With widespread support and widespread need, passage of this legislation is long overdue.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent the Senate now proceed to 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.

RECOGNIZING DR. WILLIAM C. TORCH

Mr. REID. Mr. President, I rise today in recognition of Dr. William C. Torch of Reno, NV, who has been selected as a recipient of the prestigious Tibbetts Award. Significantly, Dr. Torch is the first individual from Nevada to receive this honor.

Each year the U.S. Small Business Administration celebrates the accomplishments of a handful of firms, organizations, and individuals nationwide with the Tibbetts Award, the agency's highest recognition for innovative technology. Named for Roland Tibbetts, the father of the Small Business Innovation Research Program, the award honors those who best exemplify the philosophy and doctrine of the SBIR Program. Recipients are selected based on overall business achievements, the economic impact of technological innovations, and demonstration of successful collaboration, among other factors. An individual may only win once in his or her lifetime.

Considering the purpose of the Tibbetts Award, I find it very appropriate Dr. Torch is a recipient. A neurologist specializing in sleep disorders, Dr. Torch has long been an innovative leader in modern, medical research, and social improvement. I have been very impressed by Dr. Torch's unique contributions to the field of medicine and the State of Nevada.

Dr. Torch is perhaps best known as the inventor of EYE–COM, a biosensor that monitors the frequency and speed of the human eye blink. Small enough to hide inside of a pair of glasses, EYE–COM uses an alarm to alert wearers if they begin blinking slower than normal. Already this technology has had profound social effects; it holds great potential for even more social and medical utility in the future.

For example, EYE–COM has improved the therapy and lives of many patients by allowing them to better interact with the world around them. In a 2002 interview, Dr. Torch said he hoped truckers and pilots would use EYE–COM to warn them if they were getting too tired, thereby increasing the safety of our Nation's airspace and highways. Law enforcement officers might also use the device to determine if individuals were driving while impaired. As I speak, researchers across the country are working to cultivate the inherent potential of EYE–COM.

Beyond being a noteworthy inventor, Dr. Torch has significant business achievements to his credit. He is the founder and director of the EYEcom Corporation, the Neurodevelopmental and Neurodiagnostic Center, and Washoe Sleep Disorders Center in Reno, NV, which is accredited by the American Academy of Sleep Medicine. He is also the founder of Sleep-Management, a Nevada corporation, specializing in jet lag and shift work fatigue research. From 1998 to 2003, he was the director of neurology at Northern Nevada Medical Center.

Dr. Torch, who has been licensed in Nevada since 1979, received his medical degree with distinction in research and a master's degree in neurochemistry from the University of Rochester. He received his bachelor's degree in chemistry from the Brooklyn College. He completed a residency in pediatrics and a residency and fellowship in child and adult neurology at the Albert Einstein College of Medicine in Bronx, NY.

The Tibbetts Award presentation ceremony is on September 26, 2006, in Washington. I wish to congratulate Dr. Torch on this significant achievement and express my confidence that he has great contributions yet to come. I hope that you will join me in recognizing Dr. Torch's significant achievement.

NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 13th annual National Public Lands Day, which will be celebrated on Saturday, September 30. Covering nearly one third of America's total land area, public lands are part of the essence of our country. Today, I am pleased to acknowledge the efforts of volunteers around the Nation who will come together to improve and restore one of America's most valuable assets.

Since it's inception in 1994, National Public Lands Day has helped foster communities of volunteers around the Nation. When it started thirteen years ago, there were 700 volunteers working in only a few areas. I am pleased to report that this year nearly 90,000 volunteers will work at over 800 locations to maintain and enhance countless acres of public land for the enjoyment of future generations.

Growing up in Searchlight—whether I was hunting or just hiking in the desert—I developed a great appreciation for public lands. Preserving these lands for both practical and aesthetic purposes is one of my top priorities.

Given that more than 87 percent of the land in Nevada is managed by Federal agencies, I know that I am not alone in recognizing the importance of public land. Nevadans understand that public lands serve many vital purposes in our State; from hiking and hunting to mining and ranching.

I would be remiss if I didn't also take time to recognize and thank the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, the Forest Service, the Fish and Wildlife Service and other Federal land agencies help ensure that the complex patchwork of Federal land management in Nevada serves and adapts to the changing needs of our communities and the public at large. They provide a vital, although rarely reported, service to our Nation.

Through the month of October, volunteers and staff from land management agencies from across Nevada will gather at sites such as the Black Rock Desert-High Rock Canyon Emigrant Trails Conservation Area, the Desert Tortoise Conservation Management Area, the Lake Mead National Recreation Area, Lamoille Canyon, and the Nevada Northern Railway, among others. They will remove litter, construct walking paths, restore fences, post signs, and perform tasks that will improve our public lands for everyone who is fortunate enough to visit them.

Our public lands are part of what makes America a great nation. I voice

my gratitude to everyone who will participate in National Public Lands Day this year.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ANTHONY P. SEIG

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Sunman. Anthony P. Seig, 19 years old, died on September 9 in Baghdad after being gravely injured when a rocket struck the roof of his barracks the day before. Tony risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Tony enlisted in the Army shortly after graduating East Central High School in St. Leon last year. He had been in Iraq for 2 months when he was killed and would have celebrated his 20th birthday in a few weeks. Tony was remembered by his aunt, Vicki Jenkins, who told a local news outlet, ''He's certainly our hero. He was very proud to serve his country. He felt very strongly about serving his country.''

Tony was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 118th Military Police Company, Fort Bragg, NC. This brave soldier leaves behind his mother, Linda Seig, and two sisters.

Today, I join Tony's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Tony, a memory that will burn brightly during these continuing days of conflict and grief.

Tony was known for his dedication to his family and his love of country. Today and always, Tony will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Tony's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Tony's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Anthony P. Seig in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Tony's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Tony.

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I rise today to celebrate National Hispanic Heritage Month. I am honored to have the opportunity to recognize the valuable contributions and achievements of the Hispanic people of our proud country.

For the nearly 34 years I have represented my home State of New Mexico in the Senate, I have witnessed the growth and success of the Hispanic community in almost every facet of social life. New Mexico's Hispanic community has a long and rich history that dates back centuries. Today, it can claim a long ledger of accomplishments in fields as diverse as science and art, business and sport, medicine and public service.

With respect to the fields of science and military service, I am proud to call attention to the remarkable achievements of Sidney Gutierrez. Born and raised in Albuquerque, Sidney Gutierrez is a distinguished astronaut who has complied over 488 hours in space during his time with NASA. Sidney has been recognized by Hispanic Business Magazine as one of the 100 most influential Hispanics in America, and he has also been a recipient of the Congressional Hispanic Caucus Award. Prior to his stellar achievements at NASA, Sidney served his country in the U.S. Air Force after he graduated from the Air Force Academy. What is important to note about Sidney's record is that his isn't an aberration. Today, hundreds of Hispanics serve our Nation's high-tech fields—both in the private sector and for the Government as scientists and researchers at our national laboratories.

Today, many Hispanic people from New Mexico continue to serve their country in the armed services. They have stood up as proud Americans and volunteered to protect their families and communities during the global war on terror. We should also take this moment to remember the sacrifices Hispanics have made to preserve the liberties and freedom that make America a beacon of hope to millions around the world. Just as soldiers from New Mexico distinguished themselves in battles at Battan, Attu, North Africa, Europe, and the Pacific, today men and women in uniform of Hispanic heritage are fighting for their Nation in Afghanistan and Iraq. Our Nation is stronger because of these men and women. They deserve the gratitude of the Nation for their sacrifices.

Hispanic Americans have also been active in other forms of public service. The first Hispanic Congressman in the House of Representatives and the first Hispanic Senator in our Nation's history were from New Mexico. Since it became a State in 1912, New Mexico has been a trailblazer in placing Hispanics into elected office.

The first Hispanic Senator in our Nation's history was a New Mexican by the name of Octaviano Larrazolo. Senator Larrazolo lived a rich life and valued public service above everything else. He was one of the early and important contributors to the constitution of the State of New Mexico and a fearless advocate for statehood. It was no surprise then that the people of New Mexico elected him to serve as their Governor. Throughout his career he was known as an advocate for better education and believed that a strong educational system was the key advancement in our fair and competitive society.

The tradition of Congress celebrating the contributions of Hispanic Americans goes back almost 40 years. In 1968, Congress started by designating a week to celebrate Hispanic heritage. Over the years, we decided to extend the designation to cover a month starting on September 15. The extra time has been a necessary and appropriate change to allow us to recognize the long record of contributions Hispanic Americans have made to our communities and to our Nation. I call on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the month with appropriate ceremonies and activities.

IT'S TIME TO TALK DAY

Mr. CRAPO. Mr. President, I would like to call my colleagues' attention to the efforts of Liz Claiborne, Inc., and Redbook to designate September 21, 2006, It's Time to Talk Day. What they want us and the Nation to talk about is domestic and dating violence, and they have partnered to encourage national dialog on the subject of this pervasive and terrible crime.

We are not the only ones talking about it: talk radio, government officials, domestic violence advocates, businesses, and schools across the Nation are taking time today to focus on the issue that will affect nearly one-third of all women in their lifetime and many men. Bringing the crime of domestic and dating violence to the level of a simple conversation can start a chain reaction that will save a relationship and may, very well, save a life.

Some of you may know that I am especially concerned about teen dating violence, a crime that exists in every community regardless of race, socioeconomics, rural or urban. A young Idaho woman in an abusive dating relationship died 6 years ago. Since that time, I have pushed to include

dating violence as a definition of domestic violence under Federal law. My efforts would be fruitless without the help of citizens and organizations nationwide. Liz Claiborne, Inc. is one of the organizations that has taken a leadership role in educating teens about teen dating violence through its ''Love is Not Abuse'' curriculum designed for 9th or 10th graders. I have been pleased to support those efforts to promote this curriculum throughout the country this past spring.

I commend the company not only on this endeavor but its newest effort to partner with the National Domestic Violence Hotline and create the first-ever National Teen Dating Violence Hotline. The hotline will be operated by the National Domestic Violence Hotline and will focus on teens and young adults up to the age of 24. Although there are national hotlines for adults, teens have special needs and require a different approach to dealing with their issues and privacy concerns.

Time to Talk Day should not be the only day to talk about how we can prevent domestic and dating violence. We must work hard to educate our children how to live in healthy relationships to prevent the cycle of violence from being repeated in the future.

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 July, 29, 2006, in San Diego at an annual gay pride festival 3 gay men were assaulted. During the festival, 3 men with baseball bats began yelling anti-gay remarks and a fight broke out. Two of the victims were hit in the head with a baseball bat and a third victim was stabbed. In the past 32 years the annual gay pride festival has often been the focus of anti-gay protesters, many times leading to violence.

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.

REPUBLIC OF THE PHILIPPINES

Mr. INOUYE. Mr. President, this year marks the 60th anniversary of Philippine-United States diplomatic relations and friendship. The partnership of our two nations is bound by several battles dating back to World War II, and continues today with the war on terrorism. Those who continue to pay the ultimate sacrifices do so in the defense of freedom and the democratic way of life.

During World War II, Filipinos fought side by side with Americans in defense of Bataan and Corregidor, fighting a common enemy. Today, we face a different battle—the war on terrorism—a battle being fought and won in the Philippines. At this moment in many parts of the world, little children, innocent children are crying in pain. Many of these children are being killed from mines and explosives mainly because older men do not know how to discuss peace. They know only how to discuss war, hatred, and death.

A month ago, together with the senior officers of the Republic of Philippines Armed Forces, I flew to Zamboanga on the Island of Mindanao. The main element of the mission was to inspect the joint Philippine and United States Armed Forces, and to receive a report on their activities. However, the event that impressed me most was the simple ceremony celebrating the presentation of 185 electrification projects to governors, chieftains, and leaders of various villages and towns in the many islands of Mindanao.

These island villages and towns never had electricity. Children had to study by candlelight. For the first time, these communities have electricity in their homes. Children can spend more time learning. Parents can use sewing machines and other power tools to make products to bring to market. And, communities can use computers to surf the Web and connect to the world.

The ceremony began with Asalamalaykum, and a prayer thanking Allah, recited by the Imam of Zamboanga. He was followed by a Christian minister, who read scripture from the Bible. Thereafter, children performed their traditional Muslim dance, welcoming us with such warmth, joy, and tranquility. While Christians and Muslims in other parts of the world are killing each other, to see the scene in Zamboanga, where Muslims and Christians are sitting together, breaking bread together, was a deep inspiration. It demonstrates to me that under proper leadership, miracles can happen, and miracles do happen.

In Mindanao, there is a demonstration of hope. The joint military forces of our two nations have demonstrated that while you need an iron fist to combat terrorism, you also need to extend a hand of friendship to win their hearts and minds. When you work together, when you cooperate, when you consult, when you speak of peace and hope, miracles can happen. If the rest of the world did the same thing, children would not be screaming in pain.

Of all the aid that we provide the Republic of the Philippines, 60 percent is being spent in Mindanao to reinforce efforts to secure a lasting peace, and to build a better life for the people of Mindanao. More than 22,000 former Moro National Liberation Front combatants are now small-scale commercial farmers, earning incomes through farming corn, rice, and seaweed. An additional 6,500 former combatants have been trained to produce high-value crops, such as finfish and bananas. In partnership with the private sector, 6,500 households in 227 remote communities are now equipped with solar-powered, renewable energy systems.

The ties that bind our two nations are based on the foundations of freedom and democracy. The work conducted today along with the economic opportunities and education provided by the Government of the Republic of the Philippines and in conjunction with the United States Government continues to pave the way toward a better quality of life and stability for the children and region of Mindanao.

Mr. President, I commend to my colleagues the text of an August 2006 paper entitled ''Securing Peace in Mindanao through Diplomacy, Development, and Defense,'' written by the American Embassy in Manila.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I was necessarily absent on Senate business yesterday when the Senate voted on the nomination of Francisco Augusto Besosa to be a U.S. district judge for the District of Puerto Rico. Had I been present, I would have voted in favor of Mr. Besosa's nomination.

FOREIGN CORRUPTION AND OIL

Mr. LEVIN. Mr. President, last month, on August 10, President Bush announced a new U.S. initiative to combat corruption around the world. He named it a ''National Strategy to Internationalize Efforts Against Kleptocracy.'' In introducing this initiative, President Bush said:

> High-level corruption by senior government officials, or kleptocracy, is a grave and corrosive abuse of power and represents the most invidious type of public corruption. It threatens our national interest and violates our values. It impedes our efforts to promote freedom and democracy, end poverty, and combat international crime and terrorism.

I couldn't agree more.

But lately, some of the President's actions are at odds with his rhetoric. The first principle of the President's initiative against corruption is to deny entry into the United States to kleptocrats, meaning high-level officials engaged in or benefitting from corruption. Yet in recent months the administration has welcomed two of the world's most notorious kleptocrats: Teodoro Obiang, the President of Equatorial Guinea, and Nursultan Nazarbayev, the President of Kazakhstan.

What do these two men have in common besides corrupt dictatorships? Oil. Both control their nations' vast oil resources. Both supply oil to the United States. By welcoming these corrupt

dictators into the United States, in contradiction to the anticorruption principles articulated by the President in August, the administration announces to the world that we will compromise our principles for a price: oil.

On April 12 of this year, at the State Department, Secretary Rice greeted the President of Equatorial Guinea, Teodoro Obiang, by saying: ''Thank you very much for your presence here. You are a good friend and we welcome you.'' In welcoming Mr. Obiang, she made no mention of the deeply troubling hallmarks of his regime, no mention of human rights abuses, no mention of election fraud; no mention of widespread and high-level corruption. Instead, a photograph of Secretary Rice shaking Mr. Obiang's hand and smiling broadly appeared in publications around the world. Mr. Obiang has undoubtedly used his visit, and that photograph, to legitimize his regime and demonstrate his favored status in the United States.

Secretary Rice said that her objective as Secretary of State is to conduct ''transformational diplomacy'' which, in her words, requires us to ''work with our many partners around the world to build and sustain democratic, well-governed states that will respond to the needs of their people—and conduct themselves responsibly in the international system.'' Under Mr. Obiang, Equatorial Guinea is nothing near democratic, well-governed, or responsive to its citizens.

Equatorial Guinea is the third largest oil producer in sub-Saharan Africa. It currently exports about 360,000 barrels per day, with much more under development. U.S. companies have invested over $10 billion to develop those oil resources. But the development of Equatorial Guinea's oil resources has not benefitted its deeply impoverished people. Though Equatorial Guinea's oil money makes it, on a per capita basis, one of the wealthiest nations in the world, the standard of living of its people is among the world's poorest. Equatorial Guinea ranks 121st on the United Nations Human Development Index. According to a 2002 State Department report, there is ''little evidence that the country's oil wealth is being devoted to the public good.''

Mr. Obiang is a principal cause of his people's misery. He took power by coup 30 years ago, his opponents have been jailed and tortured, and his most recent election was condemned by the State Department as ''marred by extensive fraud and intimidation.'' The 2005 State Department Country Report on Human Rights Practices states, that in Equatorial Guinea, ''Official corruption in all branches of the government remained a significant problem.'' In its index of corruption, Transparency International ranks Equatorial Guinea 152 out of 159 nations. In other words, Equatorial Guinea is one of the most corrupt countries in the world today.

I became familiar with the Obiang regime through my role as ranking minority member of the Senate Permanent Subcommittee on Investigations. On July 15, 2004, the subcommittee held a hearing entitled, ''Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act.'' That hearing and an accompanying report detailed how President Obiang and his family had been personally profiting from U.S. oil companies operating in his country, established offshore shell corporations to open bank accounts at Riggs Bank here in Washington, and made large deposits, including cash deposits of as much as $3 million at a time, in transactions suggesting strongly that the funds were the proceeds of foreign corruption. In addition, over $35 million in oil proceeds were transferred to suspect offshore accounts.

President Bush has stated that his intention is to ''defeat high-level public corruption in all its forms and to deny corrupt officials access to the international financial system as a means of defrauding their people and hiding their ill-gotten gains.'' And yet, after it was revealed that Mr. Obiang misused U.S. financial institutions to launder suspect funds, the State Department actually intervened on behalf of his regime in order to convince U.S. banks to open accounts for the Equatorial Guinean Government. That bears repeating: after it was shown how Mr. Obiang used Riggs Bank to deposit and transfer suspect funds, and after Riggs shut down the accounts used by him and his regime, the State Department approached reluctant U.S. banks and asked them to open accounts for the Obiang regime. So much for ''denying corrupt officials access to our financial system.''

There is more. A few months ago, in May, the administration announced a new program directing the Defense Department to help 20 specified countries build up their military forces. One was Equatorial Guinea. Despite a terrible human rights record, a reputation for corruption, and their own oil wealth, the administration proposed spending U.S. taxpayer dollars to build up the Obiang regime's military. Indeed, President Bush asked for a provision in the DOD authorization bill approving the funding. A number of us objected, and Equatorial Guinea was removed from the provision in the Senate bill.

These and other actions taken by the administration to court Mr. Obiang are more than misguided. They supply ammunition to critics of America who claim we don't mean what we say and we don't live up to our principles, especially when oil is at stake. On the issue of foreign corruption, the President needs to play it straight. What will it be? Will we avert our eyes from Mr. Obiang's record of corruption and brutality so we can obtain Equatorial Guinea's oil? Or will we demand an end to his corrupt ways?

The President's courting of Mr. Nazarbayev of Kazakhstan is also disturbing. Mr. Nazarbayev is an iron-fisted dictator who imprisons his opponents, bans opposition parties, and controls the press. The State Department's 2005 Kazakhstan Country Report on Human Rights Practices states that ''the government's human rights record remained poor,'' and ''corruption remained a serious problem.''

That is not all. Several years ago, our Justice Department filed a criminal indictment alleging that Mr. Nazarbayev accepted tens of millions of dollars in bribes from an American businessman. The U.S. attorney of the Southern District of New York is at this very moment preparing for trial in the case, U.S. v. Giffen. The indictment targets the American businessman, James Giffen, for paying $78 million in bribes to Mr. Nazarbayev and his cronies to gain access to an oil field in Kazakhstan. It does not charge Mr. Nazarbayev with a crime, despite alleging his acceptance of the bribes. It is a sad and sorry spectacle to observe that, despite this indictment, the administration is welcoming Mr. Nazarbayev to the White House this week.

Talk about mixed messages. For paying the bribes, Mr. Giffen gets indicted for violating the Foreign Corrupt Practices Act, mail and wire fraud, money laundering, and tax evasion; for accepting the bribes, Mr. Nazarbayev gets an invitation to the White House. The President has invited to the White House a man who our very own Department of Justice accuses of accepting a $78 million bribe. Why? What could be the reason, the justification, for this White House invitation? Could it be that Kazakhstan exports 1 million barrels of oil per day?

The President has got to play it straight. The State Department says Mr. Nazarbayev is a dictator who imprisons opponents and disregards human rights. The Justice Department says he accepted $78 million in bribes from one U.S. businessman alone. The President says he is an honored guest. Which is it? Corrupt dictator or honored guest? Surely it can't be both.

President Bush said that kleptocracy ''threatens our national interest and violates our values.'' He said high-level foreign corruption ''impedes our efforts to promote freedom and democracy, end poverty, and combat international crime and terrorism.'' He is right, which is exactly why his courtship of corrupt dictators like Mr. Obiang and Mr. Nazarbayev is so deeply regrettable. To compromise our battle against corruption to gain favor with oil-producing dictators is not only morally wrong, it hands a propaganda club to our critics, it sustains brutal and corrupt regimes, and it is ultimately destructive of our efforts, in the words of Secretary Rice, to ''build and sustain democratic, well-governed states.''

AGRICULTURE NATURAL DISASTER ASSISTANCE

Mr. BAUCUS. Mr. President, I rise today to speak to an issue that is vital

to agricultural producers in my State as well as across our Nation. That issue is agriculture natural disaster assistance. The relentless drought has brought economic hardship to both our agriculture producers and our rural communities. Farmers and ranchers in many different parts of the United States are suffering the effects of natural disasters.

We must not and cannot continue to ignore the impacts of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as deserving of assistance for their suffering from the drought as the small businesses suffering from the hurricanes.

We as a nation have a responsibility to provide emergency assistance to those who have had losses due to natural disasters. I look forward to working with my colleagues to fulfill that responsibility, working to support a bill that provides critical emergency relief to our Nation's agricultural producers. After what I hope will be a healthy debate on this important issue, I ask that a vote be taken on the bill.

Too often, the argument is made that farmers and ranchers should be satisfied with the funding they will receive from the farm bill. The truth is that only 18 percent of the total funding in the farm bill goes directly to producers. The rest goes to very important programs, such as Food Stamps and the Senior Farmers Market Nutrition Program. Nothing in the farm bill was ever intended to cover losses due to natural disasters. It is only intended to cover economic losses.

The same way we use emergency funds to help individuals and rebuild communities hurt by hurricanes and tornadoes, we should use emergency funds to help individuals and rebuild our communities hurt by drought.

WAR ON TERROR

Mr. GRASSLEY. Mr. President, I rise to speak for a few minutes in morning business.

In August, I received a letter from a constituent, Mr. John Dodgen, of Humboldt, IA. Along with the letter, Mr. Dodgen enclosed a copy of an opinion piece he authored regarding the war on terror that was published in the local newspaper.

In his opinion piece, Mr. Dodgen rightly asserts that the United States is engaged in a global war on terror with an enemy whose goal is the elimination of the United States. I also strongly agree with his premise that we must take the fight to the terrorists where they operate or we will be forced to confront them on our soil. This is a war that we must win, and we must remain on the offense until the war is won.

Mr. Dodgen raises some compelling thoughts in his opinion piece. Rather than try to summarize all of Mr. Dodgen's points and recommendations, I would like to submit for the RECORD his thoughts on controlling terrorism.

I ask unanimous consent that the text of Mr. Dodgen's opinion piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONTROLLING TERRORISM

Our world is made-up of two dramatically opposed factions. Those who enjoy freedom versus those who would enslave the world. This is not a debatable subject—it's an all out world war of ideologies.

As a nation of freedom, we are engaged in a conflict that must be won or our world culture will be reduced to the dark ages. We are engaged in a conflict for survival.

The nations of Iran, Syria, North Korea, and the terrorists of Hezbollah all seek one objective—the destruction of Israel and the United States. They are like ''mad dogs''. There is no way to reason with them to a peace loving state. The only solution with a rabies infected dog is to destroy it. This same strategy does not apply to all Muslims, only those lunatic, malicious, hateful, and destruction-minded fanatics who declared war on ''infidels'' several years ago. In World War II the allies stopped Hitler, Mussolini and Japan from destroying half the world. Ninety percent of my Navy amphibious group were killed or wounded invading the Philippines and millions of others were killed in tragic World War II.

While we still have a chance to stamp out the hate and suicidal destructive force in our world, the U.S. and our allies should confront Iran, Syria, North Korea, and Hezbollah with an ultimatum to destroy their rockets and nuclear warhead pursuits or we will have no alternative but to destroy them ourselves with or without the United Nations blessing. It's totally unrealistic to think that negotiations with these evil nations will solve or alleviate the threat, so we should bring this to a head before they attack any other nations and unleash their evil hatred and destruction on innocent, peace-loving people. We should use every means within our power to reduce their threat to insignificance. There is no other course; we should act now while our declared and profound enemies are vulnerable to our containment. If we wait and try to solve our world's conflict with diplomacy and negotiation, we are fooling ourselves and eventually our nation and our love for freedom and peaceful existence on Earth will be destroyed.

In past history, two postures for our nation—The Monroe Doctrine and Teddy Roosevelt's ''Walk Softly And Carry A Big Stick Policy—along with President Kennedy's demand that Russia withdraw rockets with nuclear warheads from Cuba, kept us from wars to maintain our freedom. Now we need to declare and carry out the United States world position that we will not tolerate ''evil and war mongering'' nations, and unless they cease and desist of such a threat they will have the United States and its overwhelming power to force them to do so. We were able to convince Libya to stop its terrorism with a well placed bomb; we can do the same with the other terrorist nations listed.

America needs to withdraw from the United Nations as they have utterly failed from their beginning existence to keep the peace or more than temporarily stop aggression and human suffering. What the world needs is for the United States to establish a ''World Peace Council'' made up of: The President of the United States; The Prime Minister of England; Queen Elizabeth and/or Australia's Governor General; The President and/or The Prime Minister of Russia; The President of China; The Emperor and/or Prime Minister of Japan; The President of India.

These nations could meet for three days every month to determine the issues requiring their attention, determine the appropriate action, and then enforce their decision based on the majority vote of the council. A veto would be prohibited. Funding would be on an assessed basis from the seven nations plus other voluntary freedom loving nations and a chosen General whose International Police Force would be enlisted on a country by country basis to carry out the seven nations' solution.

If any of the nations selected to form the World Peace Council chooses not to serve or withdraws, then the remaining members would select a nation for their replacement. In the case of a tie vote, another candidate would be chosen until a majority vote determined the successor.

As a Christian, it is utterly deplorable for me to come to the above conclusion. However; as a practical human being and a concerned U.S. Citizen, I acknowledge that terrorism is a fact that must be recognized and dealt with. I therefore urge our Congress and President to declare an ultimatum on the nations of terrorists and restrain them while we still have the power and resolve to do so. We cannot wait until we have another Pearl Harbor, Cuban Missile Crisis, or 9/11 before we stop this aggression.

ADDITIONAL STATEMENTS

IN MEMORY OF SEYMOUR ROBINSON

• Mrs. BOXER. Mr. President, today I ask my colleagues to pay tribute to an exceptional man and a wonderful friend of mine, Seymour Robinson. Seymour died on September 13 at the age of 90. His deep sense of moral and social responsibility and tireless commitment to giving back touched the lives of all who knew him.

Seymour was born on May 24, 1916, in Chicago, IL. He worked hard to support his family during the Great Depression. He enlisted in the Army Air Corps and was soon transferred to the U.S. Army Infantry in Fort Worth, TX. It was here that he met his beloved wife of 60 years, Anita. Before they could marry, he was shipped out to serve in World War II.

As a member of the Civil Affairs D Team of the U.S. First Infantry Division, he fought at Omaha Beach during the U.S. landing in Normandy on D-Day. As part of a U.S. unit attached to the French Second Armored Division, Seymour was involved in the liberation of Paris. After his unit captured the German SS barracks on the Place de la Republique in Paris, it was overrun by cheering crowds; the Jewish people in Paris were finally able to come out of hiding, wearing the yellow stars that were used to segregate them. Of this time, Seymour recounts a powerful incident: ''As their enthusiasm settled down, we were asked a devastating question: 'What is the will of the Americans. Are we still to wear our yellow stars?' Without a second's hesitation, we tore the stars off the clothes of

those nearest us and put them on our uniforms. The question had floored us. We couldn't speak. The word had spread quickly. 'We are free!' "

His bravery and courage will never be forgotten. He was awarded three Bronze Battle Stars by the U.S. and the Croix de Guerre by the French government, given to individuals who distinguish themselves heroically in acts of bravery against the enemy.

Seymour's experience as a World War II veteran helped shape his deep sense of responsibility. He said "This experience reestablished my identity. I am a Jew who knows that I must forever be vigilant about the human rights not only of my people but of all people . . ."

After returning to Chicago a war hero, he married Anita on January 14, 1946. They soon visited California, where Anita's parents lived. As Anita recounts their trip, there was ice on the ground in Chicago when they took off and it was 80 degrees in California when they landed; she refused to go back. Seymour and Anita thus ended up in my beautiful home state, where they lived the California dream with their three wonderful children: David, Lorraine and Billy.

Their children were deeply influenced by their father. Seymour taught his three children that they have a responsibility as Jews and Americans to give back to society and do the right thing.

Once in California, Seymour easily found a job first as a steelworker and then a typographer. As a typographer, he worked his way up to foreman and ended up buying the business, Ad Compositors, which was one of the largest of its kind in Southern California. He was a lifelong member of the International Typographical Union. Seymour had previously been an organizer for the Congress of Industrial Organizations, CIO, before it became the AFL–CIO.

While living in West Los Angeles with his family, Seymour was a co-founder and leader of Neighbors United, an organization that worked to promote racial harmony and maintain diversity in neighborhoods at a time of racial strife in L.A. He was also active in the Public Affairs Committee of the Westside Jewish Community Center and the Urban Affairs Committee of the Los Angeles Board of Education, working to desegregate the Los Angeles public schools.

Seymour helped elect Mayor Tom Bradley, Los Angeles's first African-American mayor. Seymour was also involved with the L.A. City Human Relations Commission and the Mayor's Advisory Committee.

Seymour was President of the Citizen's Advisory Committee for Pan Pacific Park, helping to coordinate funding for this park. Mayor Richard Riordan officially named him the "Father of Pan Pacific Park" for his instrumental role in creating this public park on the Westside of Los Angeles.

Never one to rest on his laurels, in his later years he was active as the Los Angeles County Political Coordinator for the AARP.

Seymour Robinson is survived by his beloved wife Anita; his children David, Lorraine and Billy Robinson; and his granddaughters Rachel and Mara Woods-Robinson.

I am proud to have called Seymour my friend. Seymour was never afraid to speak his mind when he saw injustice. He had a deep sense of right and wrong and was very persuasive in convincing others to get involved in the fight for social justice. He was an inspiration to all who knew him and a hero to this nation. He will be greatly missed.●

HONORING JONATHON SOLOMON

● Mr. KERRY. Mr. President, I would like to take a moment to recognize the life and legacy of a great Native American leader, mentor, and friend. This summer, Alaska and the Nation lost Jonathon Solomon, a Gwich'in Athabascan elder and lifelong environmental advocate, at the age of 74 in Anchorage. Jonathon's life was dedicated to the defense of Native rights, and he was best known throughout the country for his indefatigable advocacy of Gwich'in lands, most especially the Arctic National Wildlife Refuge.

Born in Fort Yukon, Solomon began his advocacy for the Refuge in the 1970s through his fight for subsistence rights and the protection of the Porcupine caribou herd. This work brought him all over the country, including numerous trips to Washington DC. I had the special opportunity to meet Jonathon during one of these trips, and I quickly learned that he was an eloquent speaker, strong debater, and a masterful advocate. He spoke strongly about the importance of the Coastal Plain of the Arctic Refuge, the birthplace of caribou upon which the Gwich'in have relied for their existence for generations.

Jonathon's work will live on through the Gwich'in Steering Committee, a nonprofit group which he helped to found during the first united meeting of the Gwich'in people in 1988. I am proud to have a part in carrying on Jonathon's legacy through my continued and unwavering support for the protection of the Arctic National Wildlife Refuge. Please join me and many others across this Nation in honoring a fallen environmental hero.●

REMEMBERING DETECTIVE MICHAEL THOMAS

● Mr. SALAZAR. Mr. President, please allow me to take a moment to commemorate the loss of a Colorado police officer last week. He was killed in an act of senseless violence, a victim of a random shooting while he was on duty. Detective Michael Thomas proudly served a 24-year career with the Aurora Police Department, and had been promoted to detective last April, where he worked on narcotics cases.

Mike Thomas graduated from Hinkley High School in Aurora in 1972, and joined the U.S. Air Force. There, he became a mechanic for F–16 fighter planes, and eventually wound up working with the Air Force's precision flight unit, the Thunderbirds. But after 10 years in the Air Force, Mike retired, leaving behind his Air Force uniform of service for another: that of the Aurora Police Department.

During his career in the patrol and canine units and as a detective, Detective Thomas was decorated for service more than 12 times. Among the awards Detective Thomas received was the Medal of Honor, the Aurora Police Department's highest award, in 1992. Detective Thomas received the award for disarming a suspect armed with a knife in October 1991.

Aurora Police Chief Daniel Oates said last week, "There was no one who didn't like Mike Thomas." Stories abound of Detective Thomas's generosity of spirit, his thoughtful nature, and attention to detail that made him such an outstanding policeman. One fellow officer recalled the impression that Thomas made upon him about following through: after every call, Mike Thomas would make sure to ask those he was helping if they were satisfied with the service he had provided them.

Detective Thomas will be interred today at Fort Logan National Cemetery in Denver. He will be surrounded by his family of the Aurora Police Department, and in the thoughts and prayers of police officers and their families around our Nation.

To Detective Thomas's daughter, Nicole, I can only offer the profound thanks of our community and Nation during this time of grief. Your father's sacrifice for the greater good fills each of us with deep respect and humbles all of us.●

TRIBUTE TO LIEUTENANT CHRIS HART

● Mr. THUNE. Mr. President, I wish to recognize Navy Lieutenant Chris Hart of Rapid City, SD. Lieutenant Hart was awarded the Bronze Star Medal with Valor for his courageous service in support of Operation Iraqi Freedom.

Lieutenant Hart served as Explosive Ordinance Disposal Team Officer-in-Charge with Multinational Forces Iraq, Multinational Division West from July to September 2005. He took part in 52 combat operations, and showed outstanding leadership in the face of enemy fire. Thanks to Lieutenant Hart's efforts, insurgents were denied explosive materials and thwarted in their attempts to cause harm. Lieutenant Hart's service is a shining example of the dedication and bravery that makes America's soldiers the greatest in the world.

It gives me great pleasure to rise in congratulating Lieutenant Hart for his heroic service in defense of our Nation and our freedoms.●

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 383. An act to designate the Ice Age Floods National Geologic Route, and for other purposes.

H.R. 1344. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 1515. An act to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

H.R. 1796. An act to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes.

H.R. 3534. An act to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

H.R. 3871. An act to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail.

H.R. 3961. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

H.R. 4275. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 4382. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 5079. An act to update the management of Oregon water resources, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5224. An act to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the ''Curt Gowdy Post Office Building''.

H.R. 5323. An act to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

H.R. 5454. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007.

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building'' .

H.R. 5861. An act to amend the National Historic Preservation Act, and for other purposes.

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office''.

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher Petty Post Office Building''.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 430. Concurrent resolution recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

H. Con. Res. 471. Concurrent resolution congratulating The Professional Golfers' Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States.

H. Con. Res. 480. Concurrent resolution to correct the enrollment of the bill H.R. 3127.

The message further announced that the House has passed the following bills, without amendment:

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brusich Post Office Building''.

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the ''Dorothy and Connie Hibbs Post Office Building''.

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office''.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

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. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 860. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes (Rept. No. 109–348).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes (Rept. No. 109–349).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007'' (Rept. No. 109–350).

By Mr. CRAPO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Brigadier General Bruce Arlan Berwick, United States Army, to be a Member of the Mississippi River Commission.

*Colonel Gregg F. Martin, United States Army, to be a Member of the Mississippi River Commission.

*Brigadier General Robert Crear, United States Army, to be a Member and President of the Mississippi River Commission.

*Rear Admiral Samuel P. De Bow, Jr., NOAA, to be a Member of the Mississippi River Commission.

*William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

By Mr. SPECTER for the Committee on the Judiciary.

Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. BROWNBACK:

S. 3935. A bill to direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. REID, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, Mr. INOUYE, Mr. ENZI, Mr. KENNEDY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. ALEXANDER, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Ms. CANTWELL, Mr. CORNYN, Mr. KERRY, Mr. TALENT, Mr. SALAZAR, Mr. CRAIG, Ms. LANDRIEU, Mr. ISAKSON, Mr. MENENDEZ, Mr. SMITH, Mr. KOHL, Mr. VOINOVICH, Mr. ROBERTS, and Mr. COLEMAN):

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

By Mr. SCHUMER:

S. 3937. A bill to require the Federal Aviation Administration to finalize the proposed rule relating to the reduction of fuel tank flammability exposure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. BROWNBACK, and Mr. SANTORUM):

S. 3939. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 3940. A bill to amend the Internal Revenue Code of 1986 to extend and expand tax incentives that promote affordable education; to the Committee on Finance.

By Mr. SANTORUM:

S. 3941. A bill to amend the Internal Revenue Code of 1986 to fully allow students to live in units eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3942. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. FEINGOLD):

S. 3943. A bill to amend the Help America Vote Act of 2002 to reimburse jurisdictions for amounts paid or incurred in preparing, producing, and using contingency paper ballots in the November 7, 2006, Federal general election; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. DURBIN, and Mr. NELSON of Florida):

S. 3944. A bill to provide for a one year extension of programs under title XXVI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, Mr. KERRY, Mr. JEFFORDS, and Mr. CHAFEE):

S. 3945. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU:

S. Res. 585. A resolution commending the New Orleans Saints of the National Football League for winning their Monday Night Football game on Monday, September 25, 2006 by a score of 23 to 3; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. Res. 586. A resolution celebrating 40 years of achievements of medical coders, and encouraging the medical coding community to continue providing accurate medical claims and statistical reporting to the people of the United States and to the world; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. MARTINEZ, and Mr. COLEMAN):

S. Res. 587. A resolution expressing concern relating to the threatening behavior of the Islamic Republic of Iran and the ideological alliance that exists between the countries of Cuba and Venezuela, and supporting the people of Iran, Cuba, and Venezuela in the quest of those peoples to achieve a truly democratic form of government; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 474

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 474, a bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 1141

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1141, a bill to authorize the Secretary of Homeland Security to regulate ammonium nitrate.

S. 1353

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1915, a bill 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, and for other purposes.

S. 2135

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions

of United States airlines, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2414

At the request of Mr. BAYH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Arizona (Mr. KYL), the Senator from Maine (Ms. COLLINS) and the Senator from Utah (Mr. HATCH) 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. 3128

At the request of Mr. BURR, the name of the Senator from Nebraska (Mr. HAGEL) 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 names of the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors 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. 3325

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3325, a bill to promote coal-to-liquid fuel activities.

S. 3519

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) 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. 3535

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3623

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3623, a bill to promote coal-to-liquid fuel activities.

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor 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. 3705

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 3771, supra.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3814

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3814, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3862

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3862, a bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system.

S. 3877

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3877, a bill entitled the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006''.

S. 3880

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3900

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3900, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 3912

At the request of Mr. ENSIGN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. REED) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

S. RES. 572

At the request of Mr. BURNS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 572, a resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

AMENDMENT NO. 5023

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5023 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5028

At the request of Mr. SALAZAR, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 5028 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. REID, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, Mr. INOUYE, Mr. ENZI, Mr. KENNEDY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. ALEXANDER, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Ms. CANTWELL, Mr. CORNYN, Mr. KERRY, Mr. TALENT, Mr. SALAZAR, Mr. CRAIG, Ms. LANDRIEU, Mr. ISAKSON, Mr. MENENDEZ, Mr. SMITH, Mr. KOHL, Mr. VOINOVICH, Mr. ROBERTS, and Mr. COLEMAN):

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

Mr. FRIST. Mr. President, I rise today to introduce the National Competitiveness Investment Act of 2006. Unfamiliar as it might sound to some, I am joined by the Democratic Leader, Senator REID, on this important legislation.

This truly is a bipartisan bill. It reflects the fact that when it comes to our country's economic future, there is wide bipartisan support for those policies that will keep the United States competitive in this ever changing, dynamic, global economy of the 21st century.

The bill we are introducing today is a product of many Senators who have come together . . . who put aside political affiliations . . . to craft a broad comprehensive bill. The legislation has evolved over the course of the 109th Congress.

Two years ago, under the leadership of Senators DOMENICI, ALEXANDER, and BINGAMAN, the Senate Energy Committee asked the National Academies what were those policies that—if enacted—would enhance the science and technology enterprise so that the United States could successfully compete, prosper, and be secure in this new century.

Out of that request, the National Academies created a high level committee of experts headed by the respected former CEO of Lockheed, Norm Augustine.

Chairman Augustine put the problem in stark terms when he wrote last December: ''In the five decades since I began working in the aerospace industry, I have never seen American business and academic leaders as concerned about this nation's future prosperity as they are today.''

The U.S. today has the strongest scientific and technological enterprise in the world, including the best research universities. But there is growing evidence and recognition that our educational system is failing in those areas that have directly underpinned our strength—science, engineering, and mathematics. We must invest for the future in those areas if we are to maintain our technological edge in the world.

The Augustine report entitled ''Rising Above the Gathering Storm'' did identify four broad areas for policy action. These were: 1. Increase the talent pool by improving K–12 science and math education. 2. Strengthen the Nation's traditional commitment to reseaerch. 3. Increase the talent pool by improving higher education focus on training math and science teachers. 4. Improve incentives, primarily through the tax code, for innovation.

The President's budget also recognizes the need to target Federal resources on those areas that will allow the country to continue to lead in innovation.

The President's ''American Competitiveness Initiative'' similarly focuses on increasing resources for basic research and science, and by filling gaps in our education competitiveness agenda with expanded ''Math Now'', Adjunct Teacher Corps, and Advanced Placement and International Baccalaureate programs.

Trying to put all this into one piece of legislation has been a challenge. Indeed, at least three different Senate Committees—Energy, Commerce, and HELP—all have jurisdiction over programs and policies in this area. This does not even address tax policies under the jurisdiction of the Finance Committee.

So in July I directed the three major Senate Committees with responsibility for authorizing legislation to combine their various proposals into one bill. The bill Senator REID and I introduce today is the result of a lot of hard work over the summer and August recess month.

First I want to acknowledge the leadership of Senator ENSIGN, Chairman of the Commerce Subcommittee on Technology, Innovation, and Competitiveness in helping to produce this legislation.

Second, I thank the Chairmen and Ranking Members of Energy, Commerce, and the HELP Committees for their dedication to this project—Senators DOMENICI, BINGAMAN, STEVENS, INOUYE, ENZI, and KENNEDY.

Finally, Senators ALEXANDER, LIEBERMAN, HUTCHISON, NELSON, and MIKULSKI have contributed their time and insights into this important legislation and I am sure there are others I have failed to mention.

While the legislation does not address all of the issues raised in the various studies—it is doubtful anyone piece of legislation could—it nonetheless is a start, it is a good first step, and of course it is a bipartisan first step.

The legislation would, among other things: 1. Authorize a doubling of the funding for basic Federal research over the next 5 years at the National Science Foundation, and significantly expand funding for basic research at National Institute of Standards and Technology, the Department of Energy's Office of Science, and NASA. 2. Recruit and train needed new math and science teachers. 3. Create new Teachers Institutes to improve the teaching techniques for math and science. 4. Create a DOE—DARPA dedicated to the goal of increasing innovation and competitive breakthroughs in technology. 5. Expand scholarship programs to recruit and train math and science teachers at the K–12 level. 6. Increase the number of students taking Advanced Placement courses and entering International Baccalaureate programs, and 7. Increase funding for ''early career'' researchers.

Authorizations for these programs would total $73 billion over the next five years, less than $2.0 billion above the President's request.

When we consider that over the next five years our economy will exceed $76 trillion—a 1 percent investment for the future seems a small price to pay for our continued economic security and leadership in the world.

This legislation is the correct thing to do for the country's future economic security.

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. 3936

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 ''National Competitiveness Investment Act''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Commerce and Science.

(2) DIVISION B.—Department of Energy.

(3) DIVISION C.—Education.

(4) DIVISION D.—National Science Foundation.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.
Sec. 1102. Study on barriers to innovation.
Sec. 1103. National Innovation Medal.
Sec. 1104. Release of scientific research results.
Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.
Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.
Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.
Sec. 1302. Aeronautics Institute for Research.
Sec. 1303. Basic Research enhancement.
Sec. 1304. Aging workforce issues program.
Sec. 1305. Conforming amendments.
Sec. 1306. Fiscal year 2007 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.
Sec. 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 1403. Innovation acceleration.
Sec. 1404. Manufacturing extension.
Sec. 1405. Experimental Program to Stimulate Competitive Technology.
Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.
Sec. 1502. NOAA ocean and atmospheric science education programs.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.
Sec. 2004. Department of Energy early-career research grants.
Sec. 2005. Advanced Research Projects Authority-Energy.
Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.
Sec. 2007. Discovery science and engineering innovation institutes.
Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.
Sec. 2009. Title IX compliance.
Sec. 2010. High-risk, high-reward research.
Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.
Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.
Sec. 3112. Definitions.
Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.
Sec. 3114. Programs for master's degrees in mathematics, science, or critical foreign languages education.
Sec. 3115. General provisions.
Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.
Sec. 3122. Definitions.
Sec. 3123. Advanced Placement and International Baccalaureate programs.

TITLE II—MATH NOW

Sec. 3201. Math Now for elementary school and middle school students program.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.
Sec. 3302. Definitions.
Sec. 3303. Program authorized.
Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P–16 education data systems.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.
Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.
Sec. 4003. Graduate fellowships and graduate traineeships.
Sec. 4004. Professional science master's degree programs.
Sec. 4005. Increased support for science education through the National Science Foundation.
Sec. 4006. Meeting critical national science needs.
Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.
Sec. 4008. Experimental Program to Stimulate Competitive Research.
Sec. 4009. Encouraging participation.
Sec. 4010. Cyberinfrastructure.
Sec. 4011. Federal information and communications technology research.
Sec. 4012. Robert Noyce Teacher Scholarship Program.
Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.
Sec. 4014. National Science Foundation teacher institutes for the 21st century.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the ''American Innovation and Competitiveness Act of 2006''.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science and technology enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2007, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) the extent to which Federal funding promotes or hinders innovation; and

(11) the extent to which individuals are being equipped with the knowledge and skills

necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, especially in mathematics, science, and reading;

(B) the rate of student entrance into institutions of higher education by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing postsecondary education programs; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics; and

(D) access to, and availability of, high quality job training programs.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into the contract required by subsection (a), the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for fiscal year 2007 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting ''**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**''; and

(2) in subsection (a), by striking ''Technology Medal'' and inserting ''Technology and Innovation Medal''.

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'').

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such polices and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) IN GENERAL.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) DUTIES.—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) MEMBERSHIP AND COORDINATION.—

(1) MEMBERSHIP.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) Any other department or agency designated by the President.

(2) CHAIRPERSON.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) COORDINATION.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) MEETINGS.—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) DEVELOPMENT OF INNOVATION AGENDA.—

(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) CONTENTS.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) ADVISORS.—

(A) RECOMMENDATION.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other nongovernmental organizations working in the area of science or technology.

(B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) REQUIREMENT TO CONSULT.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—

(A) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) TECHNICAL AMENDMENT.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking ''an'' in the first sentence and inserting ''a distinct''.

(f) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) PROGRAM ESTABLISHED.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) DEPARTMENTS AND AGENCIES.—

(1) FUNDING GOALS.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—

(i) IN GENERAL.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term ''Federal research agency'' means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term ''major organizational component'', with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 42 U.S.C. 16701 et seq.).

(c) COOPERATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2490).

(2) RESOURCES.—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895).

(3) OTHER COORDINATION.—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) PARTNERSHIPS.—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) MEMBERSHIP.—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

(1) Space Science.

(2) Earth Science.

(3) Life and Microgravity Sciences.

(4) Aeronautical Research.

(d) LEADERSHIP.—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experience in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) SUPPORTING RESOURCES AND PERSONNEL.—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) DUTIES.—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 42 U.S.C. 16611(d)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (2)(B);

(2) by striking ''Act.'' in paragraph (2)(C) and inserting ''Act; and'';

(3) by adding at the end of paragraph (2) the following:

''(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission.''; and

(4) by adding at the end of paragraph (3) the following:

''(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.''.

SEC. 1306. FISCAL YEAR 2007 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2007 by $160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2007, $639,646,000, of which $110,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2008, $703,611,000, of which $115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2009, $773,972,000, of which $120,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(4) for fiscal year 2010, $851,369,000, of which $125,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(5) for fiscal year 2011, $936,506,000, of which $130,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.—

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretary of Commerce for Technology.''.

(2) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) REPEAL OF AUTHORIZATION.—Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking ''sections 5, 11(g), and 16'' and inserting ''sections 11(g) and 16''; and

(B) in paragraph (2), by striking ''$500,000 is authorized only for the purpose of carrying

out the requirements of the Japanese technical literature program established under section 5(d) of this Act;''.

(4) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking ''the Technology Administration of the Department of Commerce,'' and inserting ''the National Institute of Standards and Technology,''.

SEC. 1403. INNOVATION ACCELERATION.

(a) PROGRAM.—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the ''Standards and Technology Acceleration Research Program'', to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD RESEARCH DEFINED.—In this section, the term ''high-risk, high-reward research'' means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ''A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.'' after ''at declining levels.''.

(b) FEDERAL SHARE.—Strike section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) and insert the following:

''(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).''.

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) ARRANGEMENTS.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) REQUIREMENTS FOR MAKING AWARDS.—

(1) IN GENERAL.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) CRITERIA FOR STATES.—The Director shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) COORDINATION.—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) REQUIREMENTS FOR REPORT.—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking ''up to 1 per centum of the'' in the first sentence.

(b) FINANCIAL AGREEMENTS.—

(1) CLARIFICATION.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting ''and grants and cooperative agreements,'' after ''arrangements,''.

(2) MEMBERSHIPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking ''and'' after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

''(22) notwithstanding subsection (b)(4) of this section, the Grants and Cooperative Agreements Act (31 U.S.C. 6301–6308), the Competition in Contracting Act (31 U.S.C. 3551–3556), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and''.

(c) WORKING CAPITAL FUND.—Section 12 of the National Institute of Standards and Development Act (15 U.S.C. 278b) is amended by adding at the end the following:

''(g) AMOUNT AND SOURCE OF TRANSFERS.—Not to exceed one-quarter per centum of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.''.

(d) OUTDATED SPECIFICATIONS.—

(1) REDEFINITION OF METRIC SYSTEM.—Section 2 of the Act of July 28, 1866, entitled

''An Act to authorize the Use of the Metric System of Weights and Measures'' (15 U.S.C. 205; 14 Stat. 339, 340) is amended to read as follows:

''SEC. 2. METRIC SYSTEM DEFINED.

''The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.''.

(2) REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.—The Act of July 21, 1950, entitled, ''An Act To redefine the units and establish the standards of electrical and photometric measurements of 1950'' (15 U.S.C. 223, 224) is hereby repealed.

(3) IDAHO TIME ZONE.—Section 3 of the Act of March 19, 1918, (15 U.S.C. 264; commonly known as the Calder Act) is amended—

(A) in the section heading, by striking ''**third zone**'' and inserting ''**fourth zone**''; and

(B) by striking ''third zone'' and inserting ''fourth zone''.

(4) STANDARD TIME.—The first section of the Act of March 19, 1918, (15 U.S.C. 261; commonly known as the Calder Act) is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''For the purpose'';

(B) by striking the second sentence and the extra period after it and inserting ''Except as provided in section 3(a) of the Uniform Time Act of 1966, the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours.''; and

(C) adding at the end the following:

''(b) COORDINATED UNIVERSAL TIME DEFINED.—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.''.

(e) RETENTION OF DEPRECIATION SURCHARGE.—Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Within''; and

(2) adding at the end the following:

''(b) RETENTION OF FEES.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A–25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of National Institute of Standards and Technology's existing facilities.''.

(f) NON-ENERGY INVENTIONS PROGRAM.—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) NOAA SCIENCE EDUCATION PLAN.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) CONSTRUCTION.—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Protecting America's Competitive Edge Through Energy Act'' or the ''PACE–Energy Act''.

SEC. 2002. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

''(b) ORGANIZATION OF MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—

''(1) DIRECTOR OF MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the 'Director') with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

''(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

''(3) DUTIES.—The Director shall—

''(A) oversee all mathematics, science, and engineering education programs of the Department;

''(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

''(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

''(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

''(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

''(4) STAFF AND OTHER RESOURCES.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

''(5) ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

''(B) CONSIDERATIONS.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

''(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION FUND.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.''.

(b) CONSULTATION.—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) DEFINITION.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

''(5) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).''.

(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

''Subpart A—Science Education Enhancement'';

(2) in section 3169, by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

''Subpart B—Mathematics, Science, and Engineering Education Programs

''SEC. 3170. DEFINITIONS.

''In this subpart:

''(1) DIRECTOR.—The term 'Director' means the Director of Mathematics, Science, and Engineering Education.

''(2) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

''SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

''(a) PURPOSE.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering) education to improve the academic achievement of students in mathematics and science.

''(b) DEFINITION OF SPECIALTY SCHOOL FOR MATHEMATICS AND SCIENCE.—In this chapter, the term 'specialty school for mathematics and science' means a public secondary school (including a school that provides residential services to students) that—

''(1) serves students residing in the State in which the school is located; and

''(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering) curriculum designed to improve the academic achievement of students in mathematics and science.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

''(2) RESOURCES.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

''(A) increase experiential, hands-on learning opportunities in mathematics and science for students attending such schools; and

''(B) provide ongoing professional development opportunities for teachers employed at such schools.

''(3) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(A) assists teachers in teaching courses at the schools funded under this section;

''(B) uses National Laboratory scientific equipment in teaching the courses; and

''(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

''(4) RESTRICTION.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

''(d) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c)(1) shall be—

''(A) not less than 50 percent; and

''(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

''(e) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

''(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

''(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

''(A) in accordance with the activities described in subsection (g); and

''(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

''(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics and science;

''(4) the curricula and materials to be used in the school;

''(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

''(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics and science education, including institutions of higher education.

''(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

''(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(g) USES OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

''(A) employ proven strategies and methods for improving student learning and teaching in mathematics and science;

''(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments that are aligned with the State's academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) SPECIAL RULE.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student academic achievement in mathematics and science.

''(h) EVALUATION AND REPORT.—

''(1) STATE EVALUATION AND REPORT.—

''(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics and science assessments.

''(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE–Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2007;

''(2) $20,000,000 for fiscal year 2008;

''(3) $30,000,000 for fiscal year 2009;

''(4) $40,000,000 for fiscal year 2010; and

''(5) $50,000,000 for fiscal year 2011.

''CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

''SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

''(a) INTERNSHIPS AUTHORIZED.—

''(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

''(A) provide the students with internships at the National Laboratories; and

''(B) promote experiential, hands-on learning in mathematics or science.

''(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

''(b) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

''(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

''(c) PRIORITY.—

''(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

''(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

''(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B) for which there is—

''(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

''(ii) a high teacher turnover rate; or

''(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

''(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

''(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

''(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

''(A) participation by parents and educators; and

''(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

''(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

''(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2011.

''CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION

''SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION.

''(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term 'high-need public secondary school' means a secondary school—

''(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

''(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

''(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics and Science at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

''(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

''(d) SELECTION.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

''(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

''(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

''(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics and Science; and

''(2) uses National Laboratory scientific equipment in the teaching of the courses.

''(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

''(1) provision of clinical practicum, student teaching, or internship experiences for math and science teacher candidates as part of its teacher preparation program;

''(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

''(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

''(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

''(i) PLAN.—The Director shall—

''(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

''(2) disseminate information obtained from those measurements.

''(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

''CHAPTER 4—SUMMER INSTITUTES

''SEC. 3185. SUMMER INSTITUTES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(A) the mathematics or science (including engineering) department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

''(B) a nonprofit entity with expertise in providing professional development for mathematics or science teachers.

''(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, conducted during the summer, that—

''(A) is conducted for a period of not less than 2 weeks;

''(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

''(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

''(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

''(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

''(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

''(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(i) assists in providing training to teachers at summer institutes; and

''(ii) uses National Laboratory scientific equipment in the training.

''(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

''(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

''(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge of such teachers;

''(2) include material pertaining to recent developments in mathematics and science pedagogy;

''(3) provide training on the use and integration of technology in the classroom;

''(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

''(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

''(6) train teachers to use curricula that are—

''(A) based on scientific research;

''(B) aligned with challenging State academic content standards; and

''(C) object-centered, experiment-oriented, and concept- and content-based;

''(7) provide professional development activities, including supplemental and follow-up activities; and

''(8) allow for the exchange of best practices among the participants.

''(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

''(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

''(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

''(3) extended master teacher programs.

''(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

''(1) teachers from a wide range of school districts;

''(2) teachers from disadvantaged school districts; and

''(3) teachers from groups underrepresented in the fields of mathematics and science teaching, including women and members of minority groups.

''(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

''(g) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

''(2) CONTENTS.—The evaluation and accountability plan shall include—

''(A) measurable objectives to increase the number of mathematics and science teachers who participate in the summer institutes involved; and

''(B) measurable objectives for improved student academic achievement on State mathematics and science assessments.

''(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics and science teaching skills of participating teachers.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2007;

''(2) $25,000,000 for fiscal year 2008;

''(3) $40,000,000 for fiscal year 2009;

''(4) $50,000,000 for fiscal year 2010; and

''(5) $75,000,000 for fiscal year 2011.

''CHAPTER 5—NUCLEAR SCIENCE EDUCATION

''SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

''(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

''(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term 'nuclear science' includes—

''(1) nuclear science;

''(2) nuclear engineering;

''(3) nuclear chemistry;

''(4) radio chemistry; and

''(5) health physics.

''(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

''(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

''(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

''(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

''(A) the potential to attract new students to the program;

''(B) academic rigor; and

''(C) the ability to offer hands-on learning opportunities.

''(4) DURATION AND AMOUNT.—

''(A) DURATION.—A grant under this subsection shall be 5 years in duration.

''(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

''(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

''(A) recruit and retain new faculty;

''(B) develop core and specialized course content;

''(C) encourage collaboration between faculty and researchers in the nuclear science field; or

''(D) support outreach efforts to recruit students.

''(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

''(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

''(3) DURATION AND AMOUNT.—

''(A) DURATION.—A grant under this subsection shall be 5 years in duration.

''(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

''(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

''(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

''(B) enhance the teaching of advanced nuclear technologies;

''(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

''(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

''(E) provide tuition assistance and stipends to undergraduate and graduate students.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

''(A) $3,000,000 for fiscal year 2007;

''(B) $9,000,000 for fiscal year 2008;

''(C) $13,000,000 for fiscal year 2009;

''(D) $18,000,000 for fiscal year 2010; and

''(E) $22,500,000 for fiscal year 2011.

''(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

''(A) $5,000,000 for fiscal year 2007;

''(B) $11,000,000 for fiscal year 2008;

''(C) $16,500,000 for fiscal year 2009;

''(D) $22,000,000 for fiscal year 2010; and

''(E) $27,500,000 for fiscal year 2011.''.

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term ''eligible early-career researcher'' means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be 5 years in duration.

(B) AMOUNT.—An eligible early career-researcher who receives a grant under this section shall receive up to $100,000 for each year of the grant period.

(5) USE OF FUNDS.—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $6,500,000 for fiscal year 2007;

(B) $13,000,000 for fiscal year 2008;

(C) $19,500,000 for fiscal year 2009;

(D) $26,000,000 for fiscal year 2010; and

(E) $32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Advisory Board established under subsection (d).

(2) AUTHORITY.—The term ''Authority'' means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) DIRECTOR.—The term ''Director'' means the Director of the Authority appointed under subsection (c)(1).

(4) ENERGY TECHNOLOGY.—The term ''energy technology'' means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) ESTABLISHMENT.—The Secretary shall establish an Advanced Research Projects Authority-Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Authority.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) DUTIES.—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) ADVISORY BOARD.—

(1) APPOINTMENT.—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) QUALIFICATIONS.—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) TERM.—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) INFORMATION.—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) DUTIES.—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Directory concerning whether programs funded under this section are achieving the goals of the programs.

(e) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2009 and 2011 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''$5,200,000,000'' and inserting ''$4,800,000,000''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $4,945,000,000 for fiscal year 2010; and

''(5) $5,265,000,000 for fiscal year 2011.''.

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) IN GENERAL.—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as ''Institutes'') centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) TOPICAL AREAS.—The Institutes shall support scientific and engineering research and education activities on critical emerging technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;

(2) multi-scale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) MERIT-BASED SELECTION.—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) RESTRICTION.—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) REVIEW.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities of each Institute selected under this section $10,000,000 for each of fiscal years 2007 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term ''eligible student'' means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) ESTABLISHMENT.—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) CRITERIA.—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) AWARDS.—

(1) AMOUNT.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) DURATION.—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) PORTABILITY.—A fellowship awarded under this section shall be portable with the fellow.

(e) ADMINISTRATION.—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and,

(2) may enter into a contract with a nonprofit entity to administer the program, including the selection and award of fellowships.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) FELLOWSHIPS.—There are authorized to be appropriated to award fellowships under this section—

(A) $4,500,000 for 100 fellowships for fiscal year 2007;

(B) $9,300,000 for 200 fellowships for fiscal year 2008 (including non-expiring fellowships for the prior fiscal year);

(C) $14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(D) $25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(E) $35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) ADMINISTRATION.—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) $1,000,000 for fiscal year 2007;

(B) $1,000,000 for fiscal year 2008;

(C) $1,500,000 for fiscal year 2009;

(D) $2,500,000 for fiscal year 2010; and

(E) $3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04–639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.—In this section, the term ''high-risk, high reward research'' means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) ESTABLISHMENT OF GRANT PROGRAMS.—

(1) ENERGY GRANT PROGRAM.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) GEOLOGICAL GRANT PROGRAM.—The Director of the United States Geological Survey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) APPOINTMENT.—

(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) DURATION.—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2007 (to support up to 15 appointments under this section);

(2) $30,000,000 for fiscal year 2008 (to support up to 30 such appointments);

(3) $60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(4) $100,000,000 for each of fiscal years 2010 through 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this division:

(1) CRITICAL FOREIGN LANGUAGE.—The term ''critical foreign language'' means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term ''children from low-income families'' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or critical foreign language for use in carrying out activities assisted under this subtitle.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) HIGHLY QUALIFIED.—The term ''highly qualified'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) PARTNERSHIP.—The term ''partnership'' means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or critical foreign languages;

(iii)(I) a school or department within the eligible recipient that provides a teacher preparation program; or

(II) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; and

(iv) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) TEACHING SKILLS.—The term ''teaching skills'' means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics,

science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics or science courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics and science courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) TECHNICAL ASSISTANCE.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of master's degree programs in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics and science and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare teachers to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare teachers to assume leadership roles in their schools;

(7) how teachers who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends; and

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of teachers participating in the program.

(c) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills. The program shall—

(1) promote effective teaching skills so the teachers participating in the program become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics and science into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages; and

(B) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate; and

(9) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) EVALUATION AND REPORT.—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in increasing the following:

(1) The number and percentage of mathematics, science, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) The retention of teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) DURATION OF GRANTS.—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) EVALUATION.—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $180,000,000 for fiscal year 2007, $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1)(A) 55.5 percent shall be available to carry out section 3113 for fiscal year 2007; and

(B) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2)(A) 44.5 percent shall be available to carry out section 3114 for fiscal year 2007; and

(B) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 5-year period beginning in 2007, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ''Advanced Placement or International Baccalaureate course'' means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) LOW-INCOME STUDENT.—The term ''low-income student'' has the meaning given the term ''low-income individual'' in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term ''high concentration of low-income students'' has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency described in 3112(3)(A).

(6) HIGH-NEED SCHOOL.—The term ''high-need school'' means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $58,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE II—MATH NOW

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term ''eligible local educational agency'' means a high-need local educational agency (as defined in section 3112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds

made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) selecting and implementing a program of mathematics instruction, or materials and interventions, based on the best available evidence of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics instructional materials and interventions (including intensive and systematic instruction)—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are based on the best available evidence of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process; and

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies and materials are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section

1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $146,700,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) PARTNERSHIP.—The term ''partnership'' means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) SUPERIOR LEVEL OF PROFICIENCY.—The term ''superior level of proficiency'' means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) DURATION.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) USES OF FUNDS.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried

out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches; and

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) TECHNICAL ASSISTANCE.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) REPORT.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $22,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P–16 EDUCATION DATA SYSTEMS.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P–16 education data systems that—

(A) assist States in improving the rigor and quality of elementary and secondary education content knowledge requirements and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) P–16 EDUCATION.—The term ''P–16 education'' means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(3) STATEWIDE PARTNERSHIP.—The term ''statewide partnership'' means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) not less than 1 representative of a technical school;

(iv) not less than 1 representative of a public secondary school;

(v) the chief State school officer;

(vi) the chief executive officer of the State higher education coordinating board;

(vii) not less than 1 public elementary school teacher employed in the State;

(viii) not less than 1 public elementary school teacher certified in early childhood education;

(ix) not less than 1 public secondary school teacher employed in the State;

(x) not less than 1 representative of the business community in the State; and

(xi) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P–16 education data system.

(d) PERIOD OF GRANTS; NON-RENEWABILITY.—

(1) GRANT PERIOD.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) NON-RENEWABILITY.—The Secretary shall not award a State more than 1 grant under this section.

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P–16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve prekindergarten through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order

to ensure the students are adequately prepared when the students enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements; or

(iv) identifying and addressing teacher certification needs.

(2) GRANTS FOR STATEWIDE P–16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P–16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P–16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P–16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P–16 education data system produces valid and reliable data.

(C) DATA AND COMPLIANCE WITH FERPA.—The State, through the implementation of the statewide P–16 education data system, shall—

(i) ensure the implementation and use of valid and reliable secondary school dropout data; and

(ii) ensure that the statewide P–16 education data system meets the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to prekindergarten through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION.—With respect to prekindergarten through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align student knowledge and skills, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and school administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) in the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State content knowledge requirements through substantive curricula and other changes the State determines necessary, including scientifically based remediation and acceleration opportunities for students.

(D) in the case of a State applying for funding to establish or improve a statewide P–16 education data system—

(i) a description of and the timetable for the establishment or improvement of such system; and

(ii) an assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $80,000,000 for fiscal year 2007, $100,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

(1) $6,232,000,000 for fiscal year 2007;

(2) $6,808,000,000 for fiscal year 2008;

(3) $7,433,000,000 for fiscal year 2009;

(4) $8,446,000,000 for fiscal year 2010; and

(5) $11,200,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation—

(1) $1,050,000,000 for fiscal year 2007; and

(2) for each of the fiscal years 2008 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of

this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2007 through 2011, the following:

(A) $12,000,000 for fiscal year 2007.

(B) $24,000,000 for fiscal year 2008.

(C) $36,000,000 for fiscal year 2009.

(D) $48,000,000 for fiscal year 2010.

(E) $60,000,000 for fiscal year 2011.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(2) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2007 through 2011, the following:

(A) $11,000,000 for fiscal year 2007.

(B) $22,000,000 for fiscal year 2008.

(C) $33,000,000 for fiscal year 2009.

(D) $44,000,000 for fiscal year 2010.

(E) $55,000,000 for fiscal year 2011.

(c) DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.—In this section, the term ''eligible lawful permanent resident'' means a lawful permanent resident of the United States who declares an intent—

(1) to apply for United States citizenship; or

(2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCE FOR APPLICANTS WITH ALTERNATIVE FUNDING SOURCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2007;

(2) $15,000,000 for fiscal year 2008;

(3) $18,000,000 for fiscal year 2009; and

(4) $20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $33,000,000 for fiscal year 2007;

(2) $40,000,000 for fiscal year 2008;

(3) $45,000,000 for fiscal year 2009;

(4) $50,000,000 for fiscal year 2010; and

(5) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking ''include those that promote high quality—'' and inserting ''include programs that—

''(i) promote high-quality—'';

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking ''for students;'' and inserting ''for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;'';

(B) in subclause (V) (as redesignated by paragraph (1)), by striking ''and'' after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking ''students.'' and inserting ''students; and''; and

(D) by adding at the end the following:

''(VII) outreach programs that provide middle and secondary school students and their science and math teachers opportunities to increase the students' and teachers' exposure to engineering and technology;''; and

(4) by adding at the end the following:

''(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

''(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

''(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.''.

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) IN GENERAL.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation for the Experimental Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g)—

(1) $125,000,000 for fiscal year 2007; and

(2) for each of fiscal years 2008 through 2011, an amount equal to $125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) MENTORING PROGRAM.—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) ADDITIONAL LEARNING PROGRAM.—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) APPLICATIONS.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) PROGRAM EVALUATION.—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—

(1) NATIONAL SCIENCE FOUNDATION INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Research Board (referred to in this subsection as ''the Board'') which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) GRANT PROGRAM.—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(5) APPLICATIONS.—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $40,000,000 for fiscal year 2007;

(B) $45,000,000 for fiscal year 2008;

(C) $50,000,000 for fiscal year 2009;

(D) $55,000,000 for fiscal year 2010; and

(E) $60,000,000 for fiscal year 2011.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by inserting ''**TEACHER**'' after ''**NOYCE**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''to provide scholarships, stipends, and programming designed'';

(ii) by inserting ''and to provide scholarships and stipends to students participating in the program'' after ''science teachers''; and

(iii) by inserting ''Teacher'' after ''Noyce'';

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage top college juniors and seniors majoring in'' and inserting ''recruit and prepare undergraduate students to pursue degrees in''; and

(bb) by striking ''to become'' and inserting ''and become qualified as'';

(II) in clause (ii)—

(aa) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and clinical teaching experiences designed to prepare students participating in the program'';

(bb) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(cc) by striking ''licensing; and'' and inserting ''licensing;'';

(III) in clause (iii)—

(aa) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(bb) by striking ''enable the recipients'' and inserting ''enable the students''; and

(cc) by striking ''; or'' and inserting ''; and''; and

(IV) by adding at the end the following:

''(iv) providing summer internships for freshman and sophomore students participating in the program; or''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage'' and inserting ''recruit and prepare''; and

(bb) by inserting ''qualified as'' after ''to become'';

(II) by striking clause (ii) and inserting the following:

''(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as necessary to meet requirements for teacher certification or licensing;''; and

(C) by adding at the end the following:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or a consortium of such institutions) shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education (or consortium) may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education (or consortium) shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering department are active participants in the program.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''scholarship or stipend'';

(II) by inserting ''and summer internships'' after ''number of scholarships''; and

(III) by inserting ''the type of activities proposed for the recruitment of students to the program,'' after ''intends to award,'';

(ii) in subparagraph (B)—

(I) by striking ''scholarship or stipend''; and

(II) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of science and mathematics teachers and the number of teachers graduated annually from such programs;''; and

(iii) by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii) or B)(ii) of subsection (a)(3), including—

''(i) a description of the undergraduate program that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

''(ii) a description of clinical teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

''(D) a description of the programs required under subparagraph (A)(iii) or (B)(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(ii) by inserting after subparagraph (A) the following:

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;'';

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''of scholarship support'' and inserting ''of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support''; and

(B) in paragraph (4), by inserting '', with a maximum service requirement of 4 years'' after ''was received'';

(5) in subsection (d)—

(A) in paragraph (2), by inserting ''and professional achievement'' after ''academic merit''; and

(B) in paragraph (4), by striking ''for each year a stipend was received'';

(6) in subsection (g)—

(A) in paragraph (1), by inserting ''or stipend'' after scholarship; and

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

''(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

''(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.'';

(7) by redesignating subsection (i) as subsection (k);

(8) by inserting after subsection (h) the following:

''(i) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, or internships associated with the programs under this section.

''(j) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the National Competitiveness Investment Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.'';

(9) in subsection (k) (as redesignated by paragraph (7))—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

''(2) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

''(A)(i) that serves not less than 10,000 children from low-income families;

''(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;''; and

(C) in paragraph (4) (as redesignated by subparagraph (A)) by inserting ''or had a career'' after ''is working''; and

(10) by adding at the end the following:

''(l) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the National Competitiveness Investment Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program under this section—

''(A) $105,000,000 for fiscal year 2007, of which at least $15,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A) and clauses (ii) and (iii) of subsection (a)(3)(B);

''(B) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for such capacity building activities;

''(C) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

''(D) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

''(E) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

''(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (E) of paragraph (1) shall not exceed 15 percent of the allocated funds.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking ''In this Act:'' and inserting ''Except as otherwise provided, in this Act:''.

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by inserting ''TEACHER'' after ''NOYCE''; and

(B) by inserting ''Teacher'' after ''Noyce''.

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

(1) $76,000,000 for fiscal year 2007;

(2) $84,000,000 for fiscal year 2008;

(3) $94,000,000 for fiscal year 2009;

(4) $106,000,000 for fiscal year 2010; and

(5) $140,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking ''summer or'' and inserting ''teacher institutes for the 21st century, as described in paragraph (7),'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

''(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

''(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

''(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

''(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

''(iv) focus on the theme and structure developed by the Director under subparagraph (C);

''(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

''(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

''(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

''(viii) provide for direct interaction between participants in and faculty of the teacher institute;

''(ix) have a component that includes the use of the Internet;

''(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

''(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

''(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

''(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

''(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).''.

Mr. INOUYE. Mr. President, I am proud to join my colleagues from the Commerce, Energy, and Health, Education, Labor, and Pensions Committees in introducing the National Innovation Investment Act. This bill represents the culmination of nearly a year's work by three Committees. We examined the Nation's civilian research and education enterprises and their contributions to innovation and economic competitiveness.

By the broadest definition, the Committee on Commerce, Science, and Transportation is responsible for the economic and commercial health of the country. We have expertise that touches on multiple fields of industry from telecommunications to transportation; from the safety of the home to the security of the homeland; and from marine containers to marine mammals.

At the end of the day, our middle name is ''science,'' and we brought that perspective to this bipartisan effort to use technology and innovation to address emerging challenges to our national economic competitiveness.

The lynchpin of continued innovation that will lead to economic competitiveness will be educating and inspiring young people to be educated and employed in science- and technology-related disciplines. This bill uses educational programs to inspire students from kindergarten through graduate school to pursue math and science. It also ensures that the Nation's enterprise research is well-funded and focused on the needs of the Nation.

This bill includes a 5-year authorization that would double funding for the National Science Foundation, NSF, and significantly increase funding for the National Institute of Standards and Technology, NIST. The Congress has increased funding for NSF before. This time, with the help of my colleagues and the administration, I hope we can actually provide those dollars to NSF, NIST, and the other priority agencies outlined in the bill.

I am pleased that the Commerce Committee and this group were able to include several provisions related to ocean and atmospheric research and education. The ocean truly is the last frontier on Earth and ocean research and technology may have broad implications for improving health and understanding our environment.

The U.S. Commission on Ocean Policy recognized this potential in their final report and dedicated three chapters to recommendations on ways to improve ocean education, basic research, and technological innovation. Recognizing the allure that the oceans hold for many young people, the Commission viewed ocean education as a tool that could be used to increase general science and math literacy in the U.S., and we have incorporated that notion into this bill.

The United States can and must remain strong and competitive in the face of emerging challenges from the rest of the world. This bill is not the final answer, but it is a starting point. We will begin by strengthening science research and improving education to generate the ideas that U.S. companies can transform into the next breakthrough product.

I would be remiss if I did not mention that this bill contains input from the leadership, the Chairs and ranking members of three major committees, Senators DOMINICI, BINGAMAN, STEVENS, ENZI, KENNEDY, and myself, as well as Senators ENSIGN, LIEBERMAN, ALEXANDER, MIKULSKI, HUTCHISON, and BILL NELSON.

However, the Senate, at large, also must be involved in the process of considering and improving the bill. From the beginning, we have been assured that the bill would be considered in an open process. I support the bill and look forward to its thorough consideration by the Senate.

Mr. KENNEDY. Mr. President, families across America are facing serious challenges in today's global economy. The value of their wages is declining, the cost of living is going up, and many

of their jobs are being shipped overseas.

We must respond to this challenge to ensure that our citizens can achieve the American dream once again. We have the best workers in the world, and we must prepare them to compete and succeed in the global economy.

America has long been at the forefront in innovation, invention, and education. But other countries are catching up and surpassing us.

We are now ranked 28th out of 40 nations in math education.

Since 1975, we have dropped from 3rd to 15th in the world in producing scientists and engineers.

A recent report shows that high school and college graduation rates in the United States have dropped below the average for other developed countries.

Federal investment in research and development has been shrinking as a share of the economy, and government research programs at the National Institutes of Health, the National Science Foundation and the Department of Energy all have less funding this year than they did three years ago.

At the same time, fast-growing countries like China, Ireland and South Korea are realizing the potential for economic growth that comes with investing in innovation. For example, China's total research and development investments rose from $12.4 billion in 1991 to $84.6 billion in 2003, an average increase of 17 percent a year. Over the same period, the increase in U.S. investment averaged only 4 to 5 percent annually.

Study after study tells us that we need major new investments in education and research and development to stay ahead. We cannot just tinker at the margins and expect to master our own destiny in the global economy. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our families, to our economy, to our Nation, and to our national security.

Last year, the Council on Competitiveness urged a focus on lifelong skill development—through elementary, secondary and higher education, and workforce training and support, as essential to keeping America on the cutting edge of innovation.

The recent report by the National Academy of Sciences, ''Rising Above the Gathering Storm,'' emphasized these recommendations. Two of the report's four major recommendations involved education as the solution to meeting the global challenge. The report set out a broad roadmap for keeping America competitive, but it prioritized investment in education over all other recommendations.

The National Association of Manufacturers also issued a report urging renewed focus on education and training to keep American businesses competitive.

It is clear that we must act, and today we are taking a step toward putting America back on the right track.

I am pleased to join with a bipartisan group of my colleagues today to introduce the National Competitiveness Investment Act. It is a modest proposal, but it represents an important downpayment on the commitment and sustained investment needed to keep America competitive in the years to come.

The legislation responds to many of the recommendations in the ''Gathering Storm'' and other recent reports and includes many provisions based on those in the Right TRACK Act, which I introduced earlier this year.

The bill takes important steps to encourage innovation in America as a way to create jobs and move our economy forward. It is often federally funded research that primes the pump for technological, medical and scientific breakthroughs, and the bill doubles basic research funding by the National Science Foundation over the next five years. It also puts us on a strong course to doubling basic research funding at the Department of Energy as well.

The legislation also creates a President's Council on Innovation and Competitiveness, based on successful models being used in established and emerging economies in Europe and Asia. The council will bring together the heads of Federal agencies with leaders in business and academia to develop a comprehensive agenda to promote innovation. Japan for some time has had a similar council, and Ireland, known as the Celtic Tiger, has already had success in expanding its R&D strength since it established its council last year.

The bill also strengthens programs at college and universities to encourage a renewed interest in nuclear science. Massachusetts has long been a leader in nuclear research. There are only three dozen licensed nuclear reactors in the United States, and three of them are located at Massachusetts universities—University of Massachusetts Lowell, Worcester Polytechnic Institute and MIT. These colleges will have a vital role as nuclear science expands, and this bill will help expand their programs and establish new ones to meet the growing demand.

These are important investments, but there is more we can do. We should act to renew the research and development tax credit as soon as possible. The incentive provided by the tax credit has led to quality jobs, better, safer products, greater productivity and a stronger, more robust national economy. A growing number of countries who recognize the importance of research and development spending to future economic growth now offer more generous R&D tax incentives than the United States. The top 6 pharmaceutical companies, and American high tech companies like Microsoft, Intel and GE have all opened advanced R&D facilities in India. We must give American companies the certainty that these incentives will continue to be there, so that they can choose to maintain these high-skilled jobs here at home, to keep America at the cutting edge as a leader in innovation in the global economy.

These investments also depend on a talented pool of well-trained individuals who can make discoveries and scientific breakthroughs. Jobs in science and engineering are expected to increase 70 percent faster than those in other fields over the next 6 years. To ensure Americans are prepared to hold these jobs, we must improve education at all levels—from the very early years in a child's life all the way through doctoral study and beyond—especially in math, science, engineering and technology.

Although international comparisons of student achievement show that the United States is slipping behind other countries, a closer look shows that the picture is more complex. The real problem lies in the serious and pervasive achievement gap in this country between higher income students and lower income students.

On the most recent test comparing student achievement in industrialized nations, white students in the United States performed better than the average for all countries in both math literacy and problem solving, while their Hispanic and African American peers did worse. Low-income students in the U.S. performed worse than their high-income peers, and also performed worse than other low-income students in over half of the developed countries surveyed.

If we close this achievement gap, and guarantee all children in this country a world-class education, we can put America back at the top of the list. To do so, we should fully fund the No Child Left Behind Act.

We must also invest in teachers. The National Competitiveness Investment Act recognizes and responds to the critical need to recruit and train high quality math, science, technology and engineering teachers to teach in the schools with the greatest need so that we can begin to close the achievement gap and ensure that all American students can compete on a level playing field with their peers in other nations.

Research shows that having a high quality teacher is one of the most important factors in a child's success in school. But almost half of math classes taught in high poverty and high minority schools are taught by teachers without a college major or minor in math or a related field, such as math education, physics or engineering. The problem is even more serious in middle schools—70 percent of math classes in these schools are taught by a teacher who doesn't even have a minor in math or a related field.

The bill provides a 10-fold increase in the Robert Noyce Teacher Scholarship program at the National Science Foundation to recruit math, science, engineering and technology students and professionals to become teachers in high need school districts.

It provides grants to institutions of higher education to create undergraduate programs that integrate the study of math, science, engineering, or critical need foreign language with teacher education, modeled on the successful U-Teach program at the University of Texas. It also helps institutions create part-time master's degree programs to improve the content knowledge and teaching skills of current teachers. In both of these programs, universities would partner with high-need school districts to ensure that these resources will go where they are needed most.

The bill expands the Teacher Institutes for the 21st Century program at the National Science Foundation to provide cutting-edge summer professional development programs for teachers who teach in high-need schools. It also creates a summer institute program in the Department of Energy to strengthen the math and science teaching skills of elementary and secondary school teachers.

Recruitment and training are the first steps, but we must also do more to see that teachers have an incentive to stay in classrooms once they are there. We should provide financial incentives—through fellowships or salary increases—to teachers who commit to teach in the highest need schools, where the unique challenges make the schools the hardest to staff. I look forward to working with my colleagues as the bill moves forward to add this critical component to the effort.

In addition to providing a high quality teacher in every classroom, we must also ensure that children in low income school districts have access to the same college preparatory classes that more affluent school districts are able to provide—and, importantly, that they have the preparation they need to succeed in those classes. To do so, the bill expands access to Advanced Placement and International Baccalaureate classes as well as pre-AP and pre-IB courses, especially in high need schools, and creates a program to improve instruction in math for elementary and middle school students and provide targeted help to students struggling with the subject.

The bill also addresses the critical need to ensure our education system is preparing students for the challenges they face after graduation from high school. According to a recent study, the Nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential because students are not adequately prepared to enter college when they leave high school.

Many States have recognized the need to better align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. This bill provides grants to assist States in those efforts. The grants would support state PreK–16 councils that bring together stakeholders from all levels of the education community, from the business sector, and from the military to improve the rigor of elementary and secondary education and prepare students for the postsecondary challenges they will face.

These provisions will help spur the development of more rigorous standards and innovative curricula that engages our children in learning to inspire a new generation of scientists and engineers. It will assist states in the work they are doing to create new disciplines in engineering and technology at the elementary school level that allow students to learn the practical applications of math and science. I am proud that the National Center for Technological Literacy at the Museum of Science, Boston is at the forefront of these efforts.

In addition to the education programs at the Department of Education and the National Science Foundation, the legislation relies on the resources of the Department of Energy to assist in the effort to improve math and science education. The National Labs at the Department of Energy can have a critical role in these efforts, and so can the more than 300 colleges and universities across the country conducting research supported by the Department of Energy. I appreciate my colleagues' efforts to ensure that the resources of the Department of Energy are used to enhance educational opportunities for children not only in the states that host National Labs, but across the country.

It is also becoming increasingly important for students to become exposed to and immersed in critical foreign languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce. But if students are to become proficient in these critical foreign languages, they must have access to a sustained course of study, beginning in the early grades.

To address these needs, the bill provides grants to enable institutions of higher education and local educational agencies working in partnership to create programs of study in critical foreign languages for students from elementary school through postsecondary education.

All of these programs and investments will help prepare our students to compete in the 21st century, but if we are serious about keeping America competitive, there is more we can and must—do.

A college degree is fast becoming the price of admission to participation in the global economy. Eighty percent of the fastest growing jobs in this country will require some postsecondary education. A recent study by the Organisation for Economic Co-operation and Development shows that in the United States, earnings of people with a post-secondary degree are 72 percent higher on average than for those with only a high school diploma.

But with soaring costs and stagnant financial aid, college is increasingly out of reach for students and families. Research shows that 400,000 students a year do not go to a four year college because they cannot afford it.

When our troops returned home from World War II, we created the GI Bill and sent them to college to learn the skills they would need in the changing world. The economy reaped an estimated $7 in benefit for every dollar invested in that effort.

In recent decades however, Federal grant aid has dwindled and the grants provided don't go as far as they used to. Thirty years ago, 77 percent of the federal assistance provided to students was in the form of grants, but in recent years it's 20 percent. The Pell Grant now covers less than 35 percent of the cost of attending college.

To ensure the prosperity of our families and the nation, we must open the doors of college to all by restoring the Pell Grant as the foundation of the student aid system.

Earlier this year, Congress squandered an opportunity to significantly increase aid for low income students. The Senate passed a bill that would have immediately increased the Pell grant from $4,050 to $4,500. But this increase was rejected, and the funds instead were used to pay for tax giveaways for the wealthiest Americans.

I know many of my colleagues agree that higher education is the key to keeping America competitive, and I look forward to working with them to ensure that the cost of college is not a barrier to full participation in the new economy.

We must also do more to address the devastating impacts of the global economy on American workers and their families.

American workers are facing global competition that is fundamentally unfair, but this bill does nothing to level the playing field or to help ease the burden of their transition to the global economy. To truly improve our national competitiveness, we must address all aspects of this challenge. We cannot continue to ignore the plight of working Americans.

First, we need to level the playing field in the competition for good jobs. Americans have nothing to fear from competition that's fair. But it's not fair when Americans are competing with foreign workers who lack even basic labor standards, like child labor laws, a minimum wage, or the right to organize. And it's not fair when companies cut costs by exploiting and abusing foreign workers.

We need to exercise global leadership in promoting fair wages and safe working conditions for workers around the

world, reward companies that treat their foreign workforces fairly, and be a strong voice in sanctioning those countries that will not play by the rules.

Beyond these basic steps to level the playing field, we owe a particular duty to those American workers who are losing their jobs because of trade. We all benefit from the lower prices and variety of products that globalization provides, but many of our most vulnerable workers are paying the price. In the manufacturing sector alone, we've lost nearly 3 million manufacturing jobs since 2001, and service sector jobs are now moving overseas as well. These are good, middle-class jobs, with decent wages and benefits that form the core of the American middle class.

Our response to globalization must address the disappearance of good jobs. We must create the good jobs of the future. We must eliminate tax incentives for companies to ship jobs overseas. We must give workers who are at risk of losing their jobs to overseas competition fair warning so that they can plan for their futures. We must strengthen our commitment to help workers who lose their jobs adjust to the new economy, with well-funded training and income assistance programs that ease the transition to new employment.

Fulfilling our commitment to American workers also demands that we give them their fair share of the economic growth that globalization brings. We must raise the minimum wage to $7.25 an hour, and give workers a stronger voice in the new economy by protecting their right to organize and form a union.

If we truly want to be competitive in the global economy, we need to address these challenges facing the American workforce head on, and give workers greater job security in the present, and better opportunities in the future. I hope that the same bipartisan coalition that has worked together so effectively on this bill can also work together to address these important issues for America's working families.

The legislation we are introducing today is not a complete package. It represents only the beginning of a strong commitment that we will need to build on and sustain if America is to remain competitive in the years ahead. I am proud that the bill has strong bipartisan support, and that support is critical to ensuring these proposals become a reality.

In 2001, there was strong bipartisan support to significantly increase funding to improve our schools through the No Child Left Behind Act. But President Bush's budget this year would mean a cumulative shortfall of $56 billion in funding since that bill was enacted, and this year he proposed cutting education funding by $2 billion.

In 2002, we promised to double NSF funding, but last year's appropriation was only two-thirds the level we agreed to four years ago—nearly $3 billion short of staying on track to that goal.

Words alone will not keep America competitive. This legislation must be more than a promise. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments needed to fully support these important proposals.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. When we were called into action in 1957 with the Soviet Sputnik launch, we rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was by an American. We doubled the federal investment in education.

We need the same bold commitment to help the current generation meet and master the global challenges of today and tomorrow. The National Competitiveness Investment Act will start to put America back on track. I look forward to working with my colleagues to improve upon the bill as it moves forward and to expand on these efforts in the months to come.

Mrs. HUTCHISON. Mr. President, several of my colleagues and I have joined with the Senate leadership today in introducing important legislation to address the challenges of innovation and competitiveness that our Nation faces. Among the provisions of this legislation is the recognition and expansion of the significant role that NASA plays in our Nation's search for knowledge and excellence.

NASA already has an outstanding track record of achievement in this area. That record exists because individuals and organizations within NASA have taken the initiative over the years to reach for excellence in their work, just as the agency has sought to reach the stars. I am especially proud that the Johnson Space Center in Houston has played a leading role in these efforts. We all know that it takes dedicated and inspired people to make things happen in any great undertaking.

I would like to recognize the dedicated efforts of one of those people, Gregory W. Hayes, who is retiring at the end of the month from NASA after nearly 34 years at the agency and nearly 25 years of supervisory and managerial experience at the Johnson Space Center in Houston.

Mr. Hayes has made significant and lasting contributions to the Nation's civilian space agency. A few examples will illustrate how the American taxpayer has benefited from Mr. Hayes' distinguished public service career:

His commitment to innovative management of the center's human resources over the decades, including the selection and recruitment of our astronauts as well as the pursuit of innovative workforce practices, has contributed to ensuring that JSC attracts the best and brightest from the Nation's technical talent pool.

His lifelong dedication to encouraging young people's interest in space exploration has taken many forms including partnering with a local Houston school district to develop a new program in which more than 100 JSC employees volunteer to serve as technical advisors to local schools for math, science, and technology.

His instrumental role in establishing the Aerospace Academy—a partnership among community educational systems that helps to increase the number of technical employees and the number of math and science teachers in the area.

His collaboration with the State of Texas to secure funding for the Texas Aerospace Scholars, a program designed to provide hands-on experience at JSC to high school and college students that will ensure the development of a technical workforce ready for the challenges of the 21st century.

Mr. Hayes also set a compelling example for his colleagues by reaching out to the local community. He served on the Bay Area Houston Economic Partnership board for several years, as well as serving as an advisor on its various task forces; his work promoted the health of the community and the Nation's space program.

In recognition of Mr. Hayes' formidable leadership skills, it is not surprising that the Office of the NASA Administrator recruited him to take a leadership role in establishing and executing the agency's path-finding effort known as the Freedom to Manage, F2M, Task Force for Human Resources. That activity was designed to fulfill the President's Management Agenda charter to identify and remove impediments to efficient and effective ways of doing business. In the course of its work, the task force identified more than 100 potential areas for improvement in human resources—dozens of which were immediately implemented through changes to internal policies and practices.

In addition to his extraordinary contributions to the, human resources and education fields, Mr. Hayes, in his capacity as JSC Director of External Relations, demonstrated great initiative and vision in his efforts to proactively reach out to the emerging commercial space sector and seek innovative collaborative arrangements. Recent examples include his efforts to pursue cooperative agreements with companies such as Bigelow Aerospace, which this past summer launched a pioneering low earth orbiting expandable habitat and has opened a satellite office near JSC; as well as an engineering collaboration with SpaceX—one of the winners of the recently concluded COTS awards. These are but two examples of several other significant partnerships with the entrepreneurial space sector that Mr. Hayes has pursued.

These activities not only support the expanding efforts to enhance innovation and competitiveness but are also consistent with the NASA Authorization Act which I introduced last year and which was signed into law last December. This act strongly encourages

the pursuit of partnerships with the commercial space sector. Mr. Hayes has left a legacy for his successors as they continue policies of encouraging effective partnerships with the emerging commercial space industry.

Given his impressive record as public servant, it is not surprising that Mr. Hayes has been the recipient of the Presidential Meritorious Executive Rank Award as well as NASA's Outstanding Leadership Medal.

On the occasion of Mr. Hayes' departure from his beloved NASA, he can leave knowing that he has left a remarkable record of accomplishment. He serves as an inspiration to NASA's next generation of space leaders who will ensure that the agency utilizes the space shuttle and International Space Station to the fullest extent possible, while developing the next generation human space transportation system and laying the groundwork for the agency's new human space exploration goals of returning to the Moon and then moving on to Mars.

I know I speak for many of my colleagues in paying tribute to the kind of dedication and excellence Mr. Hayes has brought to his government service and in wishing him continued success as he enters a well-deserved new chapter in his remarkable life.

Mr. President, I am delighted to join our distinguished majority and minority leaders in introducing and cosponsoring the National Competitiveness Investment Act. This is an essential and important first step in addressing critical challenges facing our Nation in an increasingly competitive global economy. America must be a leader in scientific research and education. It is in the best interest of both our national and economic security.

This bill renews and expands our national focus on strengthening key areas of research, education, and innovation. It is the product of a truly bipartisan effort, undertaken with the blessing and encouragement of the Senate leadership and by the leadership of the three principal committees with jurisdiction over these matters: the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions. I am proud to be part of this bipartisan initiative to provide new resources to support these competitiveness programs.

This legislation increases research investment by doubling the authorized funding levels for the National Science Foundation, NSF, from approximately $5.6 billion in fiscal year 2006 to $11.2 billion in fiscal year 2011. It doubles funding for the Department of Energy's Office of Science over 5 years, from $3.6 billion in Fiscal Year 2006 to over $5.2 billion in Fiscal Year 2011.

Another vital focus of the bill is to strengthen educational opportunities in science, technology, engineering, mathematics and critical foreign languages. It authorizes competitive grants to States to promote better coordination of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the workforce, and the U.S. Armed Forces. Another key emphasis is strengthening the skills of thousands of math and science teachers through support for the Teachers Institutes for the 21st Century Program at NSF.

As chair of the Science and Space Subcommittee of the Commerce Committee, I am especially pleased that this legislation ensures that both NASA and NSF are able to expand their strong traditional roles in fostering technological and scientific excellence. The language we have crafted increases essential NASA funding to support basic research and foster new innovation by calling for full use of existing budget authority that we provided within the 2005 NASA Authorization Act. Under the terms of this legislation, the President could request an additional $1.4 billion dollars in Fiscal Year 2008 for application toward these activities. By directing NASA's full participation in interagency efforts for competitiveness and innovation—under the more widely known term of the American Competitiveness Initiative—this legislation points the way for the administration to now make use of that additional authority in supporting projects that can help meet these important competitiveness and innovation goals.

Mr. President, this bill represents an important first step in our efforts to meet the increasing challenges to our Nation's competitive posture. I encourage all of my colleagues to join in cosponsoring this bill and working with us at the appropriate time to ensure its passage by this body and its enactment into law.

By Mr. CRAPO:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

Mr. CRAPO. Mr. President, I want to thank my fellow Banking Committee members for working with me to reauthorize and reform the Export-Import Bank that reflects broad bipartisan agreement among our Committee. I am especially appreciative to Chairman SHELBY, Ranking Member SARBANES, Senator BAYH, and their staffs for all their diligence and hard work.

The Export-Import Bank is the official export credit agency of the United States and the current authorization ends on September 30. Financing is a key element in global trade competition and extending the Bank's programs for five years is a vital and integral component in supporting the export of American-made goods and American provided services for both small and large companies.

At the same time we need to ensure that the Bank's support for transactions not only helps U.S. exports but does not negatively impact domestic companies. The current system still has problems, which has been demonstrated on loan guarantees involving semiconductors, steel, ethanol, and soda ash. This legislation seeks to improve the process by making it more predictable, transparent, and by involving interested stakeholders in the process. First, it would require the Bank to maintain a list of sensitive areas where export financing is unlikely to be provided. Second, it requires detailed information to the public regarding the proposed financing at an early stage and in an adequate way so that input can be brought to bear by those who have the expertise on the specific proposal and industries involved. Third, it establishes protections against circumvention of U.S. trade remedy orders.

There is also a lot of concern that the Bank has not met its 20 percent small business mandate and this legislation builds upon structural changes to make sure the small business community has an advocate to advance its needs and address its concerns. First, it establishes a Small Business Division, headed by a Senior Vice President who reports directly to the Bank President. Second, it establishes a Small Business Committee, chaired by the Senior Vice President of the Small Business Division. Third, it requires Ex-Im to authorize banks to process medium-term transactions on behalf of Ex-Im to facilitate the approval of such transactions.

Additionally this section would also require that Ex-Im's Senior Vice President be notified of any staff recommendations for denial or withdrawal of an application for support involving a small business at least two days prior to a final decision. I would like to thank Senator HAGEL for his work to make sure that Ex-Im does not deny small business transactions without giving the Senior Vice President for small business an opportunity to advocate on behalf of the small businesses.

Due to Senator HAGEL's efforts, Ex-Im has pledged that it will further strengthen this notification provision by administratively granting the Senior Vice President of the Small Business Division the authority to request an additional two days to review notices of staff recommendations for denial or withdrawal.

Finally, the legislation clarifies that case-by-case decisions on whether to award tied aid credits shall be made by the Board of Directors of Ex-Im, subject to a veto by the President of the United States. It is very troubling that no tied aid has been approved since the last reauthorization.

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. 3938

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. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2006'' and inserting ''2011''.

SEC. 3. SUB-SAHARAN AFRICA 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''.

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking ''2001'' and inserting ''2011''.

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

''(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.''.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) 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.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

''(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

''(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

''(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

''(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

''(A) have substantial recent experience in financing exports by small business concerns; and

''(B) 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.

''(3) STAFF.—

''(A) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns.

''(B) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

''(C) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board.

''(D) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

''(E) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under subparagraph (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 address the criteria established pursuant to subsection (g)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the senior vice president of the Division.

''(F) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the Senior Vice President of the Division not later than 2 business days before a final decision.

''(4) 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).

''(g) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

''(2) PURPOSE AND DUTIES.—

''(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns, including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

''(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

''(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

''(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

''(I) the performance of each operating division of the Bank in serving small business concerns;

''(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

''(III) the adequacy of the staffing and resources of the Small Business Division.

''(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under section 3(f)(3)(A).

''(iv) Coordinating with other United States Government departments and agencies the provision of services to small business concerns.

''(3) COMPOSITION.—

''(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the senior vice president of the Small Business Division. The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

''(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

''(i) the senior managing officers responsible for underwriting and processing transactions; and

''(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

''(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.''.

(b) 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)(vii) of the Export-Import Bank Act of 1945 (6 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting ''or other financing institutions or entities'' after ''consortia''.

(3) DEADLINE.—Not later than 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)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

''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 commodities in addition to or other than the commodity specified in the application and whether the production of the additional commodities 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:

''(5) 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. 8. 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 7 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 publish 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, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). 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 country to which the goods involved in the transaction will be shipped;

''(II) the type of goods being exported;

''(III) the amount of the loan or guarantee involved;

''(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

''(V) the amount of increased production that will result from the transaction;

''(VI) the potential sales market for the resulting goods; and

''(VII) the value of the transaction.

''(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 publish 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 ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

''(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. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

''(E) during fiscal year 2006, and each fiscal year thereafter through fiscal 2011.''.

SEC. 10. TIED AID CREDIT PROGRAM.

Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)(5)(B)(ii)) is amended to read as follows:

''(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

''(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of subparagraph (B).

''(III) The Secretary may request a single postponement of the Board of Directors' consideration of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

''(IV) Case-by case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

''(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.''.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

''(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.''.

By Mr. SANTORUM:

S. 3941. A bill to amend the Internal Revenue Code of 1986 to fully allow students to live in units eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that will allow families across the country to climb the economic ladder of success without fear of losing their affordable housing.

The Low Income Housing Tax Credit (LIHTC) program is currently the largest Federal program for producing new affordable rental housing. It is also a

''go-to'' program for preserving and revitalizing aging HUD and rural properties. As this program becomes an increasingly important option for serving the housing needs of low-income families, there is an unintended nuance in the occupancy requirements that must be addressed.

When Congress created the LIHTC, it properly intended that this housing should be available to low-income families in need of an affordable apartment. Congress included strict occupancy restrictions to ensure that these properties did not become cheap off-campus housing for college students. Therefore, households made up entirely of full-time students were prohibited from living in LIHTC apartments. Only four narrow exceptions exist for families: those who are receiving Temporary Assistance for Needy Families (TANF); those enrolled in a Federal, State or local job training program; single parents and their children, provided that such parents and children are not dependents of another individual; or married full-time students who file a joint return.

While well-intentioned, the occupancy restrictions for full-time student households are penalizing low-income families trying to get ahead. One of the most common unintended consequences of the current policy is that it disqualifies from LIHTC eligibility single parents who have returned to school full-time and have school-aged children. Under the current law, children in grades K–12 count toward the determination of whether family is a full-time student household. Therefore, a single mother who has returned to school full-time and whose children, in grades K–12, were claimed as dependents on the ex-husband's tax return becomes ineligible for LIHTC housing. This family cannot be allowed to move into the unit or, if they live there already, they have to move out. This policy is just plain wrong, and it needs to be corrected. It is also contrary to the No Child Left Behind Act's commitment to ensure our children receive a quality education. Low-income families should not have to choose between obeying the law by educating children or losing their housing. And it is not just students enrolled in four-year programs who have been disqualified from LIHTC eligibility. Working adults trying to complete the requirements for a high school education have also been adversely affected. Even an elderly adult pursuing a GED can be denied occupancy in a LIHTC apartment or lose their eligibility to remain in the unit.

Whenever practical, affordable housing should be used as a stepping stone to self-sufficiency. This bill updates the LIHTC program so that low-income families can achieve the education necessary to land higher-paying jobs and eventually own a home or rent a market-rate apartment. It makes three specific statutory changes which specify that minor children in grades K–12 should not count toward the determination of who is a full-time student household; it strikes the requirement that single parents and their children must not have been claimed as dependents of another individual to qualify for the single parent with children exemption; and it adds a new exemption for working adults who are full-time students pursuing a high school diploma or GED.

These updates are consistent with the original legislative intent of the student restrictions. At the same time, they recognize current economic and workplace realities and the role of education in encouraging self-sufficiency. I ask for my colleagues' support to move this legislation forward.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3942. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise today with great pride to introduce legislation which would create a national park in my hometown, Paterson, NJ. The Paterson Great Falls National Park Act of 2006 would bring long-deserved recognition and accessibility to one of our Nation's most beautiful and historic landmarks. I am pleased that my colleague from New Jersey, Senator MENENDEZ, is cosponsoring this legislation.

The Great Falls are located where the Passaic River drops nearly 80 feet straight down, on its course towards New York Harbor. It is one of the tallest and most spectacular waterfalls on the east coast, but the incredible natural beauty of the falls should not overshadow its tremendous importance as the powerhouse of industry in New Jersey and the infant United States. Indeed, in 1778, Alexander Hamilton visited the Great Falls and immediately realized the potential of the falls for industrial applications and development. Hamilton was instrumental in creating the planned community in Paterson—the first of its kind nationwide—centered on the Great Falls, and industry thrived on the power generated by the falls. Rogers Locomotive Works, the premier steam locomotive manufacturer of the 19th century, was located in the shadow of the falls, as were many other vitally important manufacturing enterprises.

President Ford recognized the importance of the area by declaring the falls and its surroundings a ''National Historic Landmark'' in 1976; he called the falls ''a symbol of the industrial might which helps to make the United States the most powerful nation in the world.'' Now, it is time that we recognize the importance of this historic area by making it New Jersey's first national park. This would be of special importance because so few of our national parks are in urban areas. I believe that it is time we acknowledge that many of our most significant national treasures are located in densely populated areas.

Mr. President, I grew up in Paterson, and I have appreciated the majesty and beauty of the Great Falls for many years. By creating a national park in Paterson, more Americans can be exposed to the exceptional cultural, natural, and historic significance of the Great Falls, and that is why I will passionately advocate for the passage of this bill. I have been delighted to work with my good friend, Congressman BILL PASCRELL—another longtime resident of Paterson—on this issue and with a bipartisan group of lawmakers from my home State, all of whom believe strongly in this cause. I urge my colleagues to support the passage of this legislation, which is so important to New Jersey and all of America.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. DURBIN, and Mr. NELSON of Florida):

S. 3944. A bill to provide for a one year extension of programs under title XXVI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. LAUTENBERG. Mr. President, I rise to talk about my bill to provide a temporary reauthorization of the Ryan White Care Act.

I want to thank my colleagues, Senators MENENDEZ, CLINTON, SCHUMER, OBAMA, DURBIN, and BILL NELSON, for cosponsoring this important and life-saving measure.

I was an original cosponsor of the Ryan White CARE Act and I have been an active supporter of this legislation for many years now. Never have I been as concerned about the future as I am right now.

The Ryan White CARE Act Reauthorization legislation that has been proposed in both the House and the Senate actually attempts to shift already inadequate Ryan White money away from States like New Jersey, where the epidemic first appeared and the need is still growing, to States where the epidemic is emerging.

The Committee bill pits cities against cities, States against States, women against men, and urban areas against rural. This is not the way to go. We need to fully fund the Ryan White CARE Act to realize the promise of its original intentions.

Today I am introducing an alternative bill to reauthorize Ryan White. My bill has something for everyone in it. This legislation to reauthorize the Ryan White Care Act includes provisions that would help remedy funding disparities and permit a temporary extension to allow negotiations to continue.

My bill would simply extend current law through Fiscal Year 2007. Additionally it would provide for a 3.7 percent increase in authorizations over the 2006 amounts to account for inflation. Importantly, my bill also protects States

that have not yet transitioned to ''names based'' reporting for HIV cases by giving them an extra year to make that change. Without this protection these States would lose significant money.

Finally, I recognize the need of those States who have a growing incidence of HIV, which is why I include a one-time emergency authorization of $30 million to be distributed to those States who have unmet need and no Title I entities.

The original Ryan White CARE Act provides critical funding to help provide health care and support services for low-income individuals and families affected by HIV or AIDS. Since its enactment in 1990, Ryan White funds have helped millions of HIV/AIDS patients receive the care and treatment services they need to live healthy and productive lives.

The Senate and House bills to reauthorize the Ryan White Care Act are named the ''Ryan White HIV/AIDS Treatment Modernization Act.'' Ironically, it does not modernize the care of folks living with HIV/AIDS in our communities. Rather, it will bring us back to the early 1990s when the disease was spreading even more rampantly than it is now, and people were dying quickly.

I know firsthand that many of the stakeholder groups, those people who are on the ground providing and receiving services funded by the Ryan White CARE Act, are terrified of what will happen to our system of care should this reauthorization move forward.

In my home State of New Jersey, we have the highest proportion of cumulative AIDS cases in women, and we rank third in cumulative pediatric AIDS cases. Furthermore, we have consistently ranked fifth in overall cumulative AIDS cases since the beginning of this epidemic. And yet, under the reauthorization proposal we stand to lose millions of dollars.

That is unacceptable. It is not acceptable for us simply to say that this is a formula fight and there will undoubtedly be winners and losers. With the Ryan White CARE Act, when we talk about losers, we are talking about lives being lost. I, for one, am not willing to settle for such an outcome.

It's not just my State that stands to lose money, either. New York, Florida, and Illinois all stand to lose millions of dollars under this proposal. All those states that have substantial need.

My bill is clearly not meant to be a permanent substitute for reauthorizing Ryan White. It is meant to give us all more time to continue our negotiations and try to work out a compromise that may keep all of our systems of care in tact.

I urge my colleagues to support it.

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. 3944

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

SECTION 1. ONE-YEAR EXTENSION OF PROGRAMS.

(a) AUTHORIZATIONS OF APPROPRIATIONS FOR FISCAL YEAR 2007.—Notwithstanding any provision of title XXVI of the Public Health Service Act:

(1) For the purpose of carrying out part A of such title, there is authorized to be appropriated $634,209,704 for fiscal year 2007.

(2) For the purpose of carrying out part B of such title, there is authorized to be appropriated $1,247,000,000 for fiscal year 2007.

(3) For the purpose of grants to States that demonstrate unmet needs with respect to HIV/AIDS and that do not have any areas that receive grants under part A of such title for fiscal year 2007, there is authorized to be appropriated $30,000,000 for fiscal year 2007.

(4) For the purpose of carrying out part C of such title, there is authorized to be appropriated $218,600,000 for fiscal year 2007.

(5) For the purpose of carrying out part D of such title, there is authorized to be appropriated $75,385,648 for fiscal year 2007.

(6) For purposes of AIDS Education and Training Centers under section 2692 of part F of such title, there is authorized to be appropriated $35,983,900 for fiscal year 2007.

(7) For purposes of dental programs under section 2692 of part F of such title, there is authorized to be appropriated $13,570,182 for fiscal year 2007.

Amounts appropriated under this subsection are available to the Secretary until the end of fiscal year 2009.

(b) NAMES-BASED REPORTING OF CASES; OTHER CHANGES REGARDING METHODOLOGY FOR COUNTING CASES.—Notwithstanding any provision of title XXVI of the Public Health Service Act, the Secretary may not, in determining the amounts of formula grants under such title for fiscal year 2007, use a methodology for counting the number of cases of acquired immune deficiency syndrome, or the number of cases of HIV, that is different than the methodology used by the Secretary for such purposes for fiscal year 2006.

(c) DEFINITIONS.—For purposes of this section, the terms ''HIV'' and ''Secretary'' have the meanings that apply to such terms under title XXVI of the Public Health Service Act.

Mr. MENENDEZ. Mr. President, I rise today to join Senator LAUTENBERG, and Senators from New York, Illinois and Florida, in support of a one year reauthorization of the Ryan White CARE Act, and to raise my serious reservations about the current committee proposal. I recognize and respect the dedication and hard work of Senators ENZI and KENNEDY, Congressmen BARTON and DINGELL and their staff to reauthorization this vital program. But unfortunately, their proposal, as it currently stands, threatens lives by destroying networks of care in New Jersey and in other States across the country.

In reviewing the committee's proposal, I cannot help but wonder why we are not doing more and providing additional resources to address a growing need in our communities. More people are getting infected and more communities are having to provide care for individuals with HIV/AIDS, which means we need more resources, not less. We need to address the growing need for care. Unfortunately, this legislation doesn't address the spread of the disease; it simply spreads already limited funding even thinner.

In New Jersey, we are still struggling with the HIV/AIDS battle and unfortunately, at this point, we are not winning the war. It is a sad reality, but New Jersey continues to rank fifth in the country for overall AIDS cases. We have the highest proportion of AIDS cases in women, and rank third in pediatric AIDS cases. We have not yet won the battle—we are still fighting. And we need weapons, in terms of funding, to win.

New Jersey has stepped-up to the plate to develop a comprehensive array of medical services, which are funded in part by the CARE Act. People infected with HIV/AIDS living in New Jersey have access to one of the most effective ADAP programs in the nation, as well as primary medical care, mental health service, substance abuse services, oral health, case management, and nutritional services. I'm proud of our State's networks of care, and recognize how important they are to the well-being of countless New Jerseyans. But in order to help this program to grow and be effective, we must maintain our Federal support.

During the debate surrounding the reauthorization some are saying we should cut funding for certain States and their HIV/AIDS services. I disagree and so do New Jerseyans. I am proud of the strong voice of New Jersey's advocates. Beneficiaries from across the State, members of our HIV Health Services Planning Councils from our eligible metropolitan areas or EMAs, representatives from all counties that are part of the Philadelphia EMA, and individuals from the consortiums of the remaining counties have been fully engaged in this reauthorization process.

Our elected officials, the Governor's office, and our entire New Jersey delegation have all been supportive of making sure New Jersey has the resources to continue fighting this battle. Our State—but apparently not this Congress—is united in providing care, saving lives and ending this epidemic once and for all.

Unfortunately, the committee's proposed reauthorization threatens to destroy and dismantle critical networks of care that are keeping people alive and healthy in New Jersey. With our current network of care, our healthcare providers have been instrumental in helping prevent people with HIV from developing full-blown AIDS. Without these services, the impact will be devastating for patients, their ability to work and provide for their families and most importantly, their lives.

My concerns continue to grow. Most recently, the U.S. Centers for Disease Control and Prevention recommended routine HIV testing for all Americans ages 13 to 64, saying that an HIV test should be as common as a cholesterol check. The CDC estimates 250,000 Americans are infected and don't even

know it. At a time when we are identifying more and more individuals with HIV, our country is destroying the very networks of care that will help educate and care for these individuals. We need testing, but we also need so much more.

That is why I propose that we try again—and this time, get it right. That we try to find a way to build on our networks of care, and provide the services that our entire Nation needs to win the war on HIV/AIDS.

Today, I join Senator LAUTENBERG in offering a proposal that would provide a 1-year reauthorization of the Ryan White CARE Act under current law. It would provide a 3.7 percent increase in authorization levels through 2007, while preventing funding from reverting back to the Treasury. This bill would provide a 1-year extension of the names-based reporting requirement set to go into effect beginning October 1, 2006. In addition, it would provide $30 million under Title II for States who have an ''unmet need'' and ''no title I entities.'' This proposal would help all States across the country without doing any harm. Instead of 5 years of a detrimental reauthorization, I support another year to get it right.

I believe America can do better, and today I am standing up for the HIV/AIDS community across the country. Today is a day to make our country's budget reflect our values by expanding funding for this important program. I call on my colleagues to save the Ryan White CARE Act. Wait to implement formula changes that could destroy existing networks of care, and instead, work out a solution that addresses the needs of the entire country. Please join me in supporting this legislation.

Mrs. CLINTON. Mr. President, I rise today to express my strong support for the Ryan White CARE Act. The programs funded through this law have, for more than 15 years, enabled hundreds of thousands of people living with HIV and AIDS to access essential care and treatment services.

Yet the reauthorization proposals currently under consideration by both the House and the Senate would unfairly shift funding from the hardest-hit areas of the epidemic, devastating the ability of providers and organizations to offer life-extending services. The more than 100,000 people living with HIV and AIDS in New York would be adversely affected by the millions of dollars in cuts they would face if these reauthorizations were to go through.

I understand that the White House and the Republican leadership are pressuring many of my colleagues, particularly those from code-based States, that if they don't reauthorize the bill this year, they will face cuts in funding next year. But approving a fundamentally flawed bill under pressure is not the right thing to do. We should be working to strengthen the CARE Act for everyone, not decimate it.

Today, I, along with my colleagues from New Jersey, Illinois, and Florida, will be introducing legislation that provides for a 1-year extension of programs funded by the Ryan White CARE Act, to give us more time to address the concerns of many that were raised during this reauthorization process. It will increase authorization levels across titles by 3.7 percent, and will set up a grant program to address unmet need in States that do not receive title I funding, in order to address the need in rural areas where HIV incidence has increased. It will also delay the switch from code-based to names-based reporting for 1 year, in order to give us time to address many of the issues that these States are facing in making this switch.

I believe in the reauthorization of the CARE Act, but I believe in reauthorizing the CARE Act the right way—in a way that will help, not hurt, all of the people living with HIV and AIDS in this country. Our bill will help that process, and I would urge all of my colleagues to support it.

By Mrs. CLINTON (for herself, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUYE, Mr. KERRY, Mr. JEFFORDS, and Mr. CHAFEE):

S. 3945. A bill to provide for the provisions by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce the Compassionate Assistance for Rape Emergencies Act, a bill that will help sexual assault survivors across the country get the medical care they need and deserve.

It is hard to argue against this commonsense legislation. Rape—by definition—could never result in an intended pregnancy. Emergency contraception is a valuable tool that can prevent unintended pregnancy. This bill makes emergency contraception available for survivors of sexual assault at any hospital receiving public funds.

Every 2 minutes, a woman is sexually assaulted in the United States, and each year, 25,000 to 32,000 women become pregnant as a result of rape or incest. According to a study published in the American Journal of Obstetrics and Gynecology, 50 percent of those pregnancies end in abortion.

By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours. In addition, emergency contraception could also give desperately needed peace of mind to women in crisis.

I am proud that for 3 years, this has already been law in New York State. Survivors of sexual assault and rape receive information and access to emergency contraception at every hospital in the State. As a result, victims are getting better care than they ever have before in New York. This bill will allow women nationwide to benefit from the same standard of care New Yorkers receive.

In New York City, women are benefiting from Mayor Bloomberg's significant initiative to expand access to emergency contraception and family planning services and improve maternal and infant outcomes. I applaud this focus on increasing awareness about emergency contraception—to all women—so that we can work together at decreasing the rate of unintended pregnancy in this country.

The FDA recently made EC available over the counter for women 18 years of age and older. Despite the ideologically driven agenda against this drug, the research has been consistently clear—this drug is safe and effective for preventing pregnancy. The FDA's own scientific advisory committees and more than 70 major medical organizations, including the American Academy of Pediatrics and the American Medical Association recommended EC be made available without a prescription. If pharmacies stock this drug for any citizen of age, surely hospitals should provide women in crisis with the information necessary to evaluate this option for themselves.

Women deserve access to EC. For millions of women, it represents peace of mind. For survivors of rape and sexual assault, it offers hope for healing and a tomorrow free of painful reminders of the past. Let us recommit ourselves to the fight to better protect and serve our Nation's sexual assault survivors.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 585—COMMENDING THE NEW ORLEANS SAINTS OF THE NATIONAL FOOTBALL LEAGUE FOR WINNING THEIR MONDAY NIGHT FOOTBALL GAME ON MONDAY, SEPTEMBER 25, 2006 BY A SCORE OF 23 TO 3

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 585

Whereas the City of New Orleans and the State of Louisiana and the Gulf Coast were severely impacted by Hurricane Katrina on August 29, 2005 and the subsequent levee breaks which occurred;

Whereas southwestern Louisiana and the State of Louisiana were severely impacted by Hurricane Rita on September 24, 2005;

Whereas the New Orleans Saints and the Louisiana Superdome have always been special symbols of pride to the City of New Orleans and to the State of Louisiana;

Whereas, due to the leadership and hard work of the men and women who rebuilt the Superdome, as well as to the partnership of the National Football League, the State of Louisiana and the Federal Emergency Management Agency, the Louisiana Superdome

was able to reopen on Monday, September 25, 2006—13 months since the last New Orleans Saints home game was played there;

Whereas the return of the New Orleans Saints to the Louisiana Superdome serves as a symbol of hope for the great rebuilding of the City of New Orleans, the State of Louisiana and the Gulf Coast region;

Whereas the City of New Orleans and the State of Louisiana showed its pride and support for the New Orleans Saints with an attendance of 70,003 fans at the September 25, 2006 game;

Whereas the New Orleans Saints won their first game in the Louisiana Superdome since. Hurricanes Katrina and Rita by defeating the Atlanta Falcons, 23 to 3;

Whereas with the win over the Atlanta Falcons on Monday, September 25, 2006, the New Orleans Saints improve their record for the 2006–2007 season to a total of 3 wins and 0 losses, matching its win total from the 2005–2006 season and is one of just six National Football League teams with a record of 3 wins and 0 losses; Whereas Head Coach Sean Payton led the New Orleans Saints to win their first three games of the 2006–2007 season and showed his appreciation to the City of New Orleans by giving the game ball to the city;

Whereas wide receiver Devery Henderson scored a touchdown on an 11 yard run in the game;

Whereas cornerback Curtis Deloach scored a touchdown following the blocked punt by Steve Gleason;

Whereas place kicker John Karney kicked three field goals in the game;

Whereas the New Orleans Saints defense held the Atlanta Falcons to 229 total yards in the game and had 5 sacks on the quarterback;

Whereas quarterback Drew Brees completed 20 of28 pass attempts for a total of 191 yards in the game;

Whereas running back Deuce McAllister had 81 rushing yards and running back Reggie Bush had 53 rushing yards in the game;

Whereas the entire team and organization should be commended for the work together over the past 13 months;

Whereas the New Orleans Saints have demonstrated their excellence in athletics and strength and has shown their commitment to the City of New Orleans and to the State of Louisiana through their hard work and sportsmanship; and

Whereas with the triumphant return of the New Orleans Saints, the City of New Orleans and the State of Louisiana have proven to be open for business and ready to continue the recovery of the city, state and region: Now, therefore be it

Resolved, That the Senate commends the New Orleans Saints of the National Football League for (1) winning their Monday, September 25, 2006 National Football League game with the Atlanta Falcons, by a score of 23 to 3. (2) And we commend League Commissioner Paul Tagliabue for demonstrating exemplary leadership and commitment to the City of New Orleans.

Ms. LANDRIEU. Mr. President, I came to the floor today to speak about something we can actually all agree on, something that has lifted the spirits of New Orleans and the region, and Louisiana, and the gulf coast, and that is the extraordinary victory of the New Orleans Saints against the Atlanta Falcons last night, in the super game, the first game in over 13 months and surely a game that will go down in history for many reasons.

At this time I would submit a resolution to the desk in honor of the New Orleans Saints in behalf of myself and others.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Ms. LANDRIEU. I will read the resolution, if I could, because it expresses so many of the feelings of so many throughout New Orleans and the gulf coast:

Whereas the City of New Orleans and the State of Louisiana and the Gulf Coast were severely impacted by Hurricane Katrina on August 29, 2005 and the subsequent levee breaks which occurred;

Whereas southwestern Louisiana and the State of Louisiana were severely impacted by Hurricane Rita on September 24, 2005;

Whereas the New Orleans Saints and the Louisiana Superdome have always been special symbols of pride to the City of New Orleans and to the State of Louisiana;

Whereas, due to the leadership and hard work of the men and women who rebuilt the Superdome, as well as to the partnership of the National Football League, the State of Louisiana and the Federal Emergency Management Agency, the Louisiana Superdome was able to reopen on Monday, September 25, 2006—13 months since the last New Orleans Saints home game was played there;

Whereas the return of the New Orleans Saints to the Louisiana Superdome serves as a symbol of hope for the great rebuilding of the City of New Orleans, the State of Louisiana and the Gulf Coast region;

Whereas the City of New Orleans and the State of Louisiana showed its pride and support for the New Orleans Saints with an attendance of 70,003 fans at the September 25, 2006 game;

Whereas the New Orleans Saints won their first game in the Louisiana Superdome since. Hurricanes Katrina and Rita by defeating the Atlanta Falcons, 23 to 3;

Whereas with the win over the Atlanta Falcons on Monday, September 25, 2006, the New Orleans Saints improve their record for the 2006–2007 season to a total of 3 wins and 0 losses, matching its win total from the 2005–2006 season and is one of just six National Football League teams with a record of 3 wins and 0 losses; Whereas Head Coach Sean Payton led the New Orleans Saints to win their first three games of the 2006–2007 season and showed his appreciation to the City of New Orleans by giving the game ball to the city;

Whereas wide receiver Devery Henderson scored a touchdown on an 11 yard run in the game;

Whereas cornerback Curtis Deloach scored a touchdown following the blocked punt by Steve Gleason;

Whereas place kicker John Karney kicked three field goals in the game;

Whereas the New Orleans Saints defense held the Atlanta Falcons to 229 total yards in the game and had 5 sacks on the quarterback;

Whereas quarterback Drew Brees completed 20 of28 pass attempts for a total of 191 yards in the game;

Whereas running back Deuce McAllister had 81 rushing yards and running back Reggie Bush had 53 rushing yards in the game;

Whereas the entire team and organization should be commended for the work together over the past 13 months;

Whereas the New Orleans Saints have demonstrated their excellence in athletics and strength and has shown their commitment to the City of New Orleans and to the State of Louisiana through their hard work and sportsmanship; and

Whereas with the triumphant return of the New Orleans Saints, the City of New Orleans and the State of Louisiana have proven to be open for business and ready to continue the recovery of the city, state and region: Now, therefore be it

Resolved, That the Senate commends the New Orleans Saints of the National Football League for (1) winning their Monday, September 25, 2006 National Football League game with the Atlanta Falcons, by a score of 23 to 3. (2) and we commend League Commissioner Paul Tagliabue for demonstrating exemplary leadership and commitment to the City of New Orleans.

Mr. President, I thought it was important to read the words of this resolution which will go in the RECORD today. I am certain there were millions and millions of people all over America who watched that special football game last night because, as you know, it was more than a football game. It was a symbol of hope and recovery for a great American city in a great region of this country.

I came to the floor today to share this resolution and to also thank my colleagues, as Senator LOTT from Mississippi has done earlier this morning, to thank them for coming together in such an extraordinary and bipartisan way throughout this year to pass not one, not two, not three, but four supplemental requests that are helping to send money to this stricken region of the country.

Even when there were some problems and some hurdles in the executive branch, this Congress came together across party lines, led in large measure by the appropriators in this Chamber, to say: Yes, this region deserves investment; yes, we need to fix FEMA; yes, we need to reform the Corps of Engineers; yes, we need to build levees; and, yes, we need to restore the wetlands that protect this great coast of which New Orleans and Houston and Gulfport and Beaumont and Lake Charles and Lafayette and Baton Rouge are such important cities in this region—America's only energy coast.

Last night, the Saints did us proud. They came home and not just won the game, but it was, of course, more than a game. For the Saints managers, for the dome director, for the commissioners of the dome stadium who

helped get their magnificent building ready after such a tragedy of last year, we thank them.

I ask unanimous consent to have printed in the RECORD the roster of the Saints players, the names of the coaches and the assistant coaches and their managers, the names of the contractors, and as many of the workers as we can get.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW ORLEANS SAINTS TEAM ROSTER

No.	Last, first	Pos	Ht	Wt	Age	Exp	College
Active Players:							
9	Brees, Drew	QB	6–0	209	27	6	Purdue
70	Brown, Jammal	T	6–6	313	25	2	Oklahoma
29	Bullocks, Josh	S	6–1	207	23	2	Nebraska
25	Bush, Reggie	RB	6–0	203	21	R	Southern California
80	Campbell, Mark	TE	6–6	260	30	9	Michigan
3	Carney, John	K	5–11	185	42	17	Notre Dame
54	Clark, Danny	LB	6–2	245	29	7	Illinois
12	Colston, Marques	WR	6–4	231	23	R	Hofstra
85	Conwell, Ernie	TE	6–2	255	34	11	Washington
18	Copper, Terrance	WR	6–0	207	24	3	East Carolina
21	Craft, Jason	CB	5–10	187	30	8	Colorado State
39	Deloatch, Curtis	CB	6–2	210	24	3	North Carolina A&T
73	Evans, Jahri	G	6–4	318	23	R	Bloomsburg
52	Faine, Jeff	C	6–3	291	25	4	Notre Dame
11	Fife, Jason	QB	6–4	225	24	1	Oregon
56	Fincher, Alfred	LB	6–1	238	23	2	Connecticut
55	Fujita, Scott	LB	6–5	250	27	5	California
37	Gleason, Steve	S	5–11	212	29	6	Washington State
76	Goodwin, Jonathan	OL	6–3	318	27	5	Michigan
94	Grant, Charles	DE	6–3	290	28	5	Georgia
28	Groce, DeJuan	CB	5–10	192	26	4	Nebraska
41	Harper, Roman	S	6–1	200	23	R	Alabama
19	Henderson, Devery	WR	5–11	200	24	3	Louisiana State
61	Holland, Montrae	G	6–2	322	26	4	Florida State
87	Horn, Joe	WR	6–1	213	34	11	Itawamba (Miss.) JC
47	Houser, Kevin	LS	6–2	252	29	7	Ohio State
89	Jones, Jamal	WR	5–11	205	25	1	North Carolina A&T
44	Karney, Mike	FB	5–11	258	25	3	Arizona State
96	Lake, Antwan	DT	6–4	308	27	4	West Virginia
82	Lawrie, Nate	TE	6–7	256	24	2	Yale
77	Leisle, Rodney	DT	6–3	315	25	3	UCLA
10	Martin, Jamie	QB	6–2	205	36	12	Weber State
26	McAllister, Deuce	RB	6–1	232	27	6	Mississippi
36	McIntyre, Corey	RB	6–0	244	27	2	West Virginia
34	McKenzie, Mike	CB	6–0	194	30	8	Memphis
51	Melton, Terrence	LB	6–1	235	29	3	Rice
16	Moore, Lance	WR	5–9	177	23	1	Toledo
67	Nesbit, Jamar	G	6–4	328	29	8	South Carolina
93	Ninkovich, Rob	DE	6–2	252	22	R	Purdue
79	Petitti, Rob	T	6–6	327	24	2	Pittsburgh
24	Scott, Bryan	S	6–1	219	25	4	Penn State
58	Shanle, Scott	LB	6–2	245	26	4	Nebraska
50	Simoneau, Mark	LB	6–0	245	29	7	Kansas State
91	Smith, Will	DE	6–3	282	25	3	Ohio State
27	Stecker, Aaron	RB	5–10	213	30	7	Western Illinois
78	Stinchcomb, Jon	T	6–5	315	27	4	Georgia
23	Stoutmire, Omar	S	5–11	205	32	10	Fresno State
64	Strief, Zach	T	6–7	349	23	R	Northwestern
22	Thomas, Fred	CB	5–9	185	33	11	Tennessee-Martin
99	Thomas, Hollis	DT	6–0	306	32	11	Northern Illinois
7	Weatherford, Steve	P	6–3	215	23	R	Illinois
98	Whitehead, Willie	DE	6–3	300	33	8	Auburn
66	Young, Brian	DT	6–2	298	29	7	Texas-El Paso
Reserve/Injured:							
50	Allen, James	LB	6–2	245	26	5	Oregon State
17	Berger, Mitch	P	6–4	228	34	12	Colorado
74	Hoffmann, Augie	G	6–2	315	25	2	Boston College
13	Johnson, Bethel	WR	5–11	200	27	4	Texas A&M
33	Joseph, Keith	RB	6–2	249	24	1	Texas A&M
75	Mayberry, Jermane	G	6–4	325	33	11	Texas A&M-Kingsville
1	McPherson, Adrian	QB	6–3	218	23	2	Florida State
54	Polley, Tommy	LB	6–3	230	28	6	Florida State
63	Setterstrom, Chad	T	6–3	310	26	1	Northern Iowa
79	Verdon, Jimmy	DE	6–3	280	24	2	Arizona State
Reserve/Physically Unable to Perform:							
84	Lewis, Michael	WR	5–8	173	34	6	None

NEW ORLEANS SAINTS COACHING STAFF

Sean Payton, Head Coach: John Bonamego, Special Teams Coordinator; Gary Gibbs, Defensive Coordinator; Doug Marrone, Offensive Coordinator/Offensive Line; Joe Vitt, Assistant, Head Coach/Linebackers; George Henshaw, Senior Offensive Assistant/Running Backs; Dennis Allen, Assistant Defensive Line; Adam Bailey, Assistant Strength and Conditioning; Pete Carmichael, Jr., Quarterbacks; Dan Dalrymple, Head Strength and Conditioning; Tom Hayes, Defensive Backs; Marion Hobby, Defensive Line; Curtis Johnson, Wide Receivers; Terry Malone, Tight Ends; Greg McMahon, Assistant Special Teams; John Morton, Offensive Asst./Passing Game; Tony Oden, Defensive Assistant/Secondary; Joe Alley, Coaching Assistant; Josh Constant, Coaching Assistant; Carter Sheridan, Coaching Assistant; and Adam Zimmer, Coaching Assistant.

LOUISIANA SUPERDOME COMMISSION

LOUISIANA STADIUM AND EXPOSITION DISTRICT

Tim Coulon, Chairman; Rosemary Patterson, Board of Commissioners; Robert Bruno, Board of Commissioners; Sara A. Roberts, Board of Commissioners; Craig E. Saporito, Board of Commissioners; Clyde Simien, Board of Commissioners; C.S. Gordon, Jr., Board of Commissioners.

SPECTACOR MANAGEMENT GROUP—THE MANAGING COMPANY OF THE SUPERDOME

EMPLOYEES & TITLES

Lloyd Adams, purchasing coordinator; Cathy Allen, executive administrative assistant; Mark Arata, box office manager; Jim Baker, parking manager; Amy Bardalas, assistant human resources manager; Farrow Bouton, director of event services; Adam Bourgeois, accounting; Brian Brocato, building superintendent; Nelly Calix, administrative coordinator of event services; Brodie Cannon, production technician; Jennifer Cooke, director of corporate and convention sales; Chris Cunningham, network administrator; Bill Curl, media and public relations coordinator; Amanda Deeb, sales and scheduling coordinator; Alan Dolese, operations manager; Laurie Ducros, event coordinator; Cynthia Edwards, staffing coordinator supervisor; Dave Gendusa, millwright, painter leadman; Roylene Givens, assistant parking manager; John Greenlee, assistant box office manager; Raymond Griffin; Desiree Jones, housekeeping manager; Maria Jones, employment and staffing supervisor; Tamika Kirton, box office supervisor; Elizabeth Mancuso, administrative assistant; Glenn Menard, general manager; Karen Miller, assistant accounting manager; Angel Noveh, accounting coordinator; Mike Pizzolato, HVAC PLBG leadman; Susan Pollet, accounting manager; Lacey Pounds, prem seat and suite sales coordinator; Celeste Saltalamachia, human resource manager; Mike Schilling, arena assistant general manager; Thomas Sigel, security captain; Robert Spizale, chief engineer; Ashton Stephens, electrician leadman; Dave Stewart, regional

manager of technology; Tim Suire, event coordinator; Doug Thornton, SMG regional vice president; Toby Valadie, production manager; Benny Vanderklis, security manager; Danny Vincens, Superdome assistant general manager; David Weidler, senior directors finance and administration; Lisa Wharton, security staffing supervisor; Chad Wilken, assistant operations manager.

Ms. LANDRIEU. Mr. President, it demonstrates that the people of the city of New Orleans are fighting to come back, to fight some obstacles that were thrown our way. Despite so much of the criticism that came from some places, we are determined to rebuild.

The spirit of our city and the spirit of this region is strong, and the Saints represented that last night. They came roaring into the dome, as the Saints go marching in with our musicians and our artists and the great spirit of its people to say: We will not allow this city to die or this region to die. We are going to continue to fight hard, to build partnerships, to reform what needs to be reformed, to fix what needs to be fixed, and to build this region, every single neighborhood, every single town, and to do it smarter and better.

The Saints came marching in. They brought a lot of hope to everyone. This resolution will commend them for their extraordinary work as we go into the difficult rebuilding in the years ahead.

SENATE RESOLUTION 586—CELEBRATING 40 YEARS OF ACHIEVEMENTS OF MEDICAL CODERS, AND ENCOURAGING THE MEDICAL CODING COMMUNITY TO CONTINUE PROVIDING ACCURATE MEDICAL CLAIMS AND STATISTICAL REPORTING TO THE PEOPLE OF THE UNITED STATES AND TO THE WORLD

Mr. HATCH submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 586

Whereas, in 1966, the Current Procedural Terminology (CPT) was developed by the American Medical Association (AMA) to assist with the accurate reporting of physician procedures and services, and has since grown to include 8,568 codes and descriptions;

Whereas, in 1977, when the 9th revision to the World Health Organization's International Classification of Diseases (ICD–9) was published, the United States National Center for Health Statistics modified the statistical study with clinical information and provided a way to classify diagnostic and procedural data to create a clinical picture of each patient to improve the quality of health care;

Whereas, in 1977, the Health Care Financing Administration (HCFA), now the Centers for Medicare & Medicaid Services (CMS), was established for the coordination of the Medicare and Medicaid programs and its responsibilities has since included coordinating the annual update to ICD–9–CM Volume 3 procedures codes;

Whereas Congress passed the Medicare Catastrophic Coverage Act of 1988 (Public Law 100–360), and mandated the reporting of ICD–9–CM codes on each part B claim submitted by physicians and that mandate has since extended to parts A, C, and D of the Medicare program;

Whereas the Health Information Portability and Accountability Act of 1996 (Public Law 104–191) requires every health care provider who does business electronically to use the same code sets, including Current Procedural Terminology, ICD–9–CM, and other code sets involving medical supplies, dental services, and drugs;

Whereas, since 1998 and the publication of the first medical practice compliance plans, the Office of Inspector General (OIG) of the Department of Health and Human Services (HHS) has recognized medical coding as an essential element in the fight against health care fraud and abuse;

Whereas, in 2003, the Department of Health and Human Services delegated authority under the Health Information Portability and Accountability Act of 1996 to the Centers for Medicare & Medicaid Services to maintain and distribute the Healthcare Common Procedure Coding System (HCPCS) that is used primarily to identify products, supplies, and services not included in the Current Procedural Terminology codes, such as ambulance services and durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) when used outside a physician's office;

Whereas the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) included a provision to update ICD–9–CM codes affecting new technology and procedures twice each year;

Whereas, in 2006, the Department of Labor forecasted above average job growth for medical coders through 2012 because of rapid growth in the number of medical tests, treatments, and procedures that will be increasingly scrutinized by third-party payers, regulators, courts, and consumers; and

Whereas medical coders have a tradition of working in collaboration with the Federal Government to improve the overall health of all people of the United States through the accuracy of claims reporting: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical, clinical, and public health achievements of medical coders and celebrates the milestones achieved in the 40-year history of medical coding;

(2) recognizes the great impact that medical coders have on improving the quality of health care of people in the United States and around the world; and

(3) congratulates medical coders for their dedication and trusts that the profession will continue to offer its guidance relative to medical coding and its effect on accurate patient information to improve the public health of future generations.

Mr. HATCH. Mr. President, I am pleased to submit today a resolution to celebrate 4.0 years of achievements of medical coders, and to encourage the medical coding community to continue providing accurate medical claims and statistical reporting to the people of the United States and to the world.

There are about 80,000 professional medical coders employed in the United States, and that number is expected to continue to grow due to the increasing number of medical tests, treatments and procedures, and the consequent scrutiny to provide the best quality health care in a market driven economy. Medical coders are a diverse group of women and men dedicated to ''running the numbers'' of health care. They translate the information that a physician documents during a patient visit into numerical codes that are used for both payment and statistical purposes.

Medical coders are sentries of our Nation's health. They communicate regularly with physicians and other health care professionals to clarify diagnoses or to obtain additional information in the assignment of alphanumeric codes. They are knowledgeable of medical terminology, anatomy, physiology, and the code sets necessary to serve effectively in their professional role within the health care community. They are team players committed to ethical and sound medical documentation and reimbursement practices.

Medical coders work in a variety of health care environments. Nearly 40 percent of all coding jobs are in hospitals. Others work in the offices of physicians, nursing care facilities, outpatient care centers, and home health care services. Insurance firms that offer health plans employ coders to tabulate and analyze health information. Medical coders in public health departments supervise data collection from health care institutions and assist in research. The Department of Defense policy requires accurate and prompt documentation of and coding of medical encounters within the Military Health System to assist, Military Treatment Facility operations. The compliance plan for third-party payers of the Department of Health and Human Services, Office of the Inspector General acknowledges the specialized training of medical coders required due to the greater legal exposure related to coding medical services. Coders also stand as the frontline against the potential fraud and abuse of the Medicare and Medicaid programs while assuring that the physicians, hospitals, and clinics receive accurate compensation for the services provided.

The abilities coders possess to collect data about diagnoses and procedures figure prominently within my own interests for quality health care. Medical coders also provide us with the data we need for making tough choices in health care policy.

It is my hope that this resolution will help advance the recognition of professional medical coders and the attention given to their commendable work. It recognizes contributions to the national health care system and it reminds us of medical coders' dedication to the value of hard work in the interest of a national priority—quality health care for everyone. I applaud that contribution and am hopeful that my colleagues in the Senate will join me by passing this resolution.

SENATE RESOLUTION 587—EXPRESSING CONCERN RELATING TO THE THREATENING BEHAVIOR OF THE ISLAMIC REPUBLIC OF IRAN AND THE IDEOLOGICAL ALLIANCE THAT EXISTS BETWEEN THE COUNTRIES OF CUBA AND VENEZUELA, AND SUPPORTING THE PEOPLE OF IRAN, CUBA, AND VENEZUELA IN THE QUEST OF THOSE PEOPLES TO ACHIEVE A TRULY DEMOCRATIC FORM OF GOVERNMENT

Mr. SANTORUM (for himself, Mr. MARTINEZ, and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 587

Whereas, for the past 2 decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world;

Whereas the Department of State has consistently added Cuba to the list of state sponsors of terrorism;

Whereas the Department of State declared in the report entitled ''Patterns of Global Terrorism 2001'' that ''Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals'';

Whereas the President of Iran, Mahmoud Ahmadinejad, has openly declared that Israel ''must be wiped off the map'', and publicly denied the Holocaust;

Whereas President Ahmadinejad has similarly called for the destruction of the United States and the hatred of all Jewish peoples;

Whereas President Ahmadinejad recently attended a summit of the Non-Aligned Movement in Cuba and, in cooperation with Fidel Castro and Hugo Chavez, has used that body as a platform to spread anti-democratic messages;

Whereas the Government of Cuba, led by Fidel Castro, and the Government of Venezuela, led by President Hugo Chavez, have—

(1) repressed political dissent in the countries of those leaders;

(2) propagated antidemocratic ideals; and

(3) participated in the summit of the Non-Aligned Movement;

Whereas, in September 2000, while being interviewed by Al-Jazeera television, President Castro stated that ''We are not ready for reconciliation with the United States, and I will not reconcile with the imperialist system'';

Whereas, in August 2005, President Chavez stated that ''socialism is the only path'', and that his goal is to ''save a world threatened by the voracity of U.S. imperialism'';

Whereas, on September 20, 2006, while speaking to the General Assembly of the United Nations, President Chavez referred to the President of the United States as the devil, stating ''The devil came here yesterday . . . and it smells of sulfur still today.''; and

Whereas neither the Non-Aligned Movement nor the United Nations should exist as a venue to spread hate, demagoguery, and anti-democratic ideals: Now, therefore, be it

Resolved, That the Senate—

(1) condemns—

(A) the anti-democratic actions of, and repressive regimes created by, the leaders of the Governments of Iran, Cuba, and Venezuela; and

(B) the misguided, irrational, and outrageous statements of the leaders of those countries;

(2) expresses concern relating to the national security implications of the relationships between those leaders;

(3) supports the people of Iran, Cuba, and Venezuela in the quest of those peoples to achieve a truly democratic form of government; and

(4) calls on the international community to condemn the antidemocratic actions of those repressive regimes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5041. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5042. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5043. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5044. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5045. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5046. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5047. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5048. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5049. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5048 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5050. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5051. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5050 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5052. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5053. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5054. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5028 submitted by Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5055. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5056. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5057. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5058. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5059. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5060. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5061. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5062. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5063. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5064. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5065. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5066. Mrs. HUTCHISON (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5068. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5069. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5070. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5071. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5072. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; which was ordered to lie on the table.

SA 5073. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 5574, to amend the Public Health Service Act to reauthorize supportfor graduate medical education programs in children's hospitals.

SA 5074. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the bill S. 3421, to

authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

TEXT OF AMENDMENTS

SA 5041. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. BORDER RELIEF GRANT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(c) USE OF FUNDS.—Grants awarded pursuant to subsection (b) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary 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 Secretary determines to be essential to ensure compliance with the requirements of this section.

(e) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (e).

(g) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this Act.

SEC. 7. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in section 6 shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 5042. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 16, strike the period at the end and insert the following: "; and

(3) the implementation of those measures described in the Comprehensive Immigration Reform Act of 2006, as passed by the Senate on May 25, 2006, that the Secretary determines to be necessary and appropriate to achieve or maintain operational control over the international land and maritime borders of the United States.".

SA 5043. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE I—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 103. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the

joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 104; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 104. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary of Homeland Security, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary of Homeland Security may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 105. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary of Homeland Security, shall develop a plan to expand the size and scope, including personnel, of the Customs–Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs–Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 106. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary of Homeland Security shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary of Homeland Security shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 103(a);

(2) to carry out section 103(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 105(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 106(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 105(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 106, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 5044. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 5045. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. DEPUTY UNITED STATES MARSHALS.

(a) IN GENERAL.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SA 5046. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 18, strike ''prevention'' and all that follows through line 21, and insert the following: ''effective prevention of unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband, as determined by the Secretary of Homeland Security.''.

SA 5047. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Terrorism Prevention Act of 2006''.

SEC. 2. PROVIDING MATERIAL SUPPORT TO TERRORIST GROUPS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following section:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(2) The term 'the perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(3) The term 'international terrorism' has the same meaning as in section 2331.

''(4) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(6) The term 'national of the United States' has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(b) PROHIBITION.—Whoever, in a circumstance provided in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for any term of years not less than 10 or for life, and, if death results, shall be imprisoned for any term of years not less than 30 or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after ''2339C'' and inserting ''(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT.—Section 2339A(a) of title 18, United States Code, is amended by striking '', imprisoned not more than 15 years,'' and all that follows through ''life.'' and inserting ''and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, shall be imprisoned for any term of years not less than 25 or for life.''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''or imprisoned not more than 15 years,'' and all that follows through ''life.'' and inserting ''and imprisoned for not less than 5 years and not more than 25 years, and, if the death of any person results, shall be imprisoned for any term of years not less than 20 or for life.''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D of title 18, United States Code, is amended by striking ''or imprisoned for ten years, or both.'' and inserting ''and imprisoned for not less than 3 years and not more than 15 years.''.

(c) EXCEPTIONS TO PROHIBITION.—Section 2339A(b)(1) of title 18, United States Code, is amended by striking '', except medicine or religious materials''.

(d) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

(e) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 2339F. Denial of Federal benefits to terrorists

''(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government,

be ineligible for any or all Federal benefits for any term of years or for life.

''(b) FEDERAL BENEFIT DEFINED.—In this section, 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is further amended by adding at the end the following:

''2339F. Denial of Federal benefits to terrorists.''.

SEC. 3. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Classified Information Procedures Reform Act of 2006''.

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NON-DOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.''.

SEC. 4. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsections (a)(1) and (b), by striking ''a violation'' and all that follows through ''title 49'' and inserting ''an offense listed under section 2332b(g)(5)(B) of this title''; and

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking '', imprisoned not more than 5 years, or both'' and inserting ''and imprisoned for not less than 2 years nor more than 10 years'';

(B) in subparagraph (B), by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned for not less than 5 years nor more than 25 years''; and

(C) in subparagraph (C), by striking '', imprisoned for any term of years or for life, or both'' and inserting ''and imprisoned for any term of years not less than 10 or for life''.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(e) For purposes of this section, the term 'addressed to any other person' includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.''.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

''For purposes of this section, the term 'addressed to any person' includes an individual, a corporation or other legal person, and a government or agency or component thereof.''.

SEC. 5. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.

(a) HOMICIDE.—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting '', or attempts or conspires to kill,'' after ''Whoever kills''; and

(2) in paragraph (1), by striking ''this title'' and all that follows and inserting ''this title and punished by death or imprisonment for any term of years not less than 30 or for life;''

(b) KIDNAPPING.—Section 2332(b) of title 18, United States Code, is amended to read as follows:

''(b) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States, shall be fined under this title and punished by imprisonment for any term of years not less than 20 or for life; and, if the death of any person results, shall be fined under this title and punished by death or imprisonment for life.''.

(c) OTHER CONDUCT.—Section 2332(c) of title 18, United States Code, is amended—

(1) by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'' in paragraphs (1) and (2); and

(2) in the matter following paragraph (2), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for any term of years not less than 10 or for life.''.

(d) TERRORIST OFFENSES RESULTING IN DEATH.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

''§ 2339G. Terrorist offenses resulting in death

''(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years not less than 20 or for life.

''(b) In this section, the term 'terrorist offense' means—

''(1) a felony offense that is—

''(A) a Federal crime of terrorism as defined in section 2332b(g), other than an offense under section 1363; or

''(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

''(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

''2339G. Terrorist offenses resulting in death.''.

(e) DEATH PENALTIES.—

(1) MASS DESTRUCTION.—Section 832 of title 18, United States Code, is amended—

(A) in subsection (a), by striking ''not more than 20 years.'' and inserting ''any term of years not less than 15 or for life.''; and

(B) in subsection (c), by striking ''or for life.'' and inserting ''not less than 15 or for life and, if the death of any person results, shall be punished by death or imprisonment for life.''

(2) MISSILE SYSTEMS DESIGNED TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(3) NUCLEAR MATERIAL.—Section 222b. of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting ''death or'' before ''imprisonment for life'' the last place it appears.

(4) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(5) VARIOLA VIRUSES.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

SEC. 6. INVESTIGATION OF TERRORIST CRIMES.

(a) NONDISCLOSURE OF FISA INVESTIGATIONS.—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting ''(other than in proceedings or other civil matters under the immigration laws, as that term is defined in

section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))'' after ''authority of the United States'':

(1) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(2) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(3) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(b) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

''(3) a magistrate judge—in an investigation of—

''(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

''(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.''.

(c) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking ''8 years'' and inserting ''10 years''.

SA 5048. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 1, line 8, strike ''18 months'' and insert ''18 months and 2 days.''

SA 5049. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5048 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

Strike ''18 months and 2 days'' and insert ''18 months and 1 day.''

SA 5050. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following: The effective date shall be 5 days after the date of enactment.

SA 5051. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5050 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On line 2 of the amendment, strike ''5 days'' and insert ''1 day.''

SA 5052. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end of section 2, add the following: ''This section shall become effective 5 days after the date of enactment.

SA 5053. Mr. CHAMBLISS submitted an amendment intended to be proposed to him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL EMPLOYMENT AND WORKFORCE PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Agricultural Employment and Workforce Protection Act of 2006''.

Subtitle A—Border Security

SEC. 211. COMPREHENSIVE PLAN TO CONTROL THE BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Homeland Security shall prepare and submit to Congress, at the earliest practicable date, a comprehensive plan to—

(1) establish operational control of the borders of the United States; and

(2) effectively enforce the immigration laws of the United States in the interior of the United States.

(b) CONTENTS.—The plan described in subsection (a) shall include—

(1) detailed strategies;

(2) time lines for implementation; and

(3) cost estimates for such activities.

(c) INTERIM PLAN.—The mandates contained in this subtitle shall serve as an interim plan until Congress enacts legislation to implement the comprehensive plan submitted by the Secretary of Homeland Security under subsection (a).

SEC. 212. USE OF DEPARTMENT OF DEFENSE EQUIPMENT FOR SURVEILLANCE OF INTERNATIONAL LAND BORDERS OF THE UNITED STATES.

(a) AVAILABILITY OF EQUIPMENT.—The Secretary of Homeland Security, in collaboration with the Secretary of Defense, shall develop and implement a plan to provide military support to civilian law enforcement agencies, including the use of unmanned aerial vehicles, other surveillance equipment, and other equipment of the Department of Defense, to assist the surveillance activities of the Department of Homeland Security at and near the international land borders of the United States.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit a joint report to Congress, which describes the use of Department of Defense equipment to assist the surveillance efforts of the Department of Homeland Security and to support the plan developed under subsection (a).

(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the Secretary of Homeland Security can procure the equipment necessary to achieve operational control of the international land borders of the United States, the Secretary of Homeland Security and the Secretary of Defense shall submit joint reports to Congress that describe—

(A) the types of equipment and other support utilized for border security; and

(B) the effectiveness of such equipment and support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 213. PORTS OF ENTRY.

(a) CONSTRUCTION AUTHORIZED.—The Secretary of Homeland Security may construct not more than 30 additional land ports of entry along the northern and southern international land borders of the United States at locations to be determined by the Secretary if such construction will enhance the border security of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

SEC. 214. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS.

In addition to the positions authorized by section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), the Secretary of Homeland Security shall, for each of the fiscal years between fiscal year 2007 and 2011, increase by no less than 250 the number of positions for full-time active duty Customs and Border Protection Officers.

SEC. 215. INTERIOR ENFORCEMENT.

(a) STATE AND LOCAL IMMIGRATION LAW ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, appropriately trained law enforcement personnel of a State or a unit of local government are authorized to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel.

(2) REIMBURSEMENT OF COSTS.—The Secretary of Homeland Security shall reimburse States and units of local government for all reasonable costs incurred by that State or local government to carry out the activities described in paragraph (1).

(b) FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.—Title II of the Immigration and Nationality Act is amended by adding after section 240C the following:

''TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY

''SEC. 240D. (a) IN GENERAL.—If the head of a law enforcement entity of a State, or a political subdivision of a State, requests the Secretary of Homeland Security to take an illegal alien into Federal custody, the Secretary shall—

''(1) not later than 72 hours after such request is received from the State, take such alien into the custody of the Federal Government and incarcerate the alien; or

''(2) request the relevant State or local law enforcement agency to temporarily detain or transport the illegal alien to a location for transfer to Federal custody.

''(b) DESIGNATED INCARCERATION FACILITY.—The Secretary of Homeland Security shall designate not less than 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

''(c) REIMBURSEMENT TO STATES AND LOCAL GOVERNMENTS.—The Department of Homeland Security shall reimburse each State or a political subdivision of a State for all reasonable expenses incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien.''.

(c) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATIVE PERSONNEL.—

(1) ADDITIONAL POSITIONS AUTHORIZED.—In addition to the positions authorized by section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), the Secretary of Homeland Security shall, for each of fiscal years 2007 through 2011, increase by not less than 400 the number of investigative personnel within the Department of Homeland Security responsible for investigating immigration status violations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(d) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the National Crime Information Center of the Federal Bureau of Investigation (referred to in this section as the ''NCIC'') with information related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement that has become invalid under section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)); and

(C) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information provided to the NCIC under paragraph (1) shall be entered into the Immigration Violators File of the NCIC database if a name and date of birth are available for the individual, regardless of whether the alien received notice of a final order of removal or the alien has already been removed.

(3) REMOVAL OF INFORMATION.—If an individual is granted cancellation of removal under section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) or is granted permission to legally enter the United States after a voluntary departure under section 240B of such Act (8 U.S.C. 1229c), any information entered into the NCIC database in accordance with this subsection shall be promptly removed.

(e) INCREASING FEDERAL DETENTION SPACE.—

(1) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(A) IN GENERAL.—In addition to facilities being used for the detention of aliens as of the date of enactment of this Act, the Secretary of Homeland Security shall construct or acquire 20 detention facilities in the United States with sufficient capacity to detain a combined total of not less than 200,000 individuals at any time. Such facilities shall be used for aliens detained pending removal or a decision on removal of such aliens from the United States.

(B) DETERMINATION OF LOCATION.—The location of each detention facility built or acquired pursuant to this paragraph shall—

(i) be determined by the senior officer responsible for detention and removal operations of the Department of Homeland Security, subject to the approval of the Secretary of Homeland Security; and

(ii) enable the Department to increase, to the maximum extent practicable, the annual rate and level of removals of illegal aliens from the United States.

(C) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this paragraph, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subparagraph (A).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 216. EXPANDING CATEGORY OF INADMISSIBLE ALIENS.

(a) CRIMINAL STREET GANGS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—Any alien who is a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is inadmissible.''.

(b) DEPORTING CRIMINAL STREET GANG MEMBERS.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—Any alien who is a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is deportable.''.

(c) CRIMINAL ALIENS.—Any alien convicted of a felony or a misdemeanor in the United States is ineligible to receive a visa and ineligible to be admitted to the United States.

Subtitle B—Temporary H–2A Workers

SEC. 221. DEFINITION.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended—

(1) by striking ''and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954'' and inserting '', which shall include labor and services relating to commodities, livestock, dairy, forestry, landscaping, fishing, and the processing of meat, poultry, and fish, and agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986),''; and

(2) by striking '', of a temporary or seasonal nature''.

SEC. 222. ADMISSION OF TEMPORARY H–2A WORKERS.

(a) PROCEDURE FOR ADMISSION.—

(1) IN GENERAL.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

''ADMISSION OF TEMPORARY H–2A WORKERS

''SEC. 218. (a) DEFINITIONS.—In this section and section 218A:

''(1) AREA OF EMPLOYMENT.—The term 'area of employment' means the area within normal commuting distance of the work site or physical location where the work of the H–2A worker is or will be performed. If such work site or location is within a Metropolitan Statistical Area, any place within such area shall be considered to be within the area of employment.

''(2) DISPLACE.—In the case of a petition with respect to an H–2A worker filed by an employer, the employer 'displaces' a United States worker from a job if the employer lays off the worker from a job that is essentially equivalent to the job for which the H–2A worker is sought. A job shall not be considered to be essentially equivalent to another job unless the job—

''(A) involves essentially the same responsibilities as the other job;

''(B) was held by a United States worker with substantially equivalent qualifications and experience; and

''(C) is located in the same area of employment as the other job.

''(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment of the individual.

''(4) EMPLOYER.—The term 'employer' means an employer who hires workers to perform agricultural employment.

''(5) H-2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(6) LAY OFF.—

''(A) IN GENERAL.—The term 'lay off'—

''(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (3) or (7) of subsection (b)); and

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under subsection (h)(2), with either employer described in such subsection) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(7) LEVEL II H–2A WORKER.—The term 'Level II H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who—

''(A) has been employed as an H–2A worker for at least 3 years;

''(B) has not violated a material term or condition of employment as an H–2A worker;

''(C) works in a supervisory capacity; and

''(D) meets minimum skill levels in the occupation in which they are employed, as determined, by regulation, by the Secretary of Labor, based on surveys conducted by State workforce agencies.

''(8) PREVAILING WAGE.—The term 'prevailing wage' means the wage rate that includes the 51st percentile of employees with similar experience and qualifications in the agricultural occupation in the area of intended employment, expressed in terms of the prevailing method of pay for the occupation in the area of intended employment.

''(9) UNITED STATES WORKER.—The term 'United States worker' means any worker who is a national of the United States, an alien lawfully admitted for permanent residence, and any other alien authorized to work in the relevant job opportunity within the United States, except—

''(A) an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a); and

''(B) an alien provided blue card status under section 218B.

''(b) APPLICATION.—An alien may not be admitted as an H–2A worker unless the employer has filed with the Secretary of Homeland Security a petition attesting to the following:

''(1) TEMPORARY WORK OR SERVICES.—

''(A) IN GENERAL.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis and will provide compensation to such workers at a specified wage rate and under specified conditions.

''(B) SKILLED WORKERS.—If the worker is a Level II H–2A worker, the employer will recruit the worker separately and the attestation will delineate separate wage rate and conditions of employment for such worker.

''(C) DEFINITION.—For purposes of this paragraph, a worker is employed on a temporary basis if the employer intends to employ the worker for an 11–month contract period.

''(2) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (k) to all workers employed in the jobs for which the H–2A worker is sought and to all other temporary workers in the same occupation at the place of employment.

''(3) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment of the H–2A worker and during the 30-day period immediately preceding such period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(4) RECRUITMENT.—

''(A) IN GENERAL.—The employer—

''(i) conducted adequate recruitment in the area of employment before filing the attestation; and

''(ii) was unsuccessful in locating a qualified United States worker for the job opportunity for which the H–2A worker is sought.

''(B) OTHER REQUIREMENTS.—The adequate recruitment requirement under subparagraph (A) is satisfied if the employer places—

''(i) a job order with the America's Job Bank Program of the Department of Labor; and

''(ii) a Sunday advertisement in a newspaper of general circulation that is likely to be patronized by a potential worker in the area of intended employment.

''(C) ADVERTISEMENT REQUIREMENT.—The advertisement requirement under subparagraph (B)(ii) is satisfied if the advertisement—

''(i) names the employer;

''(ii) directs applicants to report or send resumes, as appropriate for the occupation, to the employer;

''(iii) provides a description of the vacancy that is specific enough to apprise United States workers of the job opportunity for which certification is sought;

''(iv) describes the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

''(v) states the rate of pay, which shall not be less than the wage paid for the occupation in the area of intended employment; and

''(vi) offers wages, terms, and conditions of employment, which are at least as favorable to those offered to the alien.

''(D) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit United States workers shall terminate on the first day of the contract period that work begins.

''(5) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the nonimmigrant is sought to any eligible United States worker who—

''(A) applies;

''(B) is at least as qualified for the job as the nonimmigrant; and

''(C) will be available at the time and place of need.

''(6) PROVISION OF INSURANCE.—If the job for which the H–2A worker is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

''(7) STRIKE OR LOCKOUT.—There is not a strike or lockout in the course of a labor dispute which, under regulations promulgated by the Secretary of Labor, precludes the hiring of H–2A workers.

''(8) PREVIOUS VIOLATIONS.—The employer has not, during the previous 5-year period, employed H–2A workers and knowingly violated a material term or condition of approval with respect to the employment of domestic or nonimmigrant workers, as determined by the Secretary of Labor after notice and opportunity for a hearing.

''(c) PUBLIC EXAMINATION.—Not later than 1 working day after the date on which a petition under this section is filed, the employer shall make a copy of each such petition (and any necessary accompanying documents) available for public examination, at the employer's principal place of business or worksite.

''(d) LIST.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall maintain a list of the petitions filed under subsection (b), which shall—

''(A) be sorted by employer; and

''(B) include the number of H–2A workers sought, the wage rate, the period of intended employment, and the date of need for each alien.

''(2) AVAILABILITY.—The Secretary of Homeland Security shall, at least monthly, submit a copy of the list described in paragraph (1) to the Secretary of Labor, who shall make the list available for public examination.

''(e) PETITIONING FOR ADMISSION.—

''(1) IN GENERAL.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker shall file with the Secretary of Homeland Security a petition that includes the attestations described in subsection (b).

''(2) CONSIDERATION OF PETITIONS.—For each petition filed and considered under this subsection—

''(A) the Secretary of Homeland Security may not require such petition to be filed more than 28 days before the first date the employer requires the labor or services of the H–2A worker; and

''(B) unless the Secretary of Homeland Security determines that the petition is incomplete or obviously inaccurate, the Secretary, not later than 7 days after the date on which such petition was filed, shall either approve or deny the petition.

''(3) EXPEDITED ADJUDICATION.—The Secretary of Homeland Security shall—

''(A) establish a procedure for expedited adjudication of petitions filed under this subsection; and

''(B) not later than 7 working days after such filing, transmit, by fax, cable, or other means assuring expedited delivery, a copy of notice of action on the petition—

''(i) in the case of approved petitions, to the petitioner, the Secretary of Labor, and to the appropriate immigration officer at the port of entry or United States consulate where the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States;

''(ii) in the case of denied petitions, to the petitioner, including reasons for the denial and instructions on how to appeal such denial.

''(4) PETITION AGREEMENTS.—By filing an H–2A petition, a petitioner and each employer consents to allow access to the site where the labor is being performed for the purpose of determining compliance with H–2A requirements.

''(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to hire an alien as a temporary agricultural worker may be filed by an association of agricultural employers which use agricultural services.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, such workers may be transferred among its members to perform agricultural services of a temporary nature for which the petition was approved.

''(3) STATEMENT OF LIABILITY.—The petition shall include a clear statement explaining the liability under this section of an employer who places an H–2A worker with another employer authorized to employ H–2A workers if the other employer displaces a United States worker in violation of this section.

''(4) TREATMENT OF VIOLATIONS.—

''(A) INDIVIDUAL MEMBER.—If an individual member of a joint employer association violates any condition for approval with respect to the member's petition, the Secretary of Homeland Security shall deny such petition only with respect to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or had reason to know of the violation.

''(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—

''(i) JOINT EMPLOYER.—If an association representing agricultural employers as a joint employer violates any condition for approval with respect to the association's petition, the Secretary of Homeland Security shall deny such petition only with respect to the association and may not apply the denial to any individual member of the association, unless the Secretary of Labor determines that the member participated in, had knowledge of, or had reason to know of the violation.

''(ii) SOLE EMPLOYER.—If an association of agricultural employers approved as a sole employer violates any condition for approval with respect to the association's petition, no individual member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the occupation in which such aliens were employed by the association which was denied approval during the period such denial is in force, unless such member employs such aliens in the occupation in question directly or through an association which is a joint employer of such workers with the member.

''(g) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Homeland Security shall issue regulations to provide for an expedited procedure—

''(1) for the review of a denial of a petition under this section by the Secretary; or

''(2) at the applicant's request, for a de novo administrative hearing respecting the denial.

''(h) MISCELLANEOUS PROVISIONS.—

''(1) REQUIREMENTS FOR PLACEMENT OF H–2A WORKERS WITH OTHER EMPLOYERS.—A nonimmigrant who is admitted into the United States as an H–2A worker may be transferred to another employer that has attested to the Secretary of Homeland Security that the employer has filed a petition under this section and is in compliance with this section. The Secretary of Homeland Security and the Secretary of State shall issue regulations to establish a process for the approval and reissuance of visas for transferred H–2A workers, as necessary.

''(2) ENDORSEMENT OF DOCUMENTS.—The Secretary of Homeland Security shall provide for the endorsement of entry and exit documents of H–2A workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

''(3) PREEMPTION OF STATE LAWS.—The provisions of subsection (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

''(4) FEES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may require, as a condition of approving the petition, the payment of a fee, in accordance with subparagraph (B), to recover the reasonable cost of processing petitions.

''(B) FEE BY TYPE OF EMPLOYEE.—

''(i) SINGLE EMPLOYER.—An employer whose petition for temporary alien agricultural workers is approved shall, for each approved petition, pay a fee that—

''(I) subject to subclause (II), is equal to $100 plus $10 for each approved H–2A worker; and

''(II) does not exceed $1,000.

''(ii) ASSOCIATION.—Each employer-member of a joint employer association whose petition for temporary agricultural aliens is approved shall, for each such approved petition, pay a fee that—

''(I) subject to subclause (II), is equal to $100 plus $10 for each approved H–2A worker; and

''(II) does not exceed $1,000.

''(iii) LIMITATION ON ASSOCIATION FEES.—A joint employer association under clause (ii) shall not be charged a separate fee.

''(C) METHOD OF PAYMENT.—The fees collected under this paragraph shall be paid by check or money order to the Department of Homeland Security. In the case of employers of H–2A workers that are members of a joint employer association applying on their behalf, the aggregate fees for all employers of H–2A workers under the petition may be paid by 1 check or money order.

''(D) INCREASE IN FEES.—For calendar year 2007 and each subsequent calendar year, the dollar amounts in subparagraph (B) may be increased by an amount equal to—

''(i) such dollar amount; multiplied by

''(ii) the percentage by which the average of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2005.

''(5) EMPLOYMENT VERIFICATION PROGRAM.—

''(A) IN GENERAL.—Not later than 12 months after the date of enactment of this paragraph, the Secretary of Homeland Security shall establish a mandatory employment verification program for all employers of H–2A workers to verify the eligibility of all individuals hired by each such employer, including those who present an H–2A visa to work in the United States.

''(B) EMPLOYER COMPLIANCE.—Each employer of an H–2A worker shall comply with the requirements promulgated by the Secretary of Homeland Security to verify the identity and employment eligibility of all individuals hired.

''(C) REGULATIONS.—In carrying out the program under this paragraph, the Secretary of Homeland Security shall promulgate regulations to require each employer to verify the employment eligibility of each employee hired through—

''(i) a secure Internet site;

''(ii) a machine capable of reading the H–2A visa, which shall serve as the identification and employment eligibility document for each H–2A alien; or

''(iii) a toll-free telephone number to check the accuracy of any social security number presented to the employer.

''(6) EMPLOYER-BASED APPLICATION FOR PERMANENT RESIDENCE.—

''(A) IN GENERAL.—The employer of a Level II H–2A worker who has been employed in such status for not less than 5 years may file an application for an employment-based adjustment of status under section 245(k) for such worker.

''(B) EFFECT OF APPLICATION.—A Level II H–2A worker for whom an application is filed under subparagraph (A) may continue to be employed in such status until—

''(i) such application has been adjudicated; or

''(ii) such worker has violated any provision of this section.

''(i) FAILURE TO MEET CONDITIONS.—

''(1) IN GENERAL.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employer work sites to ensure compliance with the requirements of the H–2A program and all other requirements under this Act. All monetary fines levied against violating employers shall be paid to the Department of Labor and used to enhance the Department of Labor's investigatory and auditing power.

''(2) PENALTIES FOR FAILURE TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet any condition under subsection (b), or a material misrepresentation of fact in a petition under subsection (b)—

''(A) the Secretary of Labor—

''(i) shall notify the Secretary of Homeland Security of such finding; and

''(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $1,000 per violation, as the Secretary of Labor determines to be appropriate; and

''(B) the Secretary of Homeland Security may disqualify the employer from the employment of H–2A workers for a period of 1 year.

''(3) PENALTIES FOR WILLFUL FAILURE.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in a petition under subsection (b)—

''(A) the Secretary of Labor—

''(i) shall notify the Secretary of Homeland Security of such finding; and

''(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $5,000 per violation, as the Secretary of Labor determines to be appropriate; and

''(B) the Secretary of Homeland Security may—

''(i) disqualify the employer from the employment of H–2A workers for a period of 2 years;

''(ii) for a second violation, disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(iii) for a third violation, permanently disqualify the employer from the employment of H–2A workers.

''(4) PENALTIES FOR DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in a petition under subsection (b), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's petition under subsection (b), or during the period of 30 days preceding such period of employment—

''(A) the Secretary of Labor—

''(i) shall notify the Secretary of Homeland Security of such finding; and

''(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed $15,000 per violation, as the Secretary of Labor determines to be appropriate; and

''(B) the Secretary of Homeland Security may—

''(i) disqualify the employer from the employment of H–2A workers for a period of 5 years; and

''(ii) for a second violation, permanently disqualify the employer from the employment of H–2A workers.

''(5) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor may not impose total civil money penalties with respect to a petition under subsection (b) in excess of $90,000.

''(j) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

''(1) IN GENERAL.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employer work sites to ensure compliance with the requirements of the H–2A program.

''(2) ASSESSMENT.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment attested by the employer under subsection (b)(2), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question.

''(3) AMOUNT.—The back wages or other required benefits described in paragraph (2)—

''(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such worker; and

''(B) shall be distributed to the worker to whom such wages are due.

''(k) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

''(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

''(A) IN GENERAL.—Each employer seeking to hire United States workers shall offer such workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. No job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers. The benefits, wages, and other terms and conditions of employment described in this subsection shall be provided in connection with employment under this section.

''(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

''(i) the services of workers to their employers and the employment opportunities afforded to workers by the employers, including those employment opportunities that require United States workers or H–2A workers to travel or relocate in order to accept or perform employment—

''(I) mutually benefit such workers, as well as their families, and employers; and

''(II) principally benefit neither employer nor employee; and

''(ii) employment opportunities within the United States benefit the United States economy.

''(2) REQUIRED WAGES.—

''(A) IN GENERAL.—Each employer applying for workers under subsection (b) shall pay not less than the greater of—

''(i) the prevailing wage to all workers in the occupation for which the employer has applied for workers; or

''(ii) the applicable State minimum wage.

''(B) WAGES FOR LEVEL II H–2A WORKERS.—Each employer applying for Level II H–2A workers under subsection (b) shall pay such workers not less than the prevailing wage, as determined by the Secretary of Labor.

''(C) DETERMINATION OF WAGES.—An employer seeking to comply with subparagraph (A) may—

''(i) request and obtain a prevailing wage determination from the State employment agency; or

''(ii) rely on other wage information, including a survey of the prevailing wages of workers in the occupation in the area of employment that has been conducted or funded by the employer or a group of employers, using the methodology used by the Secretary of Labor to establish Occupational Employment and Wage estimate, and any other criteria specified in regulations issued by the Secretary of Labor.

''(D) COMPLIANCE.—An employer shall be considered to have complied with the requirement under subparagraph (A) if the employer—

''(i)(I) obtains a prevailing wage determination under subparagraph (C)(i); or

''(II) relies on a qualifying survey of prevailing wages; and

''(ii) pays such prevailing wage.

''(3) HOUSING REQUIREMENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (F), each employer applying for workers under subsection (b) shall offer to provide housing at no cost to—

''(i) all workers in job opportunities for which the employer has applied under subsection (b); and

''(ii) all other workers in the same occupation at the same place of employment, whose place of residence is beyond normal commuting distance.

''(B) COMPLIANCE.—An employer meets the requirement under subparagraph (A) if the employer—

''(i) provides the workers with housing that meets applicable Federal standards for temporary labor camps; or

''(ii) secures housing for the workers that—

''(I) meets applicable local standards for rental or public accommodation housing, or other substantially similar class of habitation; or

''(II) in the absence of applicable local standards, meets State standards for rental or public accommodation housing or other substantially similar class of habitation.

''(C) INSPECTION.—The employer may request a certificate of inspection by an approved Federal or State agency to the Secretary of Labor not later than 28 days before a worker is scheduled to occupy housing described in subparagraph (B). Such an inspection, and any necessary follow up, including at least 1 follow up visit, shall be performed by the Wage and Hour Division of the Department of Labor in a timely manner not later than 28 days after such a request.

''(D) RULEMAKING.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) HOUSING ALLOWANCE.—

''(i) AUTHORITY.—If the Governor of a State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed in agricultural work, an employer in such State may, in lieu of offering housing pursuant to subparagraph (A), provide a reasonable housing allowance. An employer who provides a housing allowance to a worker shall not be required to reserve housing accommodations for the worker.

''(ii) ASSISTANCE IN LOCATING HOUSING.—Upon the request of a worker seeking assistance in locating housing, an employer providing a housing allowance under clause (i) shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment.

''(iii) LIMITATION.—A housing allowance may not be used for housing that is owned or controlled by the employer. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protect Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

''(iv) OTHER REQUIREMENTS.—

''(I) NONMETROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the state-wide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(v) INFORMATION.—If the employer provides a housing allowance to H–2A employees, the employer shall provide a list to the Secretary of Homeland Security and the Secretary of Labor of the names and local addresses of such workers.

''(4) REIMBURSEMENT OF TRANSPORTATION COSTS.—

''(A) REQUIREMENT FOR REIMBURSEMENT.—A worker who completes 50 percent of the period of employment of the job for which the worker was hired, beginning on the first day of such employment, shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from—

''(i) the place from which the worker was approved to enter the United States to the location at which the work for the employer is performed; or

''(ii) if the worker traveled from a place in the United States at which the worker was last employed, from such place of last employment to the location at which the work for the employer is performed.

''(B) TIMING OF REIMBURSEMENT.—Reimbursement to the worker of expenses for the cost of the worker's transportation and subsistence to the place of employment under subparagraph (A) shall be considered timely if such reimbursement is made not later than the worker's first regular payday after a worker completes 50 percent of the period of employment of the job opportunity as provided under this paragraph.

''(C) ADDITIONAL REIMBURSEMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the work site to the place where the worker was approved to enter the United States to work for the employer. If the worker has contracted with a subsequent employer, the previous and subsequent employer shall share the cost of the worker's transportation and subsistence from work site to work site.

''(D) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided to a worker or alien under this paragraph shall be equal to the lesser of—

''(i) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(E) REIMBURSEMENT FOR LAID OFF WORKERS.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (5)(D)) before the anticipated ending date of employment, the employer shall provide—

''(i) the transportation and subsistence required under subparagraph (C); and

''(ii) notwithstanding whether the worker has completed 50 percent of the period of employment, the transportation reimbursement required under subparagraph (A).

''(F) TRANSPORTATION.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker in accordance with applicable laws and regulations.

''(G) CONSTRUCTION.—Nothing in this paragraph shall be construed to require an employer to reimburse visa, passport, consular, or international border-crossing fees incurred by the worker or any other fees associated with the worker's lawful admission into the United States to perform employment.

''(5) EMPLOYMENT GUARANTEE.—

''(A) IN GENERAL.—

''(i) REQUIREMENT.—Each employer applying for workers under subsection (b) shall guarantee to offer the worker employment for the hourly equivalent of not less than 75 percent of the work hours during the total anticipated period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer.

''(ii) FAILURE TO MEET GUARANTEE.—If the employer affords the United States worker or the H–2A worker less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned if the worker had worked for the guaranteed number of hours.

''(iii) PERIOD OF EMPLOYMENT.—For purposes of this subparagraph, the term 'period of employment' means the total number of anticipated work hours and work days described in the job offer and shall exclude the worker's Sabbath and Federal holidays.

''(B) CALCULATION OF HOURS.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work

day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) LIMITATION.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in subparagraph (A).

''(D) TERMINATION OF EMPLOYMENT.—

''(i) IN GENERAL.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment.

''(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

''(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day after the arrival of the worker and ending on the date on which such employment is terminated; and

''(II) make efforts to transfer the United States worker to other comparable employment acceptable to the worker.

''(l) DISQUALIFICATION.—

''(1) IN GENERAL.—Subject to paragraph (2), an alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the previous 5 years, violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission.

''(2) WAIVERS.—

''(A) IN GENERAL.—An alien seeking admission under section 101(a)(15)(H)(ii)(a) while outside of the United States shall not be deemed inadmissible under such section by reason of—

''(i) paragraph (1);

''(ii) section 212(a)(6)(C), if such alien has previously falsely represented himself or herself to be a citizen of the United States for the purpose of agricultural employment; or

''(iii) section 212(a)(9)(B), unless such alien was deported from the United States.

''(B) EFFECTIVE PERIOD OF WAIVER.—If an alien is admitted to the United States as a result of a waiver under subparagraph (A), such waiver shall remain in effect until the alien subsequently violates—

''(i) a material provision of this section; or

''(ii) a term or condition of admission into the United States as a nonimmigrant.

''(m) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—An H–2A alien shall be admitted for an 11-month period of employment, excluding—

''(A) a period of not more than 7 days before the beginning of the period of employment for the purpose of travel to the work site; and

''(B) a period of not more than 14 days after the period of employment for the purpose of departure or extension based on a subsequent offer of employment.

''(2) EMPLOYMENT LIMITATION.—An alien may not be employed during the 14-day period described in paragraph (1)(B) except in the employment for which the alien was previously authorized.

''(3) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary of Homeland Security to extend the stay of an alien under any other provision of this Act.

''(n) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status—

''(A) shall have failed to maintain nonimmigrant status as an H–2A worker; and

''(B) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—Not later than 24 hours after the premature abandonment of employment by an H–2A worker, the employer or association acting as an agent for the employer shall notify the Secretary of Homeland Security of such abandonment.

''(3) REMOVAL.—The Secretary of Homeland Security shall ensure the prompt removal from the United States of any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

''(o) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon notification under subsection (n)(2)—

''(A) the Secretary of State shall promptly issue a visa to an eligible alien designated by the employer to replace an H–2A worker who abandons or prematurely terminates employment; and

''(B) the Secretary of Homeland Security shall admit such alien into the United States.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit any preference for which United States workers are eligible under this Act.

''(p) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall provide each alien authorized to be an H–2A worker with a single machine-readable, tamper-resistant, and counterfeit-resistant document that—

''(A) authorizes the alien's entry into the United States;

''(B) serves, for the appropriate period, as an employment eligibility document; and

''(C) verifies the identity of the alien through the use of at least 1 biometric identifier.

''(2) REQUIREMENTS.—The document required for all aliens authorized to be an H–2A worker—

''(A) shall be capable of reliably determining whether—

''(i) the individual with the document is in fact eligible for employment as an H-2A worker;

''(ii) the individual with the document is not claiming the identity of another person; and

''(iii) the individual with the document is authorized to be admitted into the United States; and

''(B) shall be compatible with—

''(i) other databases of the Secretary of Homeland Security to prevent an alien from obtaining benefits for which the alien is not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(q) EXTENSION OF STAY OF H–2A WORKERS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—

''(A) AUTHORITY.—An employer may petition to extend an H–2A worker's stay for up to 2 consecutive contract periods before the alien is required to return to the alien's country of nationality or country of last residence.

''(B) REQUEST AN EXTENSION.—If an employer seeks to employ, or continue to employ, an H–2A worker who is lawfully present in the United States, the employer or association shall request an extension of the alien's stay not later than 14 days before the expiration of the period of authorized employment.

''(C) LIMITATIONS.—An extension of stay under this subsection—

''(i) may only commence upon the termination of the H–2A worker's contract with an employer;

''(ii) may be effective immediately following the termination of a prior contract; and

''(iii) may not exceed 11 months, excluding the 14-day period provided for travel or extension due to subsequent employment.

''(D) RETURN TO FOREIGN COUNTRY.—

''(i) REQUIREMENT TO RETURN.—At the conclusion of 3 contract periods authorized under this section, the alien so employed may not be employed in the United States as an H–2A worker until the alien has returned to the alien's country of nationality or country of last residence for a period of not less than 6 months.

''(ii) REENTRY.—The alien may become eligible for reentry into the United States as an H–2A worker after working in the United States for 2 contract periods and remaining the alien's country of nationality or country of last residence for not less than 4 months. The alien may also be eligible for re-entry to the United States as an H–2A worker after working in the United States for 1 contract period and remaining in the alien's country of nationality or country of last residence for not less than 2 months.

''(2) WORK AUTHORIZATION.—

''(A) IN GENERAL.—An alien who is lawfully present in the United States on the date of the filing of a petition to extend the stay of the alien may commence or continue the employment described in a petition under paragraph (1). The employer shall provide a copy of the employer's petition for extension of stay to the alien. The alien shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

''(B) EMPLOYMENT ELIGIBILITY DOCUMENT.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary of Homeland Security shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(C) FILE DEFINED.—In this paragraph, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivering by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition for an extension of stay.

''(r) SPECIAL RULE FOR ALIENS EMPLOYED AS LIVESTOCK WORKERS.—Notwithstanding any other provision of this section, an alien admitted as an H–2A worker for employment as a sheepherder, goatherder, livestock worker, or dairy worker may be admitted for a period of up to 2 years.

''ADMISSION OF CROSS-BORDER H–2AA WORKERS

''SEC. 218A. (a) DEFINITION.—In this section, the term 'H–2AA worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who participates in the cross-border worker program established under this section.

''(b) INCORPORATION BY REFERENCE.—

''(1) IN GENERAL.—Except as specifically provided under paragraph (2), the provisions under section 218 shall apply to H–2AA workers.

''(2) EXCEPTIONS.—The provisions under subsections (b)(1)(B), (k)(2)(B), (k)(3), (k)(4) (except for subparagraph (G)), and (r) of section 218 shall not apply to H–2AA workers.

''(c) MANDATORY ENTRY AND EXIT.—An H–2AA worker who complies with the provisions of this section—

''(1) may enter the United States each scheduled work day, in accordance with regulations promulgated by the Secretary of Homeland Security; and

''(2) shall exit the United States before the end of each day of such entrance.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is adding after the item relating to section 218 the following:

''Sec. 218A. Admission of cross-border H–2AA workers.''.

(b) RULEMAKING.—

(1) ISSUANCE OF VISAS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to provide for uniform procedures for the issuance of visas by United States consulates and consular officials to nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) H–2AA BORDER CROSSINGS.—The Secretary of Homeland Security shall promulgate regulations to establish a process for workers authorized to work in the United States under section 218A of the Immigration and Nationality Act, as added by subsection (a), to ensure that such workers expeditiously enter and exit the United States during each work day.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 223. LEGAL ASSISTANCE FROM THE LEGAL SERVICES CORPORATION.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) LEGAL ASSISTANCE.—(1) Upon application by a complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action.

''(2) The Legal Services Corporation may not provide legal assistance for or on behalf of any alien, and may not provide financial assistance to any person or entity that provides legal assistance for or on behalf of any alien, unless the alien—

''(A) is described in subsection (a); and

''(B) is present in the United States at the time the legal assistance is provided.

''(3)(A) No party may bring a civil action for damages or other complaint on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) unless—

''(i) the party makes a request to the Federal Mediation and Conciliation Service or an equivalent State program (as defined by the Secretary of Labor) not later than 90 days before bringing the action to assist the parties in reaching a satisfactory resolution of all issues involving parties to the dispute; and

''(ii) the parties to the dispute have attempted, in good faith, mediation or other non-binding dispute resolution of all issues involving all such parties.

''(B) If the mediator finds that an agricultural employer, agricultural association, or farm labor contractor has corrected a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) or of a regulation under such Act not later than 14 days after the date on which such agricultural employer, agricultural association, or farm labor contractor was notified in writing of such violation, no action may be brought under such Act with respect to such violation.

''(C) Any settlement reached through the mediation process described in subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding.

''(4) An employer of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) shall not be required to permit any recipient of grants or contracts under section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f), or any employee of such recipient, to enter upon the employer's property unless such recipient or employee has a prearranged appointment with a particular worker.

''(5) The employer of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) shall post the contact information of the Legal Services Corporation in the dwelling and at the work site of each nonimmigrant employee.

''(6) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this subsection.''; and

(2) by adding at the end the following:

''(g)(1) If a defendant prevails in an action under this section in which the plaintiff is represented by an attorney who is employed by the Legal Services Corporation or any entity receiving funds from the Legal Services Corporation, such entity or the Legal Services Corporation shall award to the prevailing defendant fees and other expenses incurred by the defendant in connection with the action.

''(2) As used in this subsection, the term 'fees and other expenses' has the meaning given the term in section 504(b)(1)(A) of title 5, United States Code.

''(3) The court shall take whatever steps necessary, including the imposition of sanctions, to ensure compliance with this subsection.''.

Subtitle C—Blue Card Program

SEC. 231. ADMISSION OF NECESSARY AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218A, as added by section 222, the following:

''BLUE CARD PROGRAM

''SEC. 218B. (a) DEFINITIONS.—As used in this section—

''(1) the term 'agricultural employment' means any service or activity that is considered agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)), and labor and services relating to commodities, livestock, dairy, forestry, landscaping, fishing, and the processing of meat, poultry, and fish;

''(2) the term 'blue card status' means the status of an alien who has been—

''(A) lawfully admitted for a temporary period for agricultural employment under subsection (b); and

''(B) issued a tamper-resistant, machine-readable document that—

''(i) serves as the alien's visa, employment authorization, and travel documentation; and

''(ii) contains such biometrics as are required by the Secretary;

''(3) the term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment;

''(4) the term 'Secretary' means the Secretary of Homeland Security; and

''(5) the term 'United States worker' means any worker, including a national of the United States, a lawfully admitted permanent resident alien, and any other alien authorized to work in the relevant job opportunity within the United States, except—

''(A) an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a);

''(B) an alien admitted or otherwise provided status as an H–2AA worker; and

''(C) an alien provided status under this section.

''(b) BLUE CARD PROGRAM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if, not later than 6 months after the date of enactment of this section, the petitioning employer attests and the Secretary determines that the alien—

''(A) performed at least 1600 hours of agricultural employment in the United States for that employer during 2005;

''(B) except as otherwise provided under paragraph (2), is otherwise admissible to the United States under section 212; and

''(C) has never been convicted of a felony or a misdemeanor in the United States.

''(2) DETERMINATION.—In determining an alien's eligibility for Blue Card status, the Secretary shall—

''(A) conduct a background investigation of the alien, including a review of evidence submitted by the petitioning employer in support of the attestation that the alien meets the minimum work requirements; and

''(B) interview the alien and require the alien to answer questions concerning the alien's—

''(i) physical and mental health;

''(ii) criminal history and gang membership;

''(iii) immigration history;

''(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government;

''(v) voter registration history;

''(vi) claims to United States citizenship; and

''(vii) tax history.

''(3) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—In determining an alien's eligibility for blue card status under paragraph (1)(C)—

''(A) the provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) shall not apply;

''(B) the provisions of section 212(a)(6)(C) shall not apply with respect to prior or current agricultural employment; and

''(C) the Secretary may not waive paragraph (1),(2), or (3) of section 212(a) unless such waiver is permitted under another provision of law.

''(4) PETITIONS.—

''(A) IN GENERAL.—An employer seeking blue card status under this section for an alien employee shall file a named petition for blue card status with the Secretary.

''(B) EMPLOYER PETITION.—An employer filing a petition under subparagraph (A) shall—

''(i) pay a registration fee of $3,000;

''(ii) pay a processing fee to cover the actual costs incurred in adjudicating the petition;

''(iii) include an affidavit signed by the beneficiary of the petition—

''(I) that certifies, under penalty of perjury under the laws of the United States, that the application and any evidence submitted with it is true and correct and that authorizes the release of any information contained in the petition and attached evidence for law enforcement purposes; and

''(II) that includes a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of Blue Card status, the alien agrees to waive any right to administrative or judicial review or appeal of a determination by the Department of Homeland Security regarding the alien's eligibility for Blue Card status; and

''(iv) provide an attestation, valid for not less than 60 days, that the employer—

''(I) conducted adequate recruitment in the area of intended employment before filing the petition; and

''(II) was unsuccessful in locating qualified United States workers for the job opportunity for which the certification is sought.

''(C) ADEQUATE RECRUITMENT.—

''(i) MINIMUM REQUIREMENT.—The adequate recruitment requirement under subparagraph (B)(iii) is satisfied if the employer—

''(I) places a job order with the America's Job Bank Program of the Department of Labor; and

''(II) places a Sunday advertisement in a newspaper of general circulation that is likely to be patronized by a potential worker in the area of intended employment.

''(ii) ADVERTISEMENT REQUIREMENT.—An advertisement under clause (i)(II) shall—

''(I) name the employer;

''(II) direct applicants to report or send resumes, as appropriate for the occupation, to the employer;

''(III) provide a description of the vacancy that is specific enough to apprise United States workers of the job opportunity for which certification is sought;

''(IV) describe the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

''(V) state the rate of pay, which must equal or exceed the wage paid to the H–2A employees in the occupation in the area of intended employment; and

''(VI) offer wages, terms, and conditions of employment, which are at least as favorable as those offered to the alien.

''(D) ADJUDICATION OF PETITIONS.—The Secretary of Homeland Security shall ensure that—

''(i) the petitioning process is secure and incorporates anti-fraud protections; and

''(ii) all petitions for Blue Card status are processed not later than 12 months after the date of enactment of this section.

''(E) NOTIFICATION OF ADJUDICATION.—The Secretary shall provide notification of an adjudication of a petition filed for an alien to the alien and to the employer who filed such petition.

''(F) EFFECT OF DENIAL.—If the Secretary denies a petition filed for an alien, such alien shall return to the country of the alien's nationality or last residence outside the United States.

''(5) BLUE CARD STATUS.—

''(A) BLUE CARD.—

''(i) ALL-IN-ONE CARD.—The Secretary, in conjunction with the Secretary of State, shall develop a single machine-readable, tamper-resistant document that—

''(I) authorizes the alien's entry into the United States;

''(II) serves, during the period an alien is in blue card status, as an employment authorized endorsement or other appropriate work permit for agricultural employment; and

''(III) serves as an entry and exit document to be used in conjunction with a proper visa or as a visa and as other appropriate travel and entry documentation using biometric identifiers that meet the biometric identifier standards jointly established by the Secretary of State and the Secretary.

''(ii) BIOMETRICS.—

''(I) SUBMISSION OF IDENTIFIERS.—After a petition is filed by an employer and receipt of such petition is confirmed by the Secretary, the alien, in order to further adjudicate the petition, shall submit 2 biometric identifiers (such as a fingerprint and a digital photograph), as required by the Secretary, to an application support center, which the Secretary shall establish in each State.

''(II) PROCESS.—The Secretary shall prescribe a process for the submission of a biometric identifier to be incorporated electronically into an employer's prior electronic filing of a petition. The Secretary shall prescribe an alternative process for employers to file a petition in a manner other than electronic filing, as needed.

''(B) DOCUMENT REQUIREMENTS.—The Secretary shall issue a blue card that is—

''(i) capable of reliably determining if the individual with the blue card whose eligibility is being verified is—

''(I) eligible for employment;

''(II) claiming the identity of another person; and

''(III) authorized to be admitted; and

''(ii) compatible with—

''(I) other databases maintained by the Secretary to exclude aliens from benefits for which the aliens are not eligible and determine whether the alien is unlawfully present in the United States; and

''(II) law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(C) AUTHORIZED TRAVEL.—

''(i) IN GENERAL.—An alien may make brief visits outside the United States during the period in which the alien is in blue card status, in accordance with such regulations as are established by the Secretary, in conjunction with the Secretary of State.

''(ii) READMISSION.—An alien may be readmitted to the United States after a visit described in clause (i) without having to obtain a visa if the alien presents the alien's blue card document.

''(iii) EFFECT OF TRAVEL.—Such periods of time spent outside the United States shall not cause the period of blue card status in the United States to be extended.

''(D) PORTABILITY.—

''(i) IN GENERAL.—During the period in which an alien is in blue card status, the alien issued a blue card may accept new employment upon the Secretary's receipt of a petition filed by an employer on behalf of the alien. Employment authorization shall continue for such alien until such petition is adjudicated.

''(ii) EFFECT OF DENIAL.—If a petition filed under clause (i) is denied and the alien has ceased employment with the previous employer, the authorization under clause (i) shall terminate and the alien shall be required to return to the country of the alien's nationality or last residence.

''(iii) FEE.—A fee may be required by the Secretary to cover the actual costs incurred in adjudicating a petition under this subparagraph. No other fee may be required under this subparagraph.

''(E) ANNUAL CHECK IN.—The employer of an alien in blue card status who has been employed for 1 year in blue card status shall confirm the alien's continued status with the Secretary electronically or in writing. Such confirmation will not require a further labor attestation.

''(F) TERMINATION OF BLUE CARD STATUS.—The Secretary may terminate the blue card status of an alien upon a determination by the Secretary that—

''(i) without the appropriate waiver, the granting of blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i);

''(ii) the alien is convicted of a felony or a misdemeanor committed in the United States; or

''(iii) the alien is deportable or inadmissible under any other provision of this Act.

''(6) PERIOD OF AUTHORIZED ADMISSION.—

''(A) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

''(B) RETURN TO COUNTRY.—At the end of the period referred to in subparagraph (A), the alien shall return to the country of nationality or last residence.

''(C) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon returning to the country of nationality or last residence under subparagraph (B), the alien may apply for an H-2A visa, an H–2AA visa, or any other nonimmigrant visa.

''(D) REPORTING REQUIREMENT.—Not later than 24 hours after an alien with blue card status ceases to be employed by an employer, such employer shall notify the Secretary of such cessation of employment. The Secretary shall provide electronic means for making such notification.

''(E) LOSS OF EMPLOYMENT.—

''(i) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for 60 or more consecutive days.

''(ii) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under clause (i) shall return to the country of the alien's nationality or last residence.

''(7) GROUNDS FOR ELIGIBILITY.—

''(A) BAR TO FUTURE VISAS FOR CONDITION VIOLATIONS.—If an alien having blue card status violates any term or condition of such status, the alien shall not be eligible for such status or for future immigrant and non-immigrant status, as determined by the Secretary.

''(B) ALIENS IN H–2A STATUS.—Any alien in lawful H–2A status between January 1, 2005 and December 31, 2006 shall be ineligible for blue card status.

''(8) BAR OF CHANGE OR ADJUSTMENT OF STATUS.—

''(A) IN GENERAL.—An alien having blue card status shall not be eligible to change or adjust status in the United States.

''(B) LOSS OF ELIGIBILITY.—An alien having blue card status shall lose eligibility for such status if the alien—

''(i) files a petition to adjust status to legal permanent residence in the United States; or

''(ii) requests a consular processing for an immigrant or non-immigrant visa outside the United States.

''(9) JUDICIAL REVIEW.—There shall be no judicial review of a denial of blue card status.

''(c) SAFE HARBOR.—

''(1) SAFE HARBOR FOR ALIEN.—An alien for whom a nonfrivolous petition is filed under this section—

''(A) shall be granted employment authorization pending final adjudication of the petition;

''(B) may not be detained, determined inadmissible, or deportable, or removed pending final adjudication of the petition for blue card status, unless the alien commits an act which renders the alien ineligible for such blue card status; and

''(C) may not be considered an unauthorized alien (as defined in section 274(h)(3)) if

the alien is in possession of a copy of a petition for status until such petition is adjudicated.

''(2) SAFE HARBOR FOR EMPLOYER.—

''(A) TAX LIABILITY.—An employer that files a petition for blue card status for an alien shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

''(B) EMPLOYMENT RECORDS.—An employer that provides unauthorized aliens with copies of employment records or other evidence of employment pursuant to the petition shall not be subject to civil and criminal liability pursuant to section 274A for employing such authorized aliens.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 218A, as added by section 222, the following:

''Sec. 218B. Blue card program.''.

(c) PENALTIES FOR FALSE STATEMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) Any person, including the alien who is the beneficiary of a petition, who—

''(1) files a petition under section 218B(b)(3) of the Immigration and Nationality Act; and

''(2)(A) knowingly and willfully falsifies, conceals, or covers up a material fact related to such a petition;

''(B) makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry related to such a petition; or

''(C) creates or supplies a false writing or document for use in making such a petition, shall be fined in accordance with this title, imprisoned not more than 5 years, or both.''.

SEC. 232. EFFECTIVE DATE.

This subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 5054. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5028 submitted by Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

Beginning on page 688, strike line 9 and all that follows through page 689, line 7.

SA 5055. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 1, insert '', consistent with and subject to all applicable regulations, laws, and provisions of the Constitution,'' after ''appropriate''.

SA 5056. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 96, after line 19, add the following:

SEC. 11. EXPEDITED REVIEW.

(a) IN GENERAL.—

(1) THREE-JUDGE DISTRICT COURT HEARING.—Any civil action challenging the legality of any provision of, or any amendment made by, this Act, shall be heard by a 3-judge panel in the United States District Court for the District of Columbia convened under section 2284 of title 28, United States Code. The exclusive venue for expedited review under this section shall be the United States District Court for the District of Columbia.

(2) APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the court of 3 judges in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed not later than 10 calendar days after such order or judgment is entered and the jurisdictional statement shall be filed not later than 30 calendar days after such order or judgment is entered.

(3) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(b) OTHER PROVISION.—Notwithstanding any other provision of this Act, section 950k(b) of title 10, United States Code, shall read as follows:

''(b) REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or section 11 of the Military Commissions Act of 2006, and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

SA 5057. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 11. ANNUAL REPORT ON INTERROGATION OF ALIEN UNLAWFUL ENEMY COMBATANTS UNDER CUSTODY OR CONTROL OF THE UNITED STATES.

(a) ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Director of National Intelligence shall submit to Congress a report on the interrogation of alien unlawful enemy combatants under the custody or control of the United States during the preceding calendar year.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the year covered by such report, the following:

(1) The types of interrogation methods utilized.

(2) The types of information gathered as a result of the interrogations.

(c) FORM OF REPORTS.—

(1) INTELLIGENCE COMMITTEES.—Each report under subsection (a) shall be provided to all members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in the form of a written and oral classified briefing.

(2) CONGRESS GENERALLY.—Each report under subsection (a) shall be otherwise submitted to Congress in unclassified form, with a classified annex if appropriate.

(d) UNLAWFUL ENEMY COMBATANT DEFINED.—In this section, the term ''unlawful enemy combatant'' has the meaning given that term in section 948a(1) of title 10, United States Code, as amended by section 3 (as added by Senate amendment No. 5036).

SA 5058. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 83, strike line 1 and all that follows through page 93, line 4, and insert the following:

SEC. 6. REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.

(a) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

''(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or''; and

(2) by adding at the end the following new subsection:

''(d) COMMON ARTICLE 3 VIOLATIONS.—

''(1) GRAVE BREACH OF COMMON ARTICLE 3.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

''(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

''(B) CRUEL, UNUSUAL, OR INHUMANE TREATMENT OR PUNISHMENT.—The act of a person who subjects another person in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the Constitution of the United States.

''(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

''(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause.

''(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring such person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of the body of such person or persons, without any legitimate medical or dental purpose.

''(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

''(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

''(H) SEXUAL ASSAULT OR ABUSE.—The act of person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

''(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

''(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

''(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraph (1)(A) in accordance with the meaning given that term in section 2340(2) of this title;

''(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title; and

''(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title.

''(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) of paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

''(A) collateral damage; or

''(B) death, damage, or injury incident to a lawful attack.

''(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.''.

(b) CONSTRUCTION.—Such section is further amended by adding at the end the following new subsections:

''(e) INAPPLICABILITY OF FOREIGN SOURCES OF LAW IN INTERPRETATION.—No foreign source of law shall be considered in defining or interpreting the obligations of the United States under this title.

''(f) NATURE OF CRIMINAL SANCTIONS.—The criminal sanctions in this section provide penal sanctions under the domestic law of the United States for grave breaches of the international conventions done at Geneva August 12, 1949. Such criminal sanctions do not alter the obligations of the United States under those international conventions.''.

(c) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—Such section is further amended by adding at the end the following new subsection:

''(g) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—The provisions of section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution relating to the detention and interrogation of individuals described in such provisions that is grounded in an offense under subsection (a) by reason of subsection (c)(3) with respect to actions occurring between September 11, 2001, and December 30, 2005.''.

SA 5059. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 83, strike line 1 and all that follows through page 93, line 4, and insert the following:

SEC. 6. REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.

(a) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

''(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or''; and

(2) by adding at the end the following new subsection:

''(d) COMMON ARTICLE 3 VIOLATIONS.—

''(1) GRAVE BREACH OF COMMON ARTICLE 3.—In subsection (c)(3), the term 'grave breach of common Article 3' means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

''(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

''(B) CRUEL, UNUSUAL, OR INHUMANE TREATMENT OR PUNISHMENT.—The act of a person who subjects another person in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the Constitution of the United States.

''(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

''(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause.

''(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring such person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of the body of such person or persons, without any legitimate medical or dental purpose.

''(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

''(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

''(H) SEXUAL ASSAULT OR ABUSE.—The act of person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

''(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

''(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

''(A) the term 'severe mental pain or suffering' shall be applied for purposes of paragraph (1)(A) in accordance with the meaning given that term in section 2340(2) of this title;

''(B) the term 'serious bodily injury' shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title; and

''(C) the term 'sexual contact' shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title.

''(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) of paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

''(A) collateral damage; or

''(B) death, damage, or injury incident to a lawful attack.

''(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.''.

(b) CONSTRUCTION.—Such section is further amended by adding at the end the following new subsections:

''(e) INAPPLICABILITY OF FOREIGN SOURCES OF LAW IN INTERPRETATION.—No foreign

source of law shall be considered in defining or interpreting the obligations of the United States under this title.

''(f) NATURE OF CRIMINAL SANCTIONS.—The criminal sanctions in this section provide penal sanctions under the domestic law of the United States for grave breaches of the international conventions done at Geneva August 12, 1949. Such criminal sanctions do not alter the obligations of the United States under those international conventions.''.

(c) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—Such section is further amended by adding at the end the following new subsection:

''(g) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—The provisions of section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution relating to the detention and interrogation of individuals described in such provisions that is grounded in an offense under subsection (a) by reason of subsection (c)(3) with respect to actions occurring between September 11, 2001, and December 30, 2005.''.

SA 5060. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5061. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 5, line 18, strike ''and'' and all that follows through line 20, and insert the following:

(3) the economic impact implementing such a system will have along the northern border; and

(4) the status of border security measures on the Blackfeet Reservation in Montana and recommendations for improving such measures.

SA 5062. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 5061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5063. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 94, line 2, strike the quotation marks and the second period and insert the following:

''(3)(A) Paragraph (1) shall not apply to an application for a writ of habeas corpus challenging the legality of the detention of an alien described in paragraph (1), including a claim of innocence, filed by or on behalf of such an alien who has been detained by the United States for longer than 1 year.

''(B) No second or successive application for a writ of habeas corpus may be filed by or on behalf of an alien described in paragraph (1).''.

SA 5064. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5065. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 94, line 2, strike the quotation marks and the second period and insert the following:

''(3)(A) Paragraph (1) shall not apply to an application for a writ of habeas corpus challenging the legality of the detention of an alien described in paragraph (1), including a claim of innocence, filed by or on behalf of such an alien who has been detained by the United States for longer than 1 year.

''(B) No second or successive application for a writ of habeas corpus may be filed by or on behalf of an alien described in paragraph (1).''.

SA 5066. Mrs. HUTCHISON (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 3, strike line 4 and all that follows through page 5, line 8, and insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

''(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

''(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

''(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

''(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

''(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

''(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

''(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

''(3) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

''(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.''.

SA 5067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

''(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

"(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

"(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

"(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

"(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

"(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

"(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

"(3) REPORTS.—Not later than 366 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.".

SA 5068. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

"(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

"(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

"(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

"(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

"(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

"(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

"(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

"(3) REPORTS.—Not later than 366 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.".

SA 5069. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, in the item relating to section 950g, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 55, strike line 5 and all that follows through page 56, line 2, and insert the following:

"§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

"(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

On page 56, beginning on line 3, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 56, beginning on line 9, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 57, beginning on line 4, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 57, beginning on line 13, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 58, beginning on line 2, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 58, beginning on line 7, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 59, beginning on line 4, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 59, beginning on line 10, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 80, beginning on line 11, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 81, between lines 20 and 21, insert the following:

(3) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking "United States Court of Appeals for the District of Columbia Circuit" each place it appears in paragraphs (3) and (4) and inserting "United States Court of Appeals for the Armed Forces".

SA 5070. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, strike the item relating to section 950f.

On page 46, below line 20, in the item relating to section 950g, strike "United States Court of Appeals for the District of Columbia Circuit" and insert "United States Court of Appeals for the Armed Forces".

On page 51, beginning on line 14, strike "Court of Military Commission Review under section 950f" and insert "United States Court of Appeals for the Armed Forces under section 950g".

On page 52, line 8, strike "950f" and insert "950g".

On page 52, beginning on line 14, strike "Court of Military Commission Review under section 950f" and insert "United States Court of Appeals for the Armed Forces under section 950g".

On page 53, beginning on line 7, strike "Court of Military Commission Review" and insert "United States Court of Appeals for the Armed Forces".

On page 54, line 15 and all that follows through page 57, line 14, and insert the following:

"§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

"(c) RIGHT OF APPEAL.—The accused may appeal from a final decision of a military commission, and the United States may appeal as provided in section 950d of this title,

to the United States Court of Appeals for the Armed Forces in accordance with procedures prescribed under regulations of the Secretary.

''(b) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

''(2) The United States Court of Appeals for the Armed Forces may not determine the final validity of a judgment of a military commission under this subsection until all other appeals from the judgment under this chapter have been waived or exhausted.

''(3)(A) An accused may seek a determination by the United States Court of Appeals for the Armed Forces of the final validity of the judgment of the military commission under this subsection only upon petition to the Court for such determination.

''(B) A petition on a judgment under subparagraph (A) shall be filed by the accused in the Court not later than 20 days after the date on which written notice of the final decision of the military commission is served on the accused or defense counsel.

''(C) The accused may not file a petition under subparagraph (A) if the accused has waived the right to appellate review under section 950c(a) of this title.

''(4) The determination by the United States Court of Appeals for the Armed Forces of the final validity of a judgment of a military commission under this subsection shall be governed by the provisions of section 1005(e)(3) of the Detainee Treatment Act of 2005 (42 U.S.C. 801 note).

''(c) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the Armed Forces in a determination under subsection (a).

On page 58, beginning on line 2, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 58, beginning on line 7, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 59, beginning on line 4, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 59, beginning on line 10, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 80, beginning on line 11, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 81, between lines 20 and 21, insert the following:

(3) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking ''United States Court of Appeals for the District of Columbia Circuit'' each place it appears in paragraphs (3) and (4) and inserting ''United States Court of Appeals for the Armed Forces''.

SA 5071. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, in the item relating to section 950g, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 53, beginning on line 22, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 56, strike lines 7 through 16 and insert the following:

''§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

''(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1)(A) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

On page 58, beginning on line 10, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 58, beginning on line 16, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 59, beginning on line 24, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 60, beginning on line 4, strike ''United States Court of Appeals for the District of Columbia Circuit'' and insert ''United States Court of Appeals for the Armed Forces''.

On page 95, line 11, insert ''IN GENERAL.—'' before ''Section 1005(e)(3)''.

On page 96, between lines 11 and 12, insert the following:

(b) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking ''United States Court of Appeals for the District of Columbia Circuit'' each place it appears in paragraphs (3) and (4) and inserting ''United States Court of Appeals for the Armed Forces''.

SA 5072. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 5, insert the following:

(c) NEGOTIATED RULEMAKING.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) (as amended by subsection (b)) is amended by adding at the end the following:

''(d) RULEMAKING.—

''(1) IN GENERAL.—Not later than ________________, 2007, the Commission shall promulgate such final regulations as the Commission determines to be necessary to carry out this Act.

''(2) EFFECTIVE DATE.—The final regulations promulgated pursuant to paragraph (1) shall take effect on the date of promulgation of the regulations.

''(3) NEGOTIATED RULEMAKING PROCEDURE.—

''(A) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the Commission shall promulgate regulations pursuant to paragraph (1) in accordance with the negotiated rulemaking procedure under subchapter III of chapter 5, United States Code.

''(B) RULEMAKING COMMITTEE.—

''(i) ESTABLISHMENT.—The Commission shall establish a negotiated rulemaking committee in accordance with the procedure under subchapter III of chapter 5, United States Code, for the development of proposed regulations under this subsection.

''(ii) REQUIREMENTS.—In establishing the committee under clause (i), the Commission shall—

''(I) make such modifications to the applicable procedure under subchapter III of chapter 5, United States Code, as the Commission determines to be necessary to account for the unique government-to-government relationship between Indian tribes and the United States; and

''(II) ensure that the membership of the committee is composed only of—

''(aa) representatives of the Federal Government; and

''(bb) official representatives of Indian tribal governments, to be nominated by the Indian tribes that are subject to this Act.''.

SA 5073. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 5574, to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Hospital GME Support Reauthorization Act of 2006''.

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by inserting ''and each of fiscal years 2007 through 2011'' after ''for each of fiscal years 2000 through 2005'';

(2) in subsection (e)(1), by striking ''26'' and inserting ''12'';

(3) in subsection (f)(1)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) for each of fiscal years 2007 through 2011, $110,000,000.''; and

(4) in subsection (f)(2)—

(A) in the matter before subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(B)'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) for each of fiscal years 2007 through 2011, $220,000,000.''.

(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) ANNUAL REPORTING REQUIRED.—

''(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—The amount payable under this section to a children's hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—

''(I) the hospital has failed to provide the Secretary, as an addendum to the hospital's application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or

''(II) such report fails to provide the information required under any clause of such subparagraph.

''(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital's failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary's intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.

''(B) ANNUAL REPORT.—The report required under this subparagraph for a children's hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

''(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).

''(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.

''(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of family income or geographic location, including rural and urban areas.

''(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—

''(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and

''(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.

''(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics, subspecialty residencies, and dental residencies.

''(C) RESIDENTS.—The residents described in this subparagraph are those who—

''(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or

''(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.

''(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—

''(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);

''(ii) describing the results of the program carried out under this section; and

''(iii) making recommendations for improvements to the program.''.

(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—

(1) in subsection (c)(2)(E)(ii), by striking ''described in subparagraph (C)(ii)'' and inserting ''applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year'';

(2) in subsection (e)(2), by striking the first sentence; and

(3) in subsection (e)(3), by striking ''made to pay'' and inserting ''made and pay''.

SA 5074. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the bill S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed $636,000,000. The Secretary is authorized to carry out the project as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $98,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108–170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department

of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed $38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed $25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed $56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed $32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed $69,053,000.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 5. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $1,044,000,000 for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $221,766,000 for the projects authorized in section 3.

(d) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 5.

(e) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

SEC. 7. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

(a) INCREASE.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to any fiscal year beginning on or after that date.

SEC. 8. EXPANSION OF ELIGIBILITY UNDER SURVIVORS' AND DEPENDENTS EDUCATIONAL ASSISTANCE PROGRAM.

(a) ELIGIBILITY FOR DEPENDENTS OF SERVICEMEMBERS.—

(1) CHILDREN.—Section 3501(a)(1)(A) of title 38, United States Code, is amended—

(A) in clause (ii) by striking ''or'' at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following clause (iii):

''(iii) is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from the active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability (as determined by the Secretary), or''.

(2) SPOUSES.—Subparagraph (D) of section 3501(a)(1) of such title is amended to read as follows:

''(D)(i) the spouse of any veteran who has a total disability permanent in nature resulting from a service-connected disability,

''(ii) the spouse of any person who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from the active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability (as determined by the Secretary), or

''(iii) the surviving spouse of a veteran who died while a disability so evaluated was in existence,''.

(b) CONFORMING AMENDMENTS.—

(1) DURATION OF ASSISTANCE.—Section 3511 of such title is amended—

(A) in subsection (a)(1), by striking ''both sections 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii)'' and inserting ''sections 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), and 3501(a)(1)(D)(iii)'';

(B) in subsection (b)(2), by striking ''3501(a)(1)(A)(iii)'' and inserting ''3501(a)(1)(A)(iv)''; and

(C) in subsection (c), by striking ''3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i)'' and inserting ''3501(a)(1)(A)(iv), 3501(a)(1)(C), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii)''.

(2) PERIOD OF ELIGIBILITY.—Section 3512 of such title is amended—

(A) in subsection (a)(6), by striking ''3501(a)(1)(A)(iii)'' and inserting ''3501(a)(1)(A)(iv)'';

(B) in subsection (b)(1)(A), by striking ''3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title.'' and all that follows through the end, and inserting the following: ''or 3501(a)(1)(D) of this title. In the case of a surviving spouse made eligible by clause (iii) of section 3501(a)(1)(D), the 10-year period may not be reduced by any earlier period during which the person otherwise was eligible for educational assistance under this chapter as a spouse described in clause (i) or (ii) of that section.''; and

(C) in subsection (d), by striking ''veteran'' and inserting ''person''.

(3) EFFECTIVE DATES.—Section 5113(b)(3) of such title is amended by adding at the end the following new subparagraph:

''(D) The term 'veteran' includes a person as described in sections 3501(a)(1)(A)(iii) and 3501(a)(1)(D)(ii) of this title.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 26, 2006, at 4:30 p.m., in closed session for a briefing on the situation in Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. 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 September 26, 2006, at 10 a.m. to conduct a hearing on ''An Update on the New Basel Capital Accord.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to hold a full committee joint hearing with Foreign Relations Committee on the International Polar Year on Tuesday, September 26, 2006 at 3:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President: I ask unanimous cousent that on Tuesday, September 26th at 2:15 p.m. the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Legislation

H.R. 1463, To designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building'',

Nominations

Roger Romulus Martella, Jr. to be Assistant Administrator of the Environmental Protection Agency

Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency

William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority

Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission

Colonel Gregg F. Martin to be a Member of the Mississippi River Commission

Brigadier General Robert Crear to be a Member of the Mississippi River Commission

Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission

Resolutions

Six Committee resolutions authorizing prospectuses from GSA's FY 2007 Capital Investment and Leasing Program

Committee resolution to direct GSA to prepare a Report of Building Project Survey

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 26, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Health Savings Accounts: The Experience So Far.''

The PRESIDING OFFICER, Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, at 9 a.m. to hold a hearing on Child Hunger.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, at 3:15 p.m. to hold a hearing on the International Polar Year.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Illegal Insider Trading: How Widespread is the Problem and is there Adequate Criminal Enforcement?'' on Tuesday, September 26, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Mr. Ron Tenpas, Associate Deputy Attorney General, United States Department of Justice, Washington, DC, and Ms. Linda Thompson, Director of Enforcement, U.S. Securities and Exchange Commission, Washington, DC.

Panel II: Mr. Robert Marchman, Executive Vice President, NYSE, New York, NY; Mr. Christopher K. Thomas, Principal, Measuredmarkets, Inc., Toronto, Canada; Professor John Coffee, Professor of Law, Columbia Law School, New York, NY; Professor Jonathan R. Macey, Professor of Law, Yale University, New Haven, CT; and Professor James Cox, Professor of Law, Duke University, Durham, NC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a special markup on Tuesday, September 26, 2006, at 2:30 p.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Nora Barry Fischer, to be U.S. District Judge for the Western District of Pennsylvania; Gregory Kent Frizzell, to be U.S. District Judge for the Northern District of Oklahoma; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio; and Lisa Godbey Wood, to be U.S. District Judge for the Southern District of Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, September 26, 2006 at 3:30 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Thad Cochran, United States Senator, R–MS; The Honorable Trent Lott, United States Senator, R–MS; The Honorable Christopher Dodd, United States Senator, D–CT; The Honorable Joseph Lieberman, United States Senator, D–CT.

Panel II: Michael Brunson Wallace, to be United States Circuit Judge for the Fifth Circuit.

Panel III: Vanessa Lynne Bryant, to be United States District Judge for the District of Connecticut.

Panel IV: Roberta B. Liebenberg, Chair, American Bar Association, Standing Committee on the Federal Judiciary, Philadelphia, PA; Kim J. Askew, Fifth Circuit Representative, Standing Committee on the Federal Judiciary, American Bar Association, Dallas, TX; Thomas Z. Hayward, Former Chair, 2003–2005, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Former DC Circuit Representative, 2002–2005, American Bar Association, Standing Committee on the Federal Judiciary, Washington, DC; Timothy Hopkins, Former Ninth Circuit Representative, American Bar Association, Standing Committee on the Federal Judiciary, Idaho Falls. ID; and Doreen D. Dodson, Former Eighth Circuit Representative, 2001–2004, American Bar Association, Standing Committee on the Federal Judiciary, St. Louis, MO.

Panel V: The Honorable Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT; The Honorable Reuben Anderson, Partner, Phelps Dunbar LLP, Jackson, MS; W. Scott Welch, Shareholder, Baker, Donelson, Bearman Caldwell & Berkowitz, Jackson, MS; Carroll Rhodes, Attorney at Law, Hazlehurst, MS; and Robert McDuff, Attorney at Law, Jackson, MS.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, to hold a hearing to consider the nomination of Robert T. Howard to be Assistant Secretary for Information and Technology, Department of Veterans' Affairs.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, September 26, 2006, at 2:30 p.m. for a hearing regarding ''Deconstructing the Tax Code: Uncollected Taxes and Issues of Transparency''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, September 26, 2006 at 10:45 a.m. for a hearing entitled, Senior Executives: Leading the Way in Federal Workforce Reforms.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Michelle Miller of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3936

Mr. McCONNELL. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3936) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. McCONNELL. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 5574 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5574) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5073) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Hospital GME Support Reauthorization Act of 2006''.

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by inserting ''and each of fiscal years 2007 through 2011'' after ''for each of fiscal years 2000 through 2005'';

(2) in subsection (e)(1), by striking ''26'' and inserting ''12'';

(3) in subsection (f)(1)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iv) for each of fiscal years 2007 through 2011, $110,000,000.''; and

(4) in subsection (f)(2)—

(A) in the matter before subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(B)'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) for each of fiscal years 2007 through 2011, $220,000,000.''.

(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) ANNUAL REPORTING REQUIRED.—

''(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—The amount payable under this section to a children's hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—

''(I) the hospital has failed to provide the Secretary, as an addendum to the hospital's application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or

''(II) such report fails to provide the information required under any clause of such subparagraph.

''(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital's failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary's intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.

''(B) ANNUAL REPORT.—The report required under this subparagraph for a children's hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

''(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).

''(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.

''(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of family income or geographic location, including rural and urban areas.

''(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—

''(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and

''(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.

''(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics, subspecialty residencies, and dental residencies.

''(C) RESIDENTS.—The residents described in this subparagraph are those who—

''(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or

''(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.

''(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—

''(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);

''(ii) describing the results of the program carried out under this section; and

''(iii) making recommendations for improvements to the program.''.

(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—

(1) in subsection (c)(2)(E)(ii), by striking ''described in subparagraph (C)(ii)'' and inserting ''applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year'';

(2) in subsection (e)(2), by striking the first sentence; and

(3) in subsection (e)(3), by striking ''made to pay'' and inserting ''made and pay''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5574), as amended, was read the third time and passed.

AUTHORIZING MAJOR MEDICAL FACILITY PROJECTS AND LEASES FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, S. 3421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3421) to authorize major medical facility projects and major medical facility

leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with amendments, as follows:

[Strike the parts shown in boldface brackets and insert the parts shown in italic.]

S. 3421

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

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed **[$675,000,000]** *$636,000,000. The Secretary is authorized to carry out the project as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.*

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed $310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $52,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108–170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed $75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed $102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed $25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed $9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed $85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed $27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed $406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed $65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed $79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed $377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed $189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed $53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed $56,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, $10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, $8,989,000.

(3) For an outpatient clinic, Smith County, Texas, $5,093,000.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, $6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, $2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, $4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, $8,518,000.

(5) For an outpatient clinic, Parma, Ohio, $5,032,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, **[$1,606,000,000]** *$998,000,000* for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, $1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, $24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, $26,642,000 for the leases authorized in section 5.

(d) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Craig substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 5074) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3421), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDING THE JOHN F. KENNEDY CENTER ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 627, H.R. 5187.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. 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 (H.R. 5187) was ordered to be read a third time, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 3127

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 48, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 480) to correct the enrollment of a bill, H.R. 3127.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 480) was agreed to.

EXECUTIVE CALENDAR

TREATY DOCUMENT 109–10A

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following treaty and that it be placed on the Executive Calendar:

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted at Geneva on December 8, 2005, and signed by the United States on that date.

I further ask unanimous consent that this protocol and those that remain in committee be assigned designations of ''A,'' ''B,'' and ''C'' respectively to reflect that three protocols were received as part of Treaty Document 109–10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that a joint statement with Senator BIDEN, and accompanying materials, regarding the Geneva Protocol III—the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS LUGAR AND BIDEN

Today, on behalf of the Committee on Foreign Relations, we have requested that the Committee be discharged from further consideration of the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, which was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109–10A) (''Geneva Protocol III'' or the ''Protocol'').

The Protocol creates a new distinctive emblem, a Red Crystal, that will serve the same purposes as the Red Cross and Red Crescent emblems. The Red Crystal is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe this neutral emblem may offer enhanced protection in certain situations. The Protocol also paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

As chairman and ranking member of the Committee, we have reviewed the Protocol, as well as responses provided by the Department of State to written questions that we have submitted on the Protocol. Based on our review, we believe that the Protocol is in the interests of the United States and urge the Senate to act promptly to give advice and consent to ratification of the Protocol. Ratification of the Protocol will reinforce and extend the longstanding and historic leadership of the United States in the law of armed conflict. We support prompt ratification of the Protocol this year, as such action emphasizes the U.S. commitment to the humanitarian objectives of the International Red Cross and Red Crescent Movement and its fundamental principles of universality and neutrality.

Because the Committee has not formally acted on the Protocol, there is no Committee report. Therefore, in order to assist senators in evaluating the Protocol, we are submitting for the Record a summary prepared by professional staff of the Committee outlining the purpose and background of the Protocol, as well as its key provisions. We also are including the responses from the Department of State to questions that we submitted on the Protocol.

Staff Summary of the Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Treaty Doc. 109–10A).

I. PURPOSE

The Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109–10A).

The Protocol, also referred to as Geneva Protocol III, creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems.

II. BACKGROUND

The 1949 Geneva Conventions provide for the respect and protection of military medical and religious personnel during international armed conflicts. The 1949 Geneva Conventions retained the distinctive emblems as a means of easily identifying and protecting such personnel, their vehicles and their facilities. The Conventions also permit authorized national societies of the High Contracting Parties to the Geneva Conventions to use these emblems in certain circumstances. The Geneva Protocol III creates a new emblem, the Red Crystal, equal in all respects to the existing emblems (Red Cross, Red Crescent and the Red Lion and Sun), to be used by military medical and religious services and authorized national societies.

The new distinctive emblem, the Red Crystal, is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The United States had urged the High Contracting Parties to the Geneva Convention to conclude a protocol on this issue as an important step towards achieving truly universal membership in the International Red Cross and Red Crescent Movement. The text of the Geneva Protocol III was drawn up in October 2000, following discussions within the Joint Working Group established by the Standing Commission of the Red Cross and Red Crescent pursuant to the mandate assigned to it by Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent and subsequent consultations. This draft followed attempts to resolve this issue during the negotiations of the 1949 Geneva Conventions and during the negotiations of Protocols I and II in the 1970s. As adopted, the Geneva Protocol III paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

III. SUMMARY OF KEY PROVISIONS OF THE AGREEMENT

The key provisions of the Geneva Protocol III establish the new emblem, the Red Crystal, and set forth applicable rules.

Article 2 establishes the new emblem ''in addition to, and for the same purposes as'' the existing distinctive emblems. It also establishes that the emblems ''shall enjoy equal status'' and that the conditions for use of and respect for the new emblem are identical to those applicable to the existing emblems. Article 2 also authorizes the medical and religious personnel of armed forces of the parties to make temporary use of any of the distinctive emblems (including the Red Crystal) where such use may enhance protection. Article 3 authorizes national societies of parties that decide to use the new emblem to incorporate within it one or more of the existing emblems or ''another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross'' prior to December 8, 2005. This Article also authorizes a national society that incorporates within the new emblem one of the existing emblems to ''use the designation of that emblem and display it within its national territory.''

Article 4 authorizes the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies and their duly authorized personnel to use the new emblem ''in exceptional circumstances and to facilitate their work.'' Article 5 authorizes the medical services and religious personnel participating in operations under the auspices of the United Nations to use one of the distinctive emblems with the agreement of the participating states. Article 6 extends to the new distinctive emblem provisions of the Geneva

Conventions and, where applicable, Protocols I and II, regarding ''prevention and repression of misuse'' of the existing distinctive emblems. Parties to Geneva Protocol III are required to take measures ''necessary for the prevention and repression, at all times, of any misuse'' of each of the emblems. Article 6 also allows parties to permit ''prior users'' of the new emblem, or of ''any sign constituting an imitation thereof,'' to continue using such emblem or signs, so long as the emblem or signs do not ''appear, in time of armed conflict to confer protection'' of the Geneva Conventions and, where applicable, Protocols I and II. Prior users, under this provision, must have acquired the rights to use the emblem or signs before December 8, 2005.

IV. IMPLEMENTING LEGISLATION

The executive branch has submitted proposed legislation to Congress that would provide protection for the new Red Crystal emblem, as well as the existing Red Crescent emblem, consistent with the Geneva Conventions and the Geneva Protocol III. These protections correspond to existing protections in U.S. law, set forth in Title 18 of the United States Code, for the Red Cross emblem. This legislation was referred to the Committee on the Judiciary.

V. QUESTIONS FOR THE RECORD

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Question: If the U.S. chooses to ratify this treaty, what legislation is necessary to implement this Protocol?

Answer: The Department of State has submitted draft legislation to the House of Representatives and the Senate that would provide protections to the Third Protocol (red crystal) distinctive emblem consistent with Article 6 of the Geneva Protocol III. The draft legislation also provides protections to the red crescent distinctive emblem consistent with the 1949 Geneva Conventions and the Geneva Protocol III. These protections correspond to protections set forth in 18 U.S.C. §706 for the red cross.

Question: How does the Geneva Protocol III serve U.S. foreign policy interests?

Answer: The Geneva Protocol III serves U.S. foreign policy interests in several ways. First, it lifted an important obstacle to the universality of the International Red Cross and Red Crescent Movement, by adopting a neutral emblem that could be used by any government or national society that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The adoption of the Protocol made it possible for Israel's national society, Magen David Adom (MDA), to join the Movement after more than fifty years of exclusion. The United States looks to the Movement to deliver humanitarian assistance in response to natural disasters or armed conflict. MDA's exclusion from the Movement meant that the Movement was falling short with respect to one of its fundamental principles—universality—and did not have national societies everywhere operating under its umbrella delivering humanitarian services.

Second, the new emblem created by the Protocol provides the U.S. military medical and religious personnel and the American Red Cross humanitarian workers with another option in circumstances where we believe that the red cross may not be perceived as a neutral emblem. For example, the U.S. government or the American Red Cross may choose to use the red crystal on an exceptional basis to avoid the appearance of a religious affiliation in an armed conflict involving countries or groups with strong religious ties.

Third, U.S. ratification of the Protocol will advance the longstanding and historic leadership of the United States in the law of armed conflict, just as our role in urging its adoption did. In addition, it will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force on January 14, 2007. U.S. ratification of the Protocol emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement and the Movement's fundamental principles of universality and neutrality.

Finally, the adoption of the Protocol and MDA's subsequent admission into the Movement made it possible for the American Red Cross to end its policy of withholding its dues from the International Federation of Red Cross and Red Crescent Societies (the Federation) in protest of MDA's exclusion. In 2005, the American Red Cross entered into default status in the Federation and lost its ability to run for Federation offices as a result of not paying its dues since 2000. After MDA was admitted to the Movement in June 2006, the American Red Cross resumed its dues payments and regained its status as a member in good standing, thus allowing it to play a very constructive role to ensure that the Movement and the Federation are achieving the policy and program goals that serve the American public.

Question: How do national societies around the world view the adoption of the new emblem? What are their views on its use and potential impact on their security?

Answer: National societies have consistently supported adoption of the Geneva Protocol III by passing unanimously resolutions at the International Movement's Council of Delegates meetings every two years in support of such a Protocol. Moreover, at the 29th International Conference of the Red Cross and Red Crescent held in June 2006, national societies voted in favor of adopting changes to the Movement's statutes authorizing national societies to use the new emblem for purposes of membership, by a vote of 136 to 21, with six abstentions.

The statements of representatives of national societies to these bodies indicate that they believe having an additional neutral emblem will enhance their ability to perform humanitarian work. We understand that they believe that it should offer their workers greater security in situations where the red cross and red crescent are not seen as neutral emblems, especially in mixed populations or where parties to a conflict differ in religious affiliation. Statements by representatives of national societies that were not in favor of the statutes changes or the previous resolutions generally did not focus on problems using the red crystal emblem per se, but on opposition to the entry of Israel's national society, Magen David Adom, into the International Red Cross and Red Crescent Movement or opposition to the policies of the Government of Israel.

Question: Which countries have ratified Geneva Protocol III? When does it enter into force? Although consensus was not achieved in adopting Geneva Protocol III, what are the expectations of support for its ratification?

Answer: As of September 21, 2006, six countries (Bulgaria, Iceland, Liechtenstein, Norway, Philippines, and Switzerland) have ratified the Geneva Protocol III. Article 11 of the Protocol provides that it enters into force six months after two instruments of ratification or accession have been deposited. Accordingly, the Geneva Protocol III enters into force on January 14, 2007, six months after the second instrument of ratification was deposited. For each country ratifying or acceding to the Protocol after the first two, the Geneva Protocol III enters into force six months after the deposit of its instrument of ratification or accession.

We expect that there will be additional ratifications of the Geneva Protocol III. Twenty-seven countries, including the United States, signed the Protocol on the day of its adoption (December 8, 2005). Since then, another forty-nine countries have signed the Protocol, suggesting continuing strong interest in the Protocol. We expect most countries will follow up by depositing their instruments of ratification after satisfying their domestic requirements for ratification. In addition, we believe the International Committee of the Red Cross will continue to urge countries to become parties to the Geneva Protocol III.

Question: Is it expected that any countries or their national societies will choose to use the red crystal? Will national societies use the option to incorporate another symbol within the red crystal? Are there concerns that the use of red crystal or the incorporation of other emblems or symbols into the red crystal may create confusion about the personnel, vehicles or facilities using the emblems? Does either the International Committee of the Red Cross or the Federation of the Red Cross and Red Crescent Societies plan to change to use of the red crystal as its primary emblem?

Answer: We expect that a number of governments and national societies will choose to use the red crystal on an exceptional basis. In particular, governments and national societies have said that in some current conflict zones, where religion divides the conflicting parties, they may wish to use the red crystal to convey that military medical units and humanitarian workers are neutral and not parties to the conflict. Beyond these circumstances, it is unlikely that many governments or national societies will shift to using the red crystal as their primary emblem. We are not aware of any government currently planning to use the red crystal as its emblem.

Magen David Adorn has already declared that when it is working outside of Israel, it will use the Red Shield of David inside the red crystal. In certain circumstances, it may choose to use the red crystal alone, if it believes that it will enhance the security of its staff. The American Red Cross has expressed that it would consider using the red crystal overseas on a case-by-case basis, if desirable due to security and operational circumstances.

We do not believe that incorporating another emblem inside the red crystal will create confusion about the personnel, vehicles or facilities using those emblems. Over time, we believe the public will become more familiar with the red crystal as a symbol in its own right. Moreover, parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible in their countries so that their armed forces and civilian populations become familiar with the Protocol and the new emblem.

Neither the ICRC nor the Federation plans at this time to adopt the red crystal as its primary emblem, as noted in a preambular paragraph of the Geneva Protocol III. According to Article 4, they may, however, choose to use the red crystal on an exceptional basis, where circumstances merit and where it will facilitate their work, possibly in regions where the red crystal emblem will underscore their neutrality to the parties to the conflict.

Question: How will the adoption of the emblem impact the overall International Red Cross and Red Crescent Movement? Is the

emblem likely to be accepted as a symbol of protection and reduce the risk of targeted attack on aid workers?

Answer: The adoption of the Geneva Protocol III and the establishment of a new emblem significantly impacts the International Red Cross and Red Crescent Movement by helping it fulfill one of its seven fundamental principles—universality. The Movement has been unable to achieve this goal for more than fifty years due to the exclusion of Israel's national society, Magen David Adorn (MDA). MDA's membership in the Movement now improves the ability of the Movement to respond to humanitarian crises in the Middle East, with national societies cooperating on an equal basis.

Parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible so that their armed forces and civilian populations become familiar with the Protocol and the new emblem. As a result, we believe that over time parties to a conflict and the public at large will become more familiar with the red crystal. However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Ouestion: Will the new emblem increase the protection of aid workers who appear increasingly to come under fire as soft targets, not because of confusion over symbols, but because of perceptions about their political alliance?

Answer: The new emblem gives the International Red Cross and Red Crescent Movement an important tool that may help it operate in exceptional circumstances. While the red cross is not a religious symbol (but the inversion of the Swiss flag), it has been perceived as a symbol of Christianity in some circumstances. Where the Movement is working with populations of different religions, especially if they are in conflict, the red crystal may be a less divisive symbol that better conveys the neutrality of the Movement. Therefore, we expect that the red crystal will enhance the protection of the Movement's humanitarian workers.

However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Question: The adoption of the Geneva Protocol III and the changes to the Statutes of the International Movement of the Red Cross and Red Crescent were not accomplished by consensus. Was the International Movement damaged in any way because consensus was not achieved?

Answer: While the negotiations over the Geneva Protocol III and the changes to the International Movement's Statutes were challenging, we believe that the Movement was not damaged by the lack of consensus. In the final session of the International Conference of the International Red Cross and Red Crescent Movement, several delegations acknowledged that, while they might have preferred a modified outcome, this issue had reached closure and the Movement should now move forward with other aspects of its humanitarian work. Moreover, when the components of the Movement met immediately after the International Conference to consider admitting the Magen David Adom and the Palestine Red Crescent Society, they admitted them by unanimous acclamation, without having to submit the issue to a vote. We believe this illustrates that the Movement is united behind the outcome of the International Conference of the Red Cross and Red Crescent.

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question: As of this date, according to the information available on the Internet site of the International Committee of the Red Cross, there are five states that have ratified the protocol. Why is it important for the Senate to act on this treaty prior to the end of the 109th Congress? Is it expected that the instrument of ratification will be deposited prior to congressional action on the implementing legislation?

Answer: It is important for the Senate to act on the Geneva Protocol III prior to the end of the 109th Congress to underscore its importance and the high priority the United States Government places on it. Urgent ratification of the Protocol will also advance the longstanding and historic leadership of the United States in the law of armed conflict. The Protocol will enter into force on January 14, 2007. It will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force. In addition, ratification this year emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement. It will also emphasize the U.S. commitment to the Movement's fundamental principles of universality and neutrality.

We do not expect that the instrument of ratification will be deposited prior to congressional action on the implementing legislation because at this time we are working with the relevant committees and we expect that Congress will take up the implementing legislation in a timely fashion and at the same time as the Senate is considering the Protocol, consistent with the broad public and congressional support for the Geneva Protocol III.

Question: In ratifying the Geneva Conventions of 1949, the United States entered a reservation to the provisions in the First Geneva Convention with regard to the obligation to make unlawful within the United States the use of the Red Cross emblem, in order to protect certain commercial use in this country.

a. Is there any prior commercial use of the new emblem in the United States of which the Executive Branch is aware?

b. Does Article 6(2) provide the United States sufficient latitude to permit such prior use of the new emblem? Please elaborate.

c. Please provide information from the Patent and Trademark Office about whether there are any trademarks currently registered that are similar to the new emblem (the Red Crystal).

Answer: The Executive Branch is not aware of any prior commercial use of the new emblem, the red crystal in the United States. Nonetheless, the Geneva Protocol III provides sufficient latitude for the continuation of legitimate prior uses of the new emblem to the extent that they may exist. The International Committee of the Red Cross has registered the red crystal emblem as a trademark (U.S. Registration No. 2676576) at the United States Patent and Trademark Office (USPTO). The USPTO has found no other registered trademarks that are confusingly similar to the new emblem.

Question: In addition to the enforcement powers under the proposed implementing legislation vested in the Attorney General, are there other existing federal statutes relevant to the protection of the Red Cross or the new emblem (the Red Crystal), such as the trademark laws administered by the Patent and Trademark Office or the unfair trade laws administered by the Federal Trade Commission? Please elaborate.

Answer: While the red cross has specific protections in U.S. law (18 U.S.C. §706), the red crystal does not have similar specific protections in U.S. law. The proposed legislation would provide specific protections for the red crystal and the red crescent. In certain circumstances, U.S. unfair competition law could provide some possible protection for the Geneva Convention distinctive emblems, including the U.S. Trademark Act contained in 15 U.S.C. §1051 et seq. For example, 15 U.S.C. §1052(a) provides a basis for the U.S. Patent and Trademark Office to refuse trademark applications on the grounds that the mark falsely suggests a connection with institutions, beliefs or national symbols. 15 U.S. §1125 provides a civil action against any person who uses a word or symbol in commerce that is likely to deceive as to an affiliation with the commercial activities of another. We believe the proposed legislation submitted to the Congress by the Department of State will adequately prohibit, at all times, use of the red crystal and red crescent that is inconsistent with the Geneva Conventions and its Protocol III.

Question: Is there a common understanding among the signatories of the term ''in exceptional circumstances and to facilitate their work'' as used in Article 3(3) and Article 4?

Answer: The term ''in exceptional circumstances and to facilitate their work'', as used in Article 3(3) and Article 4 of the Geneva Protocol III, was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Protocol.

Question: The United States is not a party to the 1977 Additional Protocols to the Geneva Conventions (Protocol I and II). Protocol III includes several references to those Protocols. By ratifying Protocol III, would the United States assume any obligations under the 1977 Protocols?

Answer: No, by ratifying the Geneva Protocol III, the United States would not undertake any new obligations under Protocols I and II. The references in the Geneva Protocol III to provisions of Protocols I and II include the language ''where applicable''. Thus, a provision of Protocol I or II must be ''applicable'' to a party to the Geneva Protocol III in order to confer an obligation on that party. As noted above, the United States is not a party to Protocol I or II.

Question: Article 6(1) bars the ''perfidious use'' of the distinctive emblems mentioned in Articles 1 and 2. Is there a common understanding among the signatories of the meaning of this term? Please elaborate.

Answer: The term ''perfidious use'' in Article 6(1) was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Geneva Protocol III. Nonetheless, perfidy is generally understood to mean an act inviting the confidence of an adversary to lead him to believe that he is entitled to, or obliged to accord protection, under the law of armed conflict, with the intent to betray that confidence.

Question: Did the U.S. delegation to the negotiating conference make any public statements that relate to the meaning or interpretation of any treaty terms?

Answer: No, the U.S. delegation did not make any public statements that relate to

the meaning or interpretation of any treaty terms during the December 2005 diplomatic conference which adopted the Geneva Protocol III.

ORDERS FOR WEDNESDAY, SEPTEMBER 27, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, September 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 6061, with 1 hour of debate equally divided between the two leaders or their designees, to be followed by a vote on the motion to invoke cloture on the pending amendment to H.R. 6061.

I further ask that it be in order to file second-degree amendments as provided for under rule XXII until the hour of 11 a.m. tomorrow, Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, the two leaders are continuing to discuss the process to consider the military tribunals legislation as a freestanding measure. If an agreement can be reached early tomorrow morning, then it is possible the scheduled cloture vote will be vitiated and the Senate will consider the bill under this consent agreement. Senators should be on notice that votes in relation to the military tribunal legislation can occur throughout tomorrow's session.

As the majority leader has previously stated, we have much work to complete this week; therefore, all Senators can expect full days and late nights to finish the remaining work.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. MCCONNELL. Mr. President, 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 6:33 p.m., adjourned until Wednesday, September 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 2006:

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

DEPARTMENT OF THE TREASURY

PHILLIP L. SWAGEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARK J. WARSHAWSKY, RESIGNED.

UNITED STATES POSTAL SERVICE

THURGOOD MARSHALL, JR., OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2011, VICE NED R. MCWHERTER, TERM EXPIRED.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO NORMAN L. DIANDA

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Norman L. Dianda for his leadership as President of Q&D Construction.

Norm is a native Nevadan, having graduated from Reno High School and then serving 6 years as a machinist in the Nevada Air National Guard. Following his tenure with the Nevada Air National Guard, Norm founded Q&D Construction with his friend Lawrence Quadrio. Over the years, the business grew into the 1,000-employee company that it is today, and has added several divisions along the way.

Norm also believes that giving back to the community is necessary. Over the years he has served and continues to serve on numerous committees and boards. One of the projects that was special to Norm was the relocation and restoration of Huffaker Elementary School, which he attended as a youth. Norm also regularly donates to 10 non-profit organizations.

Mr. Speaker, I am proud to honor Norman L. Dianda. His professional success with Q&D Construction and his philanthropic undertakings should serve as an example to us all of what constitutes good citizenship. I applaud him for his success and with him the best in his future endeavors.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on September 19, 2006, my vote was not recorded for House Concurrent Resolution 415, a bill condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is. Had my vote been recorded, it would have been a "yea."

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed three votes on September 25, 2006. Had I been present I would have voted "no" on H.R. 5059—to designate the Wild River Wilderness in the White Mountain National Forest in the State of New Hampshire, "no" on H.R. 5062—to designate as wilderness certain National Forest System land in the State of New Hampshire, and "yes" on H.R. 6102—to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, VA, as the "Captain Christopher Petty Post Office Building."

THE PATERSON GREAT FALLS NATIONAL PARK ACT OF 2006

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. PASCRELL. Mr. Speaker, it is my pleasure today to introduce the Paterson Great Falls National Park Act of 2006. This bipartisan legislation is cosponsored by every Member of the New Jersey congressional delegation, and would designate a national park at the majestic Great Falls in Paterson, NJ. I urge my colleagues to pass this legislation as soon as possible.

Fifteen miles west of New York City, the Great Falls was the second largest waterfall in colonial America. No other natural wonder in America has played such an important role in our Nation's historic quest for freedom and prosperity. At the Great Falls, Alexander Hamilton conceived and implemented a plan to harness the force of water to power the new industries that would secure our economic independence.

Hamilton told Congress and the American people that at the Great Falls he would begin implementation of his ambitious strategy to transform a rural agrarian society dependent upon slavery into a modern economy based on freedom. True to Hamilton's vision, Paterson became a great manufacturing city, producing the Colt revolver, the first submarine, the aircraft engine for the first trans-Atlantic flight, more locomotives than any city in the Nation, and more silk than any city in the world.

New Jersey's Great Falls is the only National Historic District that includes both a National Natural Resource and a National Historic Landmark. In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, President Gerald R. Ford said, "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful nation in the world."

The preeminent Hamilton biographers, an esteemed former Smithsonian Institution curator, the former chief of the National Park Service Historic American Engineering Record, and distinguished professors at Yale, Princeton, Harvard, NYU, Brown and other universities have filed letters with the National Park Service strongly recommending a National Historical Park for the Great Falls Historic District.

Scholars have concluded that Pierre L'Enfant's innovative water power system in Paterson, and many factories built later, constitute the finest remaining collection of engineering and architectural structures representing each stage of America's progress from a weak agrarian society to a leader in the global economy. Editorial boards, Federal, State, and local officials and community groups have also strongly endorsed the campaign to award a National Park Service designation to the falls.

This proposed national park would also encompass historic Hinchliffe Stadium, which was added to the National Register of Historic Places by the National Park Service in 2004. This stadium, built in 1932, is adjacent to the Great Falls and was home to the New York Black Yankees. Baseball legend Larry Doby played in Hinchliffe Stadium both as a star high school athlete and again as a Negro League player, shortly before becoming the first African-American to play in the American League.

I am grateful to the National Park Service for its diligent work on the Great Falls National Park feasibility study, which was authorized by an act of Congress in 2001. Officials at the National Park Service have done meticulous, thorough work and acted with the utmost professionalism as they compiled this study, which is scheduled to be released for public comment in early October 2006. While I am confident that, given the criteria, the National Park Service study will recommend choosing the Great Falls as a national park, in the end it will only present recommendations. National Park Service units are designated by Congress, and it is imperative that we begin the process of selecting the Great Falls as a national park site as soon as possible.

Mr. Speaker, Congress must act now to pass this vital piece of legislation, so that we may fully recognize these cultural and historic landmarks that have played such a seminal role in America's history.

PAYING TRIBUTE TO DAMON OHLERKING

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of my good friend Damon Ohlerking, who succumbed to cancer on July 5, 2006.

Damon was born in Eagle Grove, Iowa on September 23, 1945. A graduate of Iowa State University, with both a Bachelor's and Master's degree in landscape architecture, Damon worked in Iowa, California, New Mexico, Minnesota, Oregon and Illinois before coming to Boulder City 10 years ago as the City's urban forester. Under Damon's leadership, the City underwent numerous beautification projects, and his vision changed the face of Boulder City. Damon's efforts resulted in Boulder City winning the 2002 National League of Cities' James C. Howland Award for Urban Enhancement for all cities in the country under 50,000 population.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Damon, a Vietnam War Veteran, also sought to share his knowledge with future generations through his service as an adjunct professor of landscape architecture, at the School of Architecture, University of Nevada–Las Vegas (UNLV).

Mr. Speaker, I am proud to honor Damon Ohlerking. He was a man of vision who greatly enhanced the lives of the residents of Boulder City, and he will be greatly missed by the entire community.

RECOGNIZING THE HERNANDO COUNTY PHILIPPINE-AMERICAN ASSOCIATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this evening is the celebration of the Hernando County Philippine-American Association Incorporated's year-long efforts to promote the 2006 theme of "Unity for a Better Tomorrow."

Through both social and cultural outreach, the Association has proven to be a positive resource for the entire Filipino-American community. Its activities foster goodwill, friendship and camaraderie among the entire Filipino-American community. The support of HCPAA in socio-political activities has helped secure rights for Filipinos both here and abroad.

As a Member of Congress, I have the opportunity to work on many pieces of legislation that affect millions of Americans. Earlier this month, I was proud to support H. Res. 622, a resolution that recognized and honored the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II.

Members of the Hernando County Filipino community know that their family members played a vital role defeating the Axis powers during World War II. Like Vietnam veterans after them, Filipino veterans often went decades without a pat on the back or a note of congratulations from the United States government. I am proud to stand here this evening and tell you that I supported this legislation and recognize the important work that Filipino men and women performed in World War II.

I encourage all HCPAA members and constituents to get involved with this great non-profit organization. I once again congratulate your organization and its leadership for their past efforts and wish its new officers and members a productive and influential year.

COMMEMORATING SEA OTTER AWARENESS WEEK (SOAW)

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. FARR. Mr. Speaker, I rise today to call attention to the 4th Annual Sea Otter Awareness Week, September 24–30, 2006, sponsored by Defenders of Wildlife. This week-long event provides the opportunity to broadly educate the public about sea otters, their natural history, the integral role that sea otters play in the near-shore marine ecosystem and the conservation issues they are facing. The work done by such groups as Defenders of Wildlife, Friends of the Sea Otter, The Otter Project, and The Ocean Conservancy to recover the southern or California sea otter has raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act. Greatly due to their efforts, Governor Schwarzenegger recently signed California Assembly Bill 2485 into law to codify the protections for this important species.

The southern sea otter population has increased considerably from less than 100 otters in the 1930's to more than 2,500 today, though still significantly less than what is necessary to consider the population stable. Since otters continue to face many direct and indirect threats to their full recovery, I introduced H.R. 2323, the Southern Sea Otter Recovery and Research Act. I am also working with my colleagues to secure funding to support a continued and complete recovery of the population.

In the past, one of the main threats to the species was the killing of the animals for their fur. However, the decrease in their population that we have seen in recent years is increasingly due to indirect hazards (e.g., non-point pollution, pathogens, entrapment in fisheries gear) that are being identified. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings/takings that still occur.

The decline of southern sea otter populations not only has impacts on the species itself, but also affects other marine populations and the surrounding ecosystem. For instance, the demise of sea otters allows their prey sea urchins to proliferate unchecked, which leads to the alarming overgrazing of kelp beds—one of the oceans nursery grounds for many marine animals. In particular, research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast. Sea otter research also has proven to be an effective method of monitoring toxins and diseases in the marine environment, both of which can affect the health of humans and other wildlife.

The presence of the California sea otter has become an icon of the state's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities. Protecting them is not only directly advantageous to the otter population, but also fosters indirect benefits on a greater scale.

Mr. Speaker, I applaud the many accomplishments of Defenders of Wildlife and other non-profit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, state and federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern/California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support for H.R. 4772, the Private Property Rights Implementation Act of 2006. I want to thank my colleague from Ohio, Mr. CHABOT, for agreeing to take the leadership on this legislation.

When I first introduced this legislation in 1997, it was to ensure that property owners in this country have the ability to protect their basic civil and constitutional rights. The fifth amendment of the U.S. Constitution guarantees that no private property shall be taken for a public use without the payment of just compensation. Unfortunately, we have seen an increasing disregard by various levels of government for this fundamental civil right. H.R. 4772 seeks to restore balance to land use decisions by ensuring that Americans have reasonable access to the Federal courts to enforce their Federal constitutional rights.

As a former mayor, I know that local governments must have control over land use decisions. But this bill does not empower Federal judges to decide whether a certain piece of land should be used for a grocery store or for a hair salon. In fact this bill ensures that local governments will continue to have their traditional powers to make and enforce zoning regulations.

However, this bill also ensures that land owners have some certainty in a process that can sometimes be very open-ended. By establishing procedures that both the property owner and the locality must follow, this bill ensures fair and timely land use decisions.

I urge my colleagues to support H.R. 4772 and provide legal protections for land owners that are both rational and effective.

PAYING TRIBUTE TO JENNIFER RITZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ms. Jennifer Ritz for her outstanding work as a Clark County school teacher.

Jennifer currently holds three different certifications as a Highly Qualified Teacher (HQT) at the elementary and middle school levels in elementary education, math and science. She also holds a Bachelor's Degree in elementary education and is a National Board Certified Teacher.

This fall, Jennifer is working as an educational computing strategist at Lied Middle School in Las Vegas, Nevada. She gained a computer application endorsement, giving her a total of five different education certifications in addition to her BA.

Mr. Speaker, it is with great pleasure that I honor Ms. Jennifer Ritz. Her dedication and enthusiasm has greatly enriched the lives of her students. I thank her for her continued commitment to enhancing the educational experiences of her students and wish her luck in all of her future endeavors.

TRIBUTE TO RETIRING BARTON COUNTY OFFICIALS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. SKELTON. Mr. Speaker, it has come to my attention that a number of officials from Barton County, Missouri, are retiring this year after serving the public for a number of years.

I have had the privilege of representing Barton County in the United States Congress on two occasions. Barton County lies in the southwestern part of the Fourth Congressional District. Its county seat of Lamar is the birthplace of President Harry S. Truman, and the people who live there today personify the same common sense, hard working, Show-Me State values that made President Truman an outstanding president and global leader. I am honored to represent these fine Missourians in the United States Congress and to have had the privilege to work with many of these outstanding public officials.

Presiding Commissioner Gerald Miller was born in Idaho but moved to Missouri as a child. He graduated from Lamar High School in 1958 and has been active in the community since that time. Since 1999, Mr. Miller has served as Presiding Commissioner and has worked tirelessly to improve the communities he represents. He is a member of the Lamar Metro Club, the Abou Ben Adhem Shrine, and the Lamar Masonic Lodge. He is a successful businessman who is married to Brenda Rinehart—and has two sons, Mark and Matt.

County Clerk Bonda Rawlings is a lifelong resident of Barton County. She graduated from Lamar High School in 1971 and has dedicated much of her life to bettering her community. Since 1983, she has served as the Barton County Clerk and has been a leader in the State Association of County Clerks, serving as president in 1996. While working full time, she is also a member of the Barton County Chamber of Commerce, the Lamar Art League, the Barton County Historical Society, the Truman Area Transportation System, and the Lamar High School Booster Club. In all of these organizations, Mrs. Rawlings has held a leadership position. Bonda is married to Bill Rawlings and has two sons, Stan and Steve.

Circuit Clerk Jerry Moyer has spent his adult life serving the City of Lamar and is a graduate of Golden City High School. In 1976, he graduated from the College of the Ozarks with a degree in criminal justice administration. Mr. Moyer has served as the Clerk of the Circuit Court in Barton County since 1983 and has been a leader among his colleagues, serving as president of the Circuit Clerk and Recorders Association in 1994. Mr. Moyer previously served as Deputy Sheriff, a police officer, and a Deputy Juvenile Officer. He is active in the First Assembly of God Church, the Lamar Rotary Club, and the Freedom Singers gospel choir. Jerry Moyer is married to Jena Moyer and has a daughter named Tiffany.

Recorder of Deeds Jean Keithly has lived in Barton County all her life and is a graduate of Lamar High School. From 1984 to 2003, she served as the Deputy Recorder of Deeds in Barton County. In 2003, she became the first elected Recorder of Deeds in Barton County since 1935, when the office had been combined with the Circuit Clerk's office. Mrs. Keithly has been an active member of the Recorder's Association of Missouri for 22 years. She is a long-time member of the Hopewell Cumberland Presbyterian Church and has been an outstanding charitable volunteer. Mrs. Keithly is married to Bob Keithly and has two children, Michael and Teresa.

Deputy Assessor Dna Mullinax has lived in Golden City, Missouri, for the past 41 years and has worked at the Barton County Courthouse since 1983. Throughout her tenure, she has capably worked through many changes within her office and was especially instrumental in assigning emergency 911 addresses to rural Barton County homes. In 1998, Mrs. Mullinax received the "Employee of the Year" award, which was presented by the Lamar Rotary Club. She and her Husband, Rusty, have a shared family of seven children and ten grandchildren.

Mr. Speaker, these five individuals represent the outstanding Missourians who live and work within Missouri's Fourth Congressional District. As they each prepare to spend time with their families and enjoy retirement, I know that my colleagues will join me in wishing them well.

IN HONOR OF THE SALINAS WOMEN'S CLUB

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the achievements of the Salinas Women's Club, which recently commemorated its 100th year of existence. In the century that it has been around, the Salinas Women's Club has contributed greatly to the progress that the city of Salinas has enjoyed through its amazing fundraising abilities and true compassion for the welfare of this city. This organization has helped in several ways, from funding important and needed amenities to awarding scholarships to young people to cleaning up the streets.

The club was founded on August 25, 1906 by a group of active Salinas ladies whose main areas of focus were civic affairs, current events, and public health. The club immediately focused on an overall community need, a library. After circulating a petition for the library, the club pushed the City Council to support and approve the funding for the project. The ladies of the club raised the funds from a variety of events. They held dances, plays, and talent shows, and they sold flower arrangements. By 1915 they had raised the funds and also acquired a grant to build the library.

Because of the success of its first project, the Salinas Women's Club thrived. The club continued to develop community projects such as tennis courts and playgrounds. And in 1923, it funded its own building to be the site for meetings and to be an open environment for all those who wish to express their views about the community in which they live.

The Salinas Women's Club has done so much for the city of Salinas in its one hundred years that the city is indebted forever. This club began the Exchange Student program, which helped to further the cultural aspect of the town. It helped in the founding of Meals on Wheels, and fundraised for the National Steinbeck Center. It promotes music and the arts, and always is willing to help those in need. They entertained soldiers at luncheons and fought against the pollution of the city.

Mr. Speaker, the Salinas Women's Club has contributed so much to the city of Salinas and the surrounding community; I have only scratched the surface of its beneficial and compassionate dedication. I commend the Salinas Women's Club for all that it has done in its one hundred years, and I hope that it will continue for another hundred years with the same service, attitude, and contribution to the community.

HONORING LOWELL STANBERRY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Lowell Stanberry, a dear friend who passed away this past weekend.

Lowell Stanberry was a straightforward man who always stood up and fought for his deeply held convictions. He was a Republican long before it was popular—or politically advantageous—to be a member of the GOP in my state of Florida. Lowell was instrumental in building support for my first candidacy for Congress by hosting barbeques at his ranch.

Lowell summed up his unwavering dedication to political activism and conservative principles by saying that "I think politics is kind of like religion. If you were born Baptist, I guess you die Baptist. If you were born a Republican, I think you die a Republican."

But Lowell was much more than a political activist. He was a dedicated member of his Dade City, Florida, community. He was a local volunteer and civic leader. He was a philanthropist and humanitarian. He was a friend and mentor to many. And he was a dedicated husband to his beloved wife, Evelyn, who passed on earlier this year.

Mr. Speaker, Lowell Stanberry was a courageous man whose convictions guided him throughout his life. I can think of no better way to honor him than by remaining true to ourselves and fighting for the goals and ideals in which we so strongly believe. I urge our colleagues to do that today and every day that we have the honor of serving as members of the greatest deliberative body in world history.

PAYING TRIBUTE TO WALTER LLOYD BELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Walter Lloyd Bell, one of the founding fathers of the Las Vegas Metropolitan Police Department. Known to his family and friends as Lloyd, he passed away on Saturday, July 15, 2006, at the age of 80.

After serving his country in the Navy during World War II, Lloyd returned to Las Vegas and began his career in law enforcement at the Clark County Sheriff's Office. In 1955, at the age of 29, Lloyd became the youngest person

to become County Undersheriff. Three years later, he graduated from the FBI Academy, the first member of the department to do so.

Lloyd served on the Nevada Gaming Control Board from 1961 until 1963, when he rejoined the law enforcement community. In 1968, he served on the committee that created the Las Vegas Metropolitan Police Department by uniting the Las Vegas Police Department and the Clark County Sheriff's Office.

Lloyd retired from the Sheriff's Office in 1973 and moved on to the private sector, owning thirteen shoe stores and a beauty salon. The ambition and dedication that allowed Lloyd to make such a positive impact on the law enforcement community in Las Vegas made him a successful business owner, as well.

Lloyd was a devoted husband and a proud father who enjoyed spending time with his family. He and his wife Pamela raised two daughters, Ashley Bell and Courtney Bell Vincent.

Mr. Speaker, I am proud to honor Lloyd Bell for his accomplishments and his law enforcement service. I thank him for his participation in the ambitious task of creating the Las Vegas Metropolitan Police Department and I applaud his long record of distinguished service. He has truly had a great impact on the safety and well-being of the Las Vegas community, and he will be greatly missed.

PATTON'S FOOT SOLDIER—J. GIVENS YOUNG

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to Givens Young upon the publication of Patton's Foot Soldier—The True War Story of J. Givens Young.

With a moving forward by his dear friend, the late U.S. Senator Strom Thurmond (R–SC), this is the story of a patriotic young man who at the age of 16 left his Pee Dee home to enter Clemson University and its reserve officers' training school.

The book is a moving tribute to all veterans who faced the horror of World War II in Europe. For his service in France, Luxembourg, Germany, and Austria, even into Czechoslovakia, First Lt. James Givens Young was awarded the Silver Star for his courage. Americans are grateful for General George S. Patton, Jr.'s, Third Army, which fought valiantly to liberate Europe from Nazism.

The daily story of First Lieutenant Jim Young (as he was called during the war) is a chilling reminder of the sacrifices that embody the truth that Freedom is Not Free.

After the war, he returned home to Florence, South Carolina, where he and his late wife of 57 years, Florence Hunter Young, had made their home. They had three daughters, Marian Young Howard, Beth Young Gilbert, and Mary Miles Young Swink.

He successfully made Young Pecan Company the second largest pecan-shelling corporation in the United States.

PAYING TRIBUTE TO DEBORAH MARY LINDEMENN

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Deborah Mary Lindemenn for her years of service as an Employment Specialist for the State of Nevada.

Deborah is retiring from her post as a Supervisor of the Employment Security Division staff located in the North Las Vegas JobConnect office. As the Division Supervisor, Deborah was responsible for the scheduling of staff duties and ensuring staff availability to provide required services. Deborah also managed the Career Enhancement Program Assistance Funds and wrote the evaluations for all the staff in the Employment Security Division. In her capacity as Supervisor, Deborah had to have an in-depth knowledge of intrastate, interstate, federal and military unemployment programs. Deborah also possesses exemplary communications skills which aided her in directing the activities of personnel in accordance with organizational policies.

In addition to her professional success, Deborah has completed a number of supplemental training programs that enhanced her over-all productivity in the workplace. Deborah completed; Total Quality Leadership Training, in April 1996; Facilitator Training, in July 1997; Employee Appraisal Training, in March 1998; as well as the Women in Leadership Forum in April 2000.

Mr. Speaker, I am proud to honor Deborah Mary Lindemenn. Her years of service to the State of Nevada are admirable and I wish her the best in her retirement.

HONORING COL. ROBERT TOVADO

HON. LEE TERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. TERRY. Mr. Speaker, I rise today to honor the service of Colonel Robert R. Tovado, the Commander of University of Nebraska Lincoln Air Force ROTC Detachment 465, who is retiring after three decades of service in the United States Air Force.

Colonel Tovado entered the Air Force in 1976 through AFROTC at the University of Northern Colorado. Since that time, he has served American in almost every major operation U.S. forces have been engaged in around the world. During his career, the Colonel has served in Operations Just Cause, Restore Hope, Sea Signal, Desert Strike, Desert Focus, Joint Guard, and Southern Watch.

Prior to his time in Nebraska, Colonel Tovado worked for General Tommy Franks as the Director of Manpower and Personnel at United States Central Command and he served as the Coalition/Joint Director of Manpower and Personnel deployed to Operations Enduring Freedom and Iraqi Freedom.

Since his arrival at the University of Nebraska, Colonel Tovado has taken his valuable military experience and applied it to his teaching and building of America's next generation of great leaders. During his tenure in Lincoln, the Colonel has led his staff and students in providing over 4,000 volunteer hours in support of a plethora of community service organizations for the betterment of Nebraska and her citizens.

Furthermore, he has helped countless students pursue their academic dreams by his efforts in bringing over two million dollars in scholarship money to the University of Nebraska. Under his command, UNL Air Force ROTC Detachment 465 was named the Right of Line Award winner for 2005 for the best Air Force ROTC Detachment in the nation. Furthermore, in 2005 Detachment 465 was also home to the Number One cadet in the nation. This marks the first time an Air Force ROTC detachment has received both awards during the same year and is a reflection of the work and leadership of Colonel Tovado.

Over the last three years of Colonel Tovado's tenure, 77 new lieutenants, including one of my former congressional staff members, have been commissioned into the United States Air Force. As I have been informed, the Colonel inspired and taught all of these great young men and women what it meant to be the best in the nation. These 77 young officers are now serving all across our globe defending America for future generations. This is perhaps the greatest legacy of Colonel Robert R. Tovado.

In closing, I join all Americans in wishing Colonel Tovado, his wife Wendy, and his family, heartfelt thanks on behalf of a grateful nation for his dedication and service to freedom.

TRIBUTE TO COMMAND SERGEANT MAJOR TERESA V. KING UPON HER RETIREMENT FROM THE UNITED STATES ARMY

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 26, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to congratulate Command Sergeant Major Teresa V. King on her retirement from the U.S. Army after a distinguished record of military service that spanned over 32 years. I know that I speak for all of my colleagues in thanking her for her service.

Command Sergeant Major Teresa V. King is a native of my home state, Florida. She entered the Army in August 1974 as a clerk typist and completed 3 years of active duty before leaving the Army in 1977. After a brief departure, she returned to active duty as a Motor Transport Operator in 1978. She has been assigned to Fort Eustis, Virginia; Fort Riley, Kansas; Fort Dix, New Jersey as a Drill Sergeant in Charlie, Delta and Alpha Companies, 2nd Battalion, 5th Training Brigade; Wiesbaden, Germany; and Baumholder, Germany as a PLDC Instructor.

After her tour in the Federal Republic of Germany, she was assigned to Fort Hood, Texas, with the 15th Supply and Transport Battalion, now the 27th Main Support Battalion, as a squad leader. In 1986 she volunteered for Drill Sergeant duty at the U.S. Army Drill Sergeant School at Fort Knox, Kentucky, as a Drill Sergeant Leader. In 1991, she was reassigned to the Republic of Korea as a Transportation Coordinator with the 227th Maintenance Battalion, Yongson, Korea. Upon

completion of her tour, CSM King was reassigned to Fort Stewart, Georgia, as a Platoon Sergeant in Bravo Company, 724th Main Support Battalion; given the opportunity to serve as a First Sergeant, she was reassigned to 24th Forward Support Battalion, Fort Stewart, Georgia. After completion of First Sergeant duties, she attended the First Sergeant Course and was selected to work as a active duty advisor to the National Guard, 1454th Transportation Battalion, Concord, North Carolina; assigned to Readiness Group, Fort Bragg, North Carolina, from 1993–1995.

Her next assignment was with the 2nd Infantry Division; Camp Red Cloud, Korea, as the NCOIC of the Division Transportation Office. She was reassigned to Fort Story, Virginia, serving as both First Sergeant and Battalion Command Sergeant Major. In 1998 she attended the United States Army Sergeants Major Academy, Class 49 with a subsequent assignment in 1999 to Advanced Individual Training Battalion, 58th Transportation Battalion, Fort Leonard Wood, Missouri. CSM King served as the Brigade Command Sergeant Major in Kaiserslautern, Germany, with the 1st Transportation Movement Control Agency from May 18, 2001 to June 20, 2003. She currently serves as the Command Sergeant Major for Installation Management Agency-Europe, Heidelberg, Germany.

Her awards include the Meritorious Service Medal, 4th OLC, Army Commendation Medal, 3rd OLC, Army Achievement Medal, 3rd OLC, Good Conduct Ribbon, 10th Award, National Defense Ribbon, Humanitarian Service Ribbon, Overseas Ribbon, 3, and the NCOES Ribbon.

CSM King is the daughter of Mr. and Mrs. Johnie King of Fernandina Beach, Florida. She has two children, Tiffany, a graduate of Georgia Southern University and Nathan, a member of the Florida National Guard and a junior at Florida A & M University, Tallahassee, Florida.

Mr. Speaker, CSM King has set a high standard of service, and her career embodies the commitment to honor, duty and service to country. I wish her well on her retirement and every happiness and success in her future endeavors.

PAYING TRIBUTE TO JODET-MARIE HARRIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ms. Jodet-Marie Harris for her exceptional work as a Clark County high school teacher.

Jodet, a teacher at Mojave High School in Las Vegas, Nevada, holds certification as a Highly Qualified Teacher (HQT) in accordance with the No Child Left Behind Act. She has obtained both a Master's degree in Special Education and a Doctorate in General Education studies. She is also a National Board Certified Teacher.

According to Mojave High School Principal, Charity Varnado, Jodet has a passion to take a child under her wings and work with them individually to focus on the needs of that child and what it is that will help them learn.'' Jodet has realized that, when working with special education students, patience and compassion helps each student to understand the material being covered.

Mr. Speaker, it is with great pleasure that I honor Ms. Jodet-Marie Harris. Her dedication and enthusiasm has greatly enriched the lives of her students. I commend her devotion to constantly looking for innovative ways to increase the learning opportunities of her students and I wish her luck in all of her future undertakings.

RECOGNITION OF LIEUTENANT COLONEL SUSAN K. RIOPEL'S RETIREMENT FROM THE UNITED STATES ARMY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. KINGSTON. Mr. Speaker, today I wish to honor my friend, LTC Susan K. Riopel, a respected officer in the United States Army Reserve, as she retires after having distinguished herself by continuous meritorious performance during 23 years of dedicated service.

LTC Susan Riopel was selected and served as one of the prestigious Army Congressional Fellows from August 1998 until November 1999, handling a wide range of responsibilities such as preparing input for committee hearings and conference mark-ups and conducting research and analysis, recommending sponsorship of bills, drafting speeches, talking points and press releases. Upon completion of her assignment as an Army Congressional Fellow, LTC Susan Riopel continued as a Legislative Liaison, for the Army Office of the Chief of Legislative Liaison as well as the Office of the Chief, Army Reserve Legislative Liaison.

LTC Susan Riopel has been an exemplary leader. Her efforts have brought a higher quality of life to the men and women in uniform who serve our country. She is, however, first and foremost, a loving and supportive wife to Frank, her husband, a caring and understanding mother to her children, Elizabeth and David.

Mr. President, I therefore honor LTC Susan Riopel today for her outstanding contributions to the United States Army Reserve as well as our Nation. She is a visionary and a leader and a mentor, a beloved wife, and mother, and I am proud to call her my friend.

TRIBUTE TO DIANE AND EMERY KLEIN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. LEVIN. Mr. Speaker, I rise today to recognize two leaders from my district, Diane and Emery Klein.

This marvelous couple has teamed to provide an unusual level of commitment to community. They are being honored on September 28th with the Jewish Federation of Metropolitan Detroit's most prestigious recognition, the Fred M. Butzel Award.

Emery and Diane are passionate advocates for innumerable Jewish causes and organizations and give tirelessly of their time and talents. The presentation of the Fred M. Butzel Award is the latest honor presented to Emery and Diane for their service to the community.

Emery is a past chair of the Federation's Annual Campaign, past president of the Hebrew Free Loan Association, and a national board member of the American Israel Public Affairs Committee. His honors include the Yeshiva Beth Yehudah Golden Torah Award, the International Association of Hebrew Free Loans Maimonides G'Millut Chasodim Award, and the Bar Ilan Honorary Fellowship Award.

Diane is a native Detroiter and past president of Federation's Women's Department, past vice president of the Federation, past president of the Greater Detroit Chapter of Hadassah and a past vice president of the Fresh Air Society. Diane has also generously contributed her talents to the Jewish Vocational Service, the Jewish Community Council and Israel Bonds Women's Division. Diane is a recipient of the Hadassah National Leadership Award and an Israel Bonds Lion of Judah Honoree.

Emery and Diane Klein have carried out with unusual passion their duties as citizens of their beloved country. Born in Czechoslovakia and a survivor of the Holocaust, Emery Klein has devoted himself to assure our Nation's full commitment to the security of Israel as the homeland of the Jewish people. He is currently a Board member of the American Israel Public Affairs Committee. His deep belief in democratic values, freedom and tolerance has motivated his decades of political activity, including an active role in Presidential campaigns including Bill Clinton's and in many Congressional races. Diane has been an active partner in these efforts.

Committed to education, the Kleins have established an Excellence in Education Fund to support professional development of Jewish educators in our community.

They are devoted to their children, Jeffrey and Barbara, and grandchildren, Spencer, Griffin, Zoe and Isabel.

Mr. Speaker, I ask my colleagues to join me in recognizing Emery and Diane Klein. They have worked tirelessly to make a difference and they indeed have done so. Privileged to witness their devotion and advocacy firsthand, I know I speak for many others in offering congratulations to Emery and Diane Klein as they are honored for their service with the Fred M. Butzel Award.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on September 25, 2006 during rollcall votes No. 471, No. 472, and No. 473 during the second session of the 109th Congress.

Rollcall vote No. 471 was on the motion to suspend the rules and pass H.R. 5059.

Rollcall vote No. 472 was on the motion to suspend the rules and pass H.R. 5062.

Rollcall vote No. 473 was on the motion to suspend the rules and pass H.R. 6102.

If present, I would have voted "yes" on each of these rollcall votes.

PAYING TRIBUTE TO RAY GIUNTA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Reverend Ray Giunta for his compassionate support for families and victims in times of crisis.

Ray is an ordained minister of the Evangelical Church Association, has a Bachelor's Degree in social work from the California State University in Sacramento and a Bachelor's in Pastoral Studies from Borean University. Not too long after graduating, Ray co-founded We Care Ministries with fellow minister Jeff Jones. We Care Ministries is a nonprofit Christian social service organization that dedicates its time to helping individuals and communities cope with the trauma of crises, from slayings and accidental deaths to high-profile tragedies like hurricanes, school shootings, and terrorist attacks. Since its existence, approximately 15,000 people have been touched by the Crisis Intervention team with physical, emotional, and prayer support.

Most recently, Ray aided several displaced families of Hurricane Katrina by providing $11,000 in rental fares for the bus that brought the evacuees from Gonzales, LA to Henderson, NV. His congregation also supplied the families with toiletries, cell phones, gift cards to department stores, and shelter in homes of church volunteers.

Ray has worked with a number of agencies, including FEMA (Federal Emergency Management Association), the American Red Cross and the Salvation Army. He has worked to provide relief at a number of different disaster sites, including: earthquakes in San Francisco; the Oklahoma City bombing; New York after 9/11; and several hurricane disaster areas in Florida and Louisiana. Ray also has counseled families and friends at school shootings in Texas and California as well as corporate mass shootings throughout the Nation.

When he isn't aiding distressed families and friends, he serves as the Encouragement Pastor at Central Christian Church in Las Vegas, NV, where he oversees a congregation of 8,000 members as well as the community outreach programs to the city. As pastor, he trains sympathetic, willing volunteers with the tools necessary to provide exceptional spiritual support for those in need.

Ray has received numerous awards for his compassionate care, including "Investigator of the Year" during his time as a criminal investigator. He also accepted the California Governor's "Heroes in Health Care" Award and the "Good Samaritan" Award from the American Red Cross. The California State Legislature also recognized him for his outstanding service in Oklahoma City and New York.

Mr. Speaker, it is with great pleasure that I honor Reverend Ray Giunta for his generosity and selflessness to numerous people during some of the most tragic events in today's world. On behalf of the Las Vegas community, I thank him for his caring attitude and wish him luck in all of his future deeds.

HONORING DONNA PAOLETTI PHILLIPS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Ms. Donna Paoletti Phillips, my constituent, and one of three recipients of the first annual American Civic Education Teacher Award. This award honors teachers who have demonstrated a special expertise in teaching about the U.S. Constitution, the U.S. Congress, and public policy at the state and local levels. It is one of the activities of the Alliance for Representative Democracy, which is funded by the U.S. Department of Education by an act of Congress.

Now in her eleventh year as an educator, Donna, a resident of Columbia, Maryland, teaches eighth grade at Robert Frost Middle Schools in Rockville. She has worked to make her classroom an incubator of democracy, believing that "the essence of civic education lies in the people the students become while in the care of our classrooms." She describes her teaching style as experiential, noting that civic education cannot be a "from the neck up" activity.

For 6 years, Donna has coordinated We the People, the Citizen and the Constitution, a simulated congressional hearing held annually at the Robert Frost Middle School. In that time, she has witnessed a profound change in the participating teachers as they moved from direct instruction to a more facilitative role in the students' education process. She has also observed the students' progress to more self-directed research and collaboration with their peers. For these reasons, Donna sees this program as a life-changing activity for those involved.

Throughout the school year, Donna's students are able to witness her collaboration with fellow faculty and her volunteer efforts in the community. She initiates discussions on global, national, local, and school-based events, and frequently questions the causes of injustices, inspiring her students to do the same.

Donna says that she is proud to have "the best kids in the country" in her class, and she considers it a wonderful opportunity to teach in the Washington Metropolitan Area, where Capitol Hill can be so easily accessed. I am very pleased that she is visiting my office today, and I call upon my colleagues to join me in honoring Donna Paoletti Phillips' accomplishments and congratulating her on receiving this award.

PERSONAL EXPLANATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. BERMAN. Mr. Speaker, on May 22, 2006, I was unable to cast a vote on H.R. 3858, the Pets Evacuation and Transportation Standards Act, rollcall vote No. 178. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. BISHOP of New York. Mr. Speaker, I was not present in the Chamber on September 25th to cast my vote on rollcalls 471, 472, and 473.

Had I been present, I would have voted "nay" on rollcalls 471 and 472, and "aye" on rollcall 473.

PAYING TRIBUTE TO ESTHER FRIED

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Esther Fried, who passed away on Wednesday, September 6, 2006.

Esther was born October 16, 1919 in Denver, Colorado and was raised in Denver and Salt Lake City. Moving to Las Vegas with her husband in 1959, they opened what would become a Las Vegas institution, Freeds Bakery. Launched in 1959, this bakery grew from a mom-and-pop operation into a world-renowned business. Having seven locations in the 1970s when Las Vegas' population was one-fifth what it is today, Freeds Bakery eventually was consolidated into one location. Under her leadership the bakery grew exponentially and gained widespread recognition. In 1996, Bon Appetit named Freeds Bakery one of the top 10 places to eat in Las Vegas. The bakery was also featured in the April 2002 edition of Martha Stewart Weddings magazine.

Mr. Speaker, I am proud to honor the life of Esther Fried. She will be dearly missed by the Las Vegas Community.

IN HONOR AND RECOGNITION OF CASEY COLEMAN DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in celebration of Cleveland's Casey Coleman Day. Mr. Casey Coleman is a landmark in Cleveland radio broadcasting and sportscasting who has recently been diagnosed with inoperable pancreatic cancer with only months to live. Cleveland Mayor Frank Jackson has proclaimed September 26 as "Casey Coleman Day" to honor the distinguished Cleveland resident.

Mr. Coleman has been an acclaimed sports broadcaster for over 25 years and has been recognized by the Associated Press for "Best Regularly Scheduled Sports" and "Best Sportscaster" in the State of Ohio. While performing television broadcasting, Mr. Coleman received four Emmy Awards. Mr. Coleman also has the honor of being the field and locker room reporter for the Cleveland Browns for the past five consecutive years.

Casey Coleman Day will be more than just a title, as a ceremony will be held at Tower

City, and on September 27 there will be a blood drive sponsored by the American Red Cross in Mr. Coleman's name. The region-wide blood drive effort will help hundreds of lives in 57 different Ohio hospitals. Everyone who donates blood at a Red Cross site on September 27 will be able to write a personal message to Mr. Coleman. The day of celebration also marks the creation of "Casey's Fund," which will contribute all donations to help treat alcoholics and addicts as Mr. Coleman is a recovered alcoholic and his legacy will continue to aid in fighting addiction with the help of Recovery Resources.

Mr. Speaker and Colleagues, please join the city of Cleveland and myself in honoring and rejoicing over Mr. Casey Coleman's inspiring life, courage against cancer, and devotion to Cleveland. My thoughts go out to his wife and his six daughters during this difficult time.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, September 25, 2006, I was unavoidably detained due to a prior obligation. Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 471: "no" (H.R. 5059, New Hampshire Wilderness Act); (2) rollcall No. 472: "no" (H.R. 5062, New Hampshire Wilderness Act); (3) rollcall No. 473: "yes" (H.R. 6102, Captain Christopher Petty Post Office Building).

NATIONAL ADDICTION RECOVERY MONTH

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. LARSEN of Washington. Mr. Speaker, I rise today to pay tribute to an often overlooked group of Americans who have made great contributions to the health and safety of our Nation. Those who have made a career out of counseling individuals with alcohol and drug addictions deserve our recognition, respect, and gratitude, as we celebrate National Addiction Recovery Month this September. Furthermore, I would like to recognize that September 20th is National Addiction Counselor's Day.

Last year, over 19 million Americans used illicit drugs. Fifty-five million engaged in binge drinking, and over 16 million were considered heavy drinkers. These numbers are staggering. Imagine the entire populations of New York and Los Angeles as illicit drug users. Imagine if the entire population of Florida were heavy drinkers.

This is a prevalent problem.

The problem of addiction is not restricted to illicit, illegal drugs or products sold on the street. There are dangers in our homes and our medicine cabinets. Common household products, such as cough syrup, contain ingredients that can provide a high if taken in large enough doses.

According to research conducted by the Partnership for a Drug-Free America, one in 10 teenagers, or 2.4 million young people, have intentionally abused cough medication to get high. Teens take excessively large amounts of over-the-counter cough medicine or abuse the main active ingredient in most cough syrups, dextromethorphan (DXM). DXM can be purchased over the Internet in bulk and is very dangerous when abused.

Since cough medicine is a necessity in every home with a child, we must take action to ensure our kids are protected from DXM abuse. First, parents need to talk to their children about the dangers of overdosing on DXM and cough syrup. Second, Congress needs to ensure that bulk amounts of DXM are not sold over the counter, or over the Internet, to entities not registered to do so with the FDA. I urge congressional leadership to bring legislation I introduced with Rep. FRED UPTON, H.R. 5280, the DXM Distribution Act of 2006, to the floor of the House for a vote.

The professionals who treat the destructive disease of addiction are a dedicated, knowledgeable group. Today there are hundreds of thousands of clean and sober individuals living happy, productive lives because a counselor was there and made the difference. Not only do these counselors assist in recovery, but in prevention and intervention as well. Addiction professionals are an essential cog in the health services machine. Through training and experience, addiction professionals can help turn a life around and often even save a life.

I call upon all of my colleagues to join me in recognizing the invaluable contributions of addiction counselors. Congress has shown strong support for this issue in the past, yet we are far from victory. We must continue our steadfast fight against drug and alcohol addiction. The hard work of addiction professionals should be recognized, honored, and appreciated.

PAYING TRIBUTE TO KIRK V. CLAUSEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Kirk V. Clausen for his leadership as the regional president of Nevada for Wells Fargo Bank.

Kirk has worked for Wells Fargo Bank in various capacities since he was 14 years old. In his childhood hometown of Sioux City, Iowa, Kirk worked for Norwest Bank, now Wells Fargo, delivering calendars and performing other odd jobs. During college, Kirk worked the night shift as a teller. By the time he graduated from college, Kirk was managing all three teller lines during all three shifts. Due to his adeptness, Kirk was asked to participate in the bank's management training program, and so began his bank management career. Today, Kirk is responsible for more than 11 Wells Fargo banks across Nevada.

Despite demands on his time, Kirk is also very active in the community and has served on numerous community boards, including the Economic Development Authority of Western Nevada, EDAWN.

Mr. Speaker, I am proud to honor Kirk V. Clausen. His combination of professional success and community activism is exemplary. I applaud his efforts and wish him the best in his future endeavors.

J.S. HOLLIDAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. STARK. Mr. Speaker, our Nation and especially our great State of California, lost part of our soul last week.

Thousands of historians have written about American history, but it took J.S. Holliday to analyze, understand, define and describe the monumental effect on our State and Nation of the California Gold Rush.

In authoring the two classic histories about the Gold Rush—The World Rushed In (1981) followed by Rush to Riches (1999)—Jim Holliday captured the spirit, the human face and the meaning of what he defined as the seminal event that changed the American West and indeed all of America. He described recklessness, entrepreneurship, resourcefulness, greed, speculation, ambition and thrill, and how gold abolished all the old rules. He explained dry diggers and long toms and sluice boxes and ditching and tailing, and he opened our eyes to life on the Yuba River and Sutter's Mill and Marysville. His meticulous research exposed the life of the miner and through him, the culture of the time and the impact of it all on us, as Californians and Americans.

Beyond being a great historian and a great writer, Jim Holliday was a great friend. The decibel level of his voice was not the only thing that ensured he was a presence in the room; his laughter, his warmth, his passion to learn and capacity to listen, and his sheer brainpower, made him the center of gravity in any setting. He was as irrepressible and dynamic as they come.

On behalf of the members of the California delegation—both those who knew him personally and those who knew only his work—I send condolences to all members of his family.

Mr. Speaker, I ask that obituaries from the San Francisco Chronicle of September 2 and the Carmel Pine Cone of September 8 be printed in the RECORD.

[From the San Francisco Chronicle, Sept. 2, 2006]

J.S. HOLLIDAY: 1924–2006

(By Carl Nolte)

J.S. Holliday, one of the most eminent historians of California and the West, died at his home in Carmel on Thursday at the age of 82. He had been suffering from pulmonary fibrosis.

Holliday was the author of "The World Rushed In," a history of the California Gold Rush that was a best-seller when it was published in 1981; it went through 13 printings, and a new edition was reissued recently by the University of Oklahoma Press.

Kevin Starr, another noted historian of the West, called "The World Rushed In" "a classic."

If it were only for the one book, Holliday's reputation as a historian would be secure, but he was also the founding director of the Oakland Museum of California and executive director emeritus of the California Historical Society, taught history at San Francisco State University, and served for a time as assistant director of the Bancroft Library at UC Berkeley.

He also lectured, appeared on television and wrote articles on history. "No one writes better about California's irresistible past," said Ken Burns, the television documentary expert. "I am a huge fan."

"He was a towering figure in California history," said Gary Kurutz, principal librarian for special collections at the California State Library. "His death is a real loss."

Holliday was born Jaquelin Smith Holliday II, June 10, 1924, in Indianapolis. His family was in the steel business, and young J.S. Holliday attended private schools. He seldom used his given name. His friends called him "Jim."

Holliday attended midshipman school at Northwestern University during World War II and served in the U.S. Navy as an officer aboard an escort aircraft carrier in the Pacific.

He attended Yale University and graduated with a degree in history in 1948. At Yale, one of his teachers brought to his attention letters and a diary written by a man named William Swain, who set out from Michigan in 1849 with a group of adventurers called the Wolverine Rangers to make his fortune in far-off California.

In Swain, Holliday found his own mother lode. Swain's letters and diary—his adventures traveling across the Great Plains, down the dreary Humboldt River in Nevada, his trek across the Black Rock Desert, his life in the California Gold Country—were the basis for "The World Rushed In."

Holliday often said that the story of the Gold Rush—which he said was the greatest peacetime mass migration in history—brought him to California. He moved West in 1949, on the 100th anniversary of the Gold Rush. "I came here for gold and found other ways of seeking success in California," he said.

He got a doctorate in history from UC Berkeley in 1958 and a research fellowship at the Huntington Library, then worked at the Bancroft and taught at San Francisco State.

By then he had a considerable reputation as a forceful and vigorous exponent of his views of history. "He was one of the most vital people I ever knew," said Joe Illick, who served with him on the faculty at San Francisco State.

He was "a big, handsome, rumpled man with a passion for the rugged life," The Chronicle said of him when he had become well known. Early in his career, however, Holliday's passion for history did not always go down well with more sedate custodians of the State's past.

In 1967, he was named the founding director of what later became the much-praised Oakland Museum of California. However, he was so forceful and uncompromising in his views that he was fired just before the museum opened in 1969.

He then became executive director of the California Historical Society and organized a series of major traveling exhibitions, including one about the internment of Japanese Americans during World War II. "It caused quite a stir," said David Crossen, the current executive director of the society. "People in historical societies didn't deal with issues like that back then. He was a model for the young Turks in historical organizations."

Holliday served two terms in the top job at the California Historical Society. However, he always came back to the Gold Rush book. He felt the 1849 Gold Rush was a seminal event in the state's history that, in his words, "changed California, changed the whole West and changed America's sense of itself." He wanted to present it in human terms, to make the lives of the long-dead Forty-Niners come alive.

It took him 30 years to write.

"He was such a careful writer that it sometimes took him a week to get two paragraphs right," said Kurutz. "He was as thorough as can be."

The result was what Starr called "a masterly narrative." The book won the Silver Medal of the Commonwealth Club of California and the Oscar Lewis Award for Achievement in Western History from the Book Club of California.

In 1999, Holliday wrote "Rush for Riches: Gold Fever and the Making of California," which also received critical acclaim.

Holliday was married twice. His first marriage, to Nancy Adams, ended in divorce. He was married to Belinda Vidor Jones in 1983, and she survives him.

He also leaves three children: Timothy Holliday of New Orleans, Martha Brett Holliday of Farmington, Conn., and W.J. Holliday of Menlo Park.

A memorial service is pending.

[From the Carmel Pine Cone, Sept. 8, 2006]

GOLD RUSH HISTORIAN, CRA FOUNDER WAS AN "OVERSIZED SLICE OF LIFE"

(By Mary Brownfield)

"He was a very forceful and outspoken person, but also very sensitive and very gentle, too," John Hicks said of his friend, Jim Holliday, the notable California historian and author who died of pulmonary fibrosis at home in Carmel last Thursday morning at the age of 82. "That made for an interesting paradox, I think."

Mr. Holliday, who helped found the Carmel Residents Association after Clint Eastwood was elected mayor of the town 20 years ago and was named the group's Citizen of the Year in 2001, was best known for his books and studies on the California Gold Rush.

In 1981, Simon & Schuster published "The World Rushed In," which described the Gold Rush and its impacts on California's development and American values. The book, heralded by fellow historians, underwent 13 printings. Its latest edition, published by the University of Oklahoma Press, remains available.

In 1999, assisted by Hicks, he wrote "Rush for Riches: Gold Fever and the Making of California," copublished by the Oakland Museum and the University of California Press in Berkeley.

His writing earned honors from the Library of Congress, the Commonwealth Club of California (silver medal), the Book Club of California and Western Writers of America, Inc. Known as a strong speaker, Mr. Holliday lectured throughout the State and Nation.

In Carmel, Hicks and Mr. Holliday served on the board of trustees at Tor House. Hicks described his friend as a "big, vigorous person, but endlessly curious and a great listener," and said they agreed on the local and national significance of Robinson Jeffers and his historic home on the point.

"He was a big, oversized slice of life and more than some people could take at times, but he was a good spirit," Hicks said. "The little town will be different without him."

Attorney and CRA cofounder Skip Lloyd first met Mr. Holliday in San Francisco, and the two became reacquainted years later when Mr. Holliday moved to Carmel. Lloyd also lauded his friend's public speaking skills and said, "He brought tremendous enthusiasm, energy, generosity, leadership and a wonderful spirit" to the residents group. "He was a really accomplished person, but he never wore it on his sleeve," Lloyd said. "He was always friendly, helpful and generous to everybody."

Historian and longtime San Francisco Chronicle journalist Carl Nolte, who wrote Mr. Holliday's obituary for his newspaper, read Mr. Holliday's books "with much admiration" and described the author as "a charmer." "He was very, very impressive as an historian," Nolte said, "and also very kind with his praise, which is rare among authors."

Born Jaquelin Smith Holliday II, on June 10, 1924, to steel magnate William J. Holliday and Martha Henley Holliday in Indianapolis, IN, Mr. Holliday was most commonly known as J.S.—Jim to his friends.

He graduated from the Hill School in Pottstown, PA, attended midshipman school at Northwestern University and served on the USS *Santee* in the Pacific during World War II. Mr. Holliday graduated from Yale University with a degree in history in 1948.

Drawn west, he undertook graduate studies in history at UC Berkeley in 1952 and received his Ph.D. in 1959, following a year as a research fellow at the Henry Huntington Library in San Marino. He also worked as an associate professor at San Francisco State University and a lecturer at other institutions. He was editor of "American West" magazine and served as executive director of the Oakland Museum of California. From 1970–1977 and 1983–1985, he was director of the California Historical Society.

Socially, Mr. Holliday belonged to the Bohemi-an and Roxburge clubs in San Francisco, and the Zamorano Club in Los Angeles.

His first marriage, to Nancy Adams, ended in divorce in 1974, and he married Carmel resident Belinda Vidor Jones in 1983. She and three children from his first marriage—Timothy Holliday of New Orleans, LA, Martha Brett Holliday of Farmington, CT, and William J. Holliday of Menlo Park—survive him.

RECOGNIZING THE RETIREMENT OF JOSE R. CORONADO

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize the noteworthy career of Jose R. Coronado, the Director of the South Texas Veterans Health Care System STVHCS. Mr. Coronado has retired from this position, ending a long and illustrious 40-year career as a public servant. He is an incredibly accomplished man who has served this Nation with honor and distinction.

Too often, those who have chosen a career in public service are overlooked as their efforts are hidden behind the scenes. However, Mr. Coronado's impact on veterans healthcare cannot be ignored. As director of the STVHCS, Mr. Coronado has led one of the largest integrated healthcare systems in the Veterans Health Administration, VHA. He was responsible for a healthcare delivery system which has an annual budget of nearly $430 million, is comprised of more than 2,800 employees, and consists of three divisions: the Audie L. Murphy Division, the Kerrville Division, and the Satellite Clinic Division.

Due to its affiliation with the University of Texas Health Science Center in San Antonio, the STVHCS has an active ambulatory care program with outpatient clinics in cities throughout South Texas. The system also serves as a parent facility for Veterans Outreach Centers in the region. Needless to say, Mr. Coronado was ultimately responsible for the care of veterans throughout South Texas.

Mr. Coronado's passion for serving the public, and his interest in health care, have been demonstrated throughout his career. He began

his undergraduate education in premedical studies. This education, however, was interrupted by his military service in the Army which lasted from 1953–1955. During this time period, he served as an operations sergeant in the U.S. Army, 11th Armored Cavalry Regiment. Upon the completion of this service, Mr. Coronado finished his undergraduate education and became an assistant principal and science teacher at Hebbronville High School.

In 1962, Mr. Coronado began his illustrious career with the Veterans Administration as an administrative officer with the Veterans Administration Medical Center in Houston, TX. He worked his way up the ranks as a devoted civil servant until 1975, when he became the director of the Audie L. Murphy Memorial Veterans Hospital in San Antonio. He served in that capacity for 20 years, until he was named director of the STVHCS in 1995.

Mr. Coronado's unyielding devotion to his career can only be matched by his commitment to the community. Throughout the span of his career, he has participated in a number of organizations in a wide range of capacities. Currently, he is a member of the Medical Research Public Awareness Committee, he is chair of the Graduate Healthcare Administration Training Program, GHATP, Board, he is on the Board of Contributors for the San Antonio United Way, and he is a fellow with the American College of Healthcare Executives, ACHE. Furthermore, he is an adjunct professor at both the University of Texas Health Science Center at San Antonio and the University of Houston, Clear Lake. He is also affiliate faculty within Trinity University's Department of Health Care Administration.

Mr. Coronado's efforts have made a positive impact on the organizations he serves as well as the individual lives that he has touched. This impact has been recognized by awards presented to him by three separate Presidents. Most recently, Mr. Coronado was bestowed Modern Healthcare Magazine "Top 25 Minority Health Care Executive" award and the Under Secretary for Health, Department of Veterans Affairs "Exemplary Service Award."

I believe that Mr. Coronado has consistently demonstrated incomparable leadership abilities and a selflessness reserved for the truly great public servants. He has given so much in service to our military and to the countless veterans who have benefited from his direction. In fact, generations of military personnel have been positively impacted by the efforts he has made throughout his career.

On behalf of the brave men and women of the military, the staff of the facilities over which Mr. Coronado led, and the citizens of South Texas, I want to say thank you. Thank you Mr. Coronado for the sacrifices you have made to better the lives of others. Thank you for your commitment in service to this great Nation. And thank you for showing us what can be achieved through hard work, vision, and a strong sense of purpose. While Mr. Coronado's retirement is certainly well-deserved, his presence will no doubt be missed in our community.

DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT

SPEECH OF

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2006

Ms. NORTON. Mr. Speaker, the District of Columbia Omnibus Authorization Act, a major bill to assist the District of Columbia in carrying out timely and critical operational responsibilities, received final approval as a result of House passage this evening and is on its way to the President for his signature. The DC Omnibus Authorization Act, sponsored by Government Reform Committee Chairman TOM DAVIS and me, includes permanent mid-year budget autonomy in a collection of crucial provisions that have been approved or passed by the District, but must come to Congress before becoming law. The most important omnibus authorization provision, long sought by the District since home rule was granted, allows the city to spend local funds without coming back to Congress for approval through the congressional mid-year supplemental appropriations process. We worked hard to convince appropriators to implement this critical change for the first time beginning this year, but the provision in today's bill is needed to authorize mid-year budget autonomy permanently. This is the first structural change in the original Horne Rule Act since it was enacted over 30 years ago and brings the city close to obtaining full budget autonomy. It is impossible to overestimate the hardship to this or any city of being unable to carry on normal business and engage in fiscal transactions—from spending local revenue already in the bank for vital city needs to floating baseball stadium bonds—without coming to Congress. Budget autonomy from the congressional supplemental process essentially enacts part of the DC Budget Autonomy Act that Chairman DAVIS and I have introduced to give the District greater freedom from the annual congressional appropriations process that redundantly requires the District's balanced budget to come to the Congress before it becomes effective.

The Omnibus Authorization Act includes many other vital provisions, including one that gives greater city control and use of reserve funds—up to 50 percent—with specific procedures for reimbursement. The District's sound fiscal practices, along with limitations required by Congress, have led to an impressive reserve fund. However, residents watched the neglect of basic services and continued to send their children to dilapidated public school buildings while the District grew an ever larger reserve fund that could not be tapped. As a result of work with appropriators last year, DC already is spending part of its reserves that had been piling up.

Both the House and the Senate approved an omnibus authorization bill earlier this session. However, the House needs to approve the Senate version that added provisions not in the House bill. The new provisions include: a change in the fiscal year that the District of Columbia Public Schools requested; permission for the DC libraries to accept gifts—currently only the Mayor's office can receive them; enhanced dental and vision benefits for court employees; and a requirement that within 1 year of congressional passage, the District must start using a metered system for taxicabs, unless the Mayor signs an executive order opting out. I strongly urge my colleagues to support this bill.

IN RECOGNITION OF CLINTON KIRK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I respectfully ask the attention of the House today to pay tribute to Mr. Clinton Kirk, a constituent of mine who has dedicated the past 20 years of his life to staying healthy and fit.

Mr. Kirk resides in Valley, Alabama, and is in his eighth decade of life. He is known around the area as the Walking Man. Kirk says when he began his walking in 1986, he would walk around 5 to 6 miles a day in the early morning. Twenty years later, he says he now walks about a mile a day and says he attributes his good health to his walking habit. Amazingly, Mr. Kirk has walked over 50,000 miles since 1986, the year he began keeping a daily log of the distance he covers.

I salute Mr. Kirk for his continued efforts to exercise and stay healthy, and commend him at this milestone for serving as an example for us all to take care of ourselves and stay fit.

PROVIDING FOR CONSIDERATION OF H.R. 4844, FEDERAL ELECTION INTEGRITY ACT OF 2006

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to strongly oppose H.R. 4844, Republican legislation that would suppress voter participation by mandating burdensome new voter identification requirements. This bill is similar to State laws that have recently been struck down as unconstitutional conditions to voting.

H.R. 4844 is a discriminatory political ploy. No empirical data of voter fraud exists that justifies such onerous new mandates. The bill requires individuals to have a State or Federally approved photo identification in order to vote in federal elections in 2008 and to provide documented proof of citizenship by 2010. For those voting by mail, H.R. 4844 requires a photocopy of identification to be sent with the absentee ballot. In reality, the legislation would disenfranchise millions of American citizens who do not possess the required identification.

Not surprisingly, those who will struggle most to comply with this bill are the same citizens the Voting Rights Act is designed to protect: racial and ethnic minorities, students, the elderly, individuals with disabilities, Americans living in rural areas, the homeless and low-income citizens. This burden will be overwhelming for many Native Americans, particularly elders and those living in remote areas, or those that use primarily tribal identification.

In addition, a study conducted at the University of Wisconsin-Milwaukee found that only 50 percent of African American and Latino men in Milwaukee had government issued photo identification that would allow them to vote in 2008. To obtain a drivers' license, birth certificate, passport or naturalization papers to meet the bill's requirements low-income citizens will face financial burdens and lost time from work while the elderly may struggle to make a trip to the local DMV. And citizens who lost their vital documents in the aftermath of Hurricane's Katrina and Rita should expect to face one final insult from Washington when they lose their right to vote.

In addition, H.R. 4844 fails to specify how disputes over identification would be handled by poll workers. Consequently, the bill places an undue and irresponsible amount of discretion in the hands of overworked poll workers, which opens the door to widespread racial and ethnic discrimination at polling places. Imposing new barriers to the right of Americans to vote is simply unnecessary. Existing federal laws impose strict penalties on non-citizens who attempt to vote illegally. The success of existing federal laws is underscored by the fact that supporters of H.R. 4844 were unable to offer data to establish a need for this bill.

The Help America Vote Act, HAVA, that Congress passed with bipartisan support in 2002 proved that securing the integrity of our elections process need not come at the cost of voter access. Congress should reject H.R. 4844 and instead, fulfill promises made in HAVA by providing States with the $800 million they need to expand access and prevent voter fraud. The Republican Majority should be held accountable for championing H.R. 4844, a bill that casually and callously undermines the constitutionally guaranteed right of all Americans to vote.

TRIBUTE TO LUAN RIVERA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. HUNTER. Mr. Speaker, I raise today to recognize Luan Rivera, a devoted and inspirational leader who has dedicated her life to the education and development of America's youth. As the 2005—2006 President of the California School Boards Association, CSBA, Luan has worked tirelessly to promote and strengthen educational opportunities in California's public schools and I would like to commend her for her efforts.

Luan was elected to the Ramona Unified School District Board of Education in 1994 and served seven years on CSBA's Delegate Assembly. Her impressive credentials include a master's degree from Roosevelt University in Chicago, completion of CSBA's Master in Governance Program, a multiple-subject teaching credential and an English as a Second Language certificate. She is also the former youth coordinator of the Yellow Ribbon Suicide Prevention Program and has participated in numerous activities designed to enhance tolerance amongst California's culturally diverse youth population.

Adding to this long list of achievements, Luan has also been active in the San Diego County Inter-Agency Coalition for Human and Civil Rights and, in 2001, she attended the United Nations World Conference Against Racism in Durban, South Africa. These experiences and qualifications enabled Luan to serve as CSBA President with a high level of insight and an acute understanding of California's educational challenges.

Luan recognizes that stimulating and encouraging our children to learn is an investment in America's future. Her incredible devotion to improving California's education system has set a new precedent for CSBA's top leadership position and it is my hope that leaders like Luan will continue to step forward in the future.

Mr. Speaker, I ask my colleagues to join me in thanking Luan Rivera for her service as a member of the Ramona Unified School District Board of Education and CSBA President. Thanks to Luan, California's public schools are a better place and she can take special pride in knowing that her contributions are improving the lives of children and families throughout the State.

IN RECOGNITION OF FORT LAUDERDALE'S LONE SAILOR MEMORIAL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize the Fort Lauderdale Council of the Navy League of the United States for their successful campaign to locate a Lone Sailor Statue on Fort Lauderdale's Riverwalk.

The Fort Lauderdale Council has been greeting military ships of all Navies arriving in Port Everglades for over 50 years, earning a reputation for Fort Lauderdale as the 'best liberty Port in the world'. Although Fort Lauderdale is not home to a major Navy facility, it is rich in naval history. During World War II, pilots including former President George Bush, trained at the old Fort Lauderdale Naval Air Station. During my tenure in Congress, I have had the privilege of participating in two ship commissioning ceremonies at Port Everglades. It is a fact: the Navy loves Fort Lauderdale and Fort Lauderdale loves the Navy.

With this strong relationship with the Navy, members of the Council, including former Congressman George Wortley, felt it was time to join eight other communities around the country and bring a Lone Sailor statue to South Florida. They committed to raising $250,000 to obtain the statue, prepare the site and cover other related expenses. They successfully petitioned the City of Fort Lauderdale to approve a permanent home for the 'sailor' on Fort Lauderdale's Riverwalk.

On Saturday, October 14th, 2006, I look forward to joining members of the Fort Lauderdale Council and our South Florida community to dedicate the Lone Sailor statue. Cast in bronze, the statue is composed of 2 pieces: the sailor who stands 7 feet tall and weighs approximately 1,000 lbs. and his sea bag and cleat weighing 700 lbs. During the casting process, the bronze is mixed with artifacts from eight U.S. Navy ships which span the Navy's history. It is a fitting tribute to the men and women of the sea service.

Mr. Speaker, I commend the members of the Fort Lauderdale Council of the Navy League of the United States for their commitment to this wonderful project. The Lone Sailor Statue will stand as a symbol of the esteem in which this community holds the members of the sea services: Navy, Marine Corps, Coast Guard, U.S.-Flag Merchant Marine.

IN MEMORY OF LOBIS ADAMS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. BURGESS. Mr. Speaker, I rise today to remember Lobis Adams, the 99-year-old retired pastor of the Corinth Missionary Baptist Church.

Reverend Adams pastored the Corinth Missionary Baptist church for 33 years before retiring in 2003. As a faithful servant to the Lord, Reverend Adams spent his life in the service of others by volunteering in countless Baptist organizations.

His commitment to the church and the community are still visible today through the many organizations that he helped establish and lead. His dedication to education in the Baptist community is shown through his tenure as Director of Christian Education at the Texas State Missionary Baptist Convention. He also served as a board member to the Texas Baptist Foreign Mission board.

It was my honor to represent Reverend Adams. I extend my sympathies to his family and friends. May the example of this man, whose contributions made richer the fabric of our faith, be inspiration to all.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed three votes on September 25, 2006. Had I been present I would have voted no on H.R. 5059, to designate the Wild River Wilderness in the White Mountain National Forest in the State of New Hampshire, no on H.R. 5062, to designate as wilderness certain National Forest System land in the State of New Hampshire, and yes on H.R. 6102, to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building".

Daily Digest

Highlights

The House agreed to the Conference Report to accompany H.R. 5631, Department of Defense Appropriations Act, 2007.

Senate

Chamber Action

Routine Proceedings, pages S10109–S10222

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3935–3945, and S. Res. 585–587. **Page S10159**

Measures Reported:

S. 860, to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, with an amendment in the nature of a substitute. (S. Rept. No. 109–348)

S. 3687, to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon. (S. Rept. No. 109–349)

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007". (S. Rept. No. 109–350)

S. 3938, to reauthorize the Export-Import Bank of the United States. **Pages S10158–59**

Measures Passed:

Children's Hospital GME Support Reauthorization Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 5574, to amend the Public Health Service Act to reauthorize support for graduate medical education programs in programs in children's hospitals, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S10217**

McConnell (for Enzi) Amendment No. 5073, in the nature of a substitute. **Page S10217**

VA Medical Facility Leases: Senate passed S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, after agreeing to the committee amendments and the following amendment proposed thereto:

McConnell (for Craig) Amendment No. 5074, in the Nature of A substitute. **Pages S10217–18**

JFKCenter for the Performing Arts: Senate passed 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, clearing the measure for the President. **Pages S10218–19**

Enrollment Correction: Senate agreed to H. Con. Res. 480, to correct the enrollment of the bill H.R. 3127. **Page S10219**

Secure Fence Act: Senate continued consideration of H.R. 6061, to establish operational control over the international land and maritime borders of the United States, taking action on the following amendments proposed thereto: **Pages S10136–52**

Pending:

Frist Amendment No. 5036, to establish military commissions. **Page S10136**

Frist Amendment No. 5037 (to Amendment No. 5036), to establish the effective date. **Page S10136**

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment. **Page S10136**

Frist Amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions. **Page S10136**

Frist Amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date. **Page S10136**

Frist Amendment No. 5040 (to Amendment No. 5039), to amend the effective date. **Page S10136**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, September

27, 2006, with 1 hour of debate equally divided between the Majority and Democratic Leaders, or their designees, to be followed by a vote on the motion to invoke cloture on Frist Amendment No. 5036 (listed above); provided further, that it be in order to file second degree amendments as provided for under Rule 22, until 11 a.m. **Page S10222**

Geneva Convention Protocol—Agreement: A unanimous-consent agreement was reached providing that the Foreign Relations Committee be discharged from further consideration of the following treaty, and that it be placed on the Executive Calendar: Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Treaty Doc. 109–10); further, that this Protocol and the two treaties that remain in Committee be assigned designations of "A", "B", and "C" respectively to reflect that three separate treaties were received as part of Treaty Document 109–10. **Page S10219**

Nominations Received: Senate received the following nominations:

Jane C. Luxton, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

Thurgood Marshall, Jr., of Virginia, to be a Governor of the United States Postal Service for a term expiring December 8, 2011. **Page S10222**

Messages From the House: **Page S10158**

Measures Placed on Calendar: **Page S10158**

Measures Read First Time: **Page S10158**

Executive Reports of Committees: **Page S10159**

Additional Cosponsors: **Pages S10159–61**

Statements on Introduced Bills/Resolutions: **Pages S10161–96**

Additional Statements: **Pages S10156–57**

Amendments Submitted: **Pages S10196–S10215**

Authorities for Committees to Meet: **Pages S10215–16**

Privileges of the Floor: **Page S10217**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 6:33 p.m., until 9:30 a.m., on Wednesday, September 27, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10222.)

Committee Meetings

(Committees not listed did not meet)

NEW BASEL CAPITAL ACCORD

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine implications of the New Basel Capital Accord designed to bring order to international capital markets, focusing on developments relating to bank regulatory capital requirements in the United States, including the U.S. implementation of Basel II and updates to regulatory capital rules for market risk, after receiving testimony from Susan Schmidt Bies, Member, Board of Governors of the Federal Reserve System; Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; John C. Dugan, Comptroller of the Currency, and John M. Reich, Director, Office of Thrift Supervision, both of the Department of the Treasury; Diana L. Taylor, New York State Banking Department, Albany, on behalf of the Conference of State Bank Supervisors; Kathleen E. Marinangel, McHenry Savings Bank, McHenry, Illinois, on behalf of America's Community Bankers; William M. Isaac, The Secura Group, Vienna, Virginia, former Chairman, Federal Deposit Insurance Corporation; and James Garnett, Citigroup, on behalf of the American Bankers Association, and Daniel K. Tarullo, Georgetown University Law Center, both of Washington, D.C.

INTERNATIONAL POLAR YEAR

Committee on Commerce, Science, and Transportation: Committee on Commerce, Science, and Transportation concluded joint hearings with the Committee on Foreign Relations to examine International Polar Year, focusing on goals in the Arctic in science and in policy, including Arctic research programs, after receiving testimony from Mead Treadwell, Chair, United States Arctic Research Commission; Arden L. Bement, Jr., Director, National Science Foundation; Vice Admiral Robert Papp, Chief of Staff, United States Coast Guard, Department of Homeland Security; Alan J. Parkinson, Deputy Director, Arctic Investigations Program, Centers for Disease Control and Prevention, Department of Health and Human Services; Thomas Armstrong, Program Coordinator, Earth Surface Dynamics Program, United States Geological Survey, Department of the Interior; Robin E. Bell, Lamont-Doherty Earth Observatory of Columbia University, Palisades, New York, on behalf of Polar Research Board, The National Academies; and Virgil L. Sharpton, University of Alaska Fairbanks, Fairbanks.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

H.R. 1463, to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building"; and

The nominations of Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator, Environmental Protection Agency, William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Brigadier General Bruce Arlan Berwick, United States Army, Colonel Gregg F. Martin, United States Army, Brigadier General Robert Crear, United States Army, and Rear Admiral Samuel P. De Bow, Jr., NOAA, each to be a Member of the Mississippi River Commission.

HEALTH SAVINGS ACCOUNTS

Committee on Finance: Subcommittee on Health Care held a hearing to examine health savings accounts, focusing on early enrollee experiences with the accounts and eligible health plans, receiving testimony from Robert J. Carroll, Deputy Assistant Secretary of the Treasury for Tax Analysis; John E. Dicken, Director, Health Care, Government Accountability Office; Joseph V. Knight, Setpoint Systems, Ogden, Utah, on behalf of the U.S. Chamber of Commerce; Sara R. Collins, Commonwealth Fund, New York, New York; John C. Goodman, National Center for Policy Analysis, Washington, D.C.; and Eric C. Beittel, Enders Insurance Associates, Harrisburg, Pennsylvania.

Hearing recessed subject to the call.

COMBATING CHILD HUNGER

Committee on Foreign Relations: Committee concluded a hearing to examine new initiatives to combat global child hunger and malnutrition, focusing on the intersection of hunger and the HIV/AIDS crisis, after receiving testimony from James Kunder, Acting Deputy Administrator, U.S. Agency for International Development; Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; George Ward, World Vision, Washington, D.C.; and James T. Morris, United Nations World Food Program, and former Secretary of Agriculture Ann M. Veneman, United Nations Children's Fund, both of New York, New York.

FEDERAL WORKFORCE REFORM

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 Federal government's implementation of pay for performance systems for its senior executives, focusing on the regulatory structure for the systems, the agency certification process, and the effectiveness of the role of the Office of Personnel Management in evaluating and monitoring these systems, after receiving testimony from Linda M. Springer, Director, Office of Personnel Management; Brenda S. Farrell, Acting Director, Strategic Issues, Government Accountability Office; and Carol A. Bonosaro, Senior Executives Association, Washington, D.C.

TAX CODE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine uncollected taxes and issues of transparency relating to deconstructing the tax code, focusing on the 2006 updated estimate of the tax gap by the IRS, examine IRS efforts to close the tax gap as well as legislative solutions to increase tax payer compliance, and explore the transparency of the tax code, after receiving testimony from Mark Everson, Commissioner, Internal Revenue Service, J. Russell George, Treasury Inspector General for Tax Administration, and Nina E. Olson, National Taxpayer Advocate, all of the Department of the Treasury; Jay A. Soled, Rutgers University, New Brunswick, New Jersey; Stephen J. Entin, Institute for Research on the Economics of Taxation, Washington, D.C.; Jason Furman, New York University Wagner Graduate School of Public Service, New York, New York; and Neal Boortz, Atlanta, Georgia.

ILLEGAL INSIDER TRADING

Committee on the Judiciary: Committee concluded a hearing to examine issues relating to illegal insider trading, focusing on the scope of the problem and issues concerning criminal enforcement, after receiving testimony from Ronald J. Tenpas, Associate Deputy Attorney General, Department of Justice; Linda C. Thomsen, Director of Enforcement, U.S. Securities and Exchange Commission; Robert A. Marchman, NYSE Regulation, Inc., and John C. Coffee, Jr., Columbia University Law School, both of New York, New York; Christopher K. Thomas, Measuredmarkets, Inc., Toronto, Canada; Jonathan R. Macey, Yale University, New Haven, Connecticut; James D. Cox, Duke University School of Law, Durham, North Carolina.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the

Third Circuit, John Alfred Jarvey, to be United States District Judge for the Southern District of Iowa, and Sara Elizabeth Lioi, to be United States District Judge for the Northern District of Ohio.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Vanessa Lynne Bryant, to be United States District Judge for the District of Connecticut, who was introduced by Senators Dodd and Lieberman, and Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, who was introduced by Senators Cochran and Lott, after the nominees testified and answered questions in their own behalf, including numerous judicial and public witnesses.

NOMINATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine the nomination of Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology), after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 6175–6195; and 3 resolutions, H. Con. Res. 481–482; and H. Res. 1041 were introduced. **Pages H7496–97**

Additional Cosponsors: **Pages H7497–98**

Reports Filed: Reports were filed today as follows:

S. 176, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska (H. Rept. 109–681);

S. 244, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming (H. Rept. 109–682);

H.R. 971, to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut (H. Rept. 109–683);

H.R. 4377, to extend the time required for construction of a hydroelectric project (H. Rept. 109–684);

H.R. 4417, to provide for the reinstatement of a license for a certain Federal Energy Regulatory project (H. Rept. 109–685);

H.R. 5533, to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, with an amendment (H. Rept. 109–686);

H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health (H. Rept. 109–687); and

H. Res. 1042, providing for consideration of the H.R. 6166, to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war (H. Rept. 109–688). **Pages H7495–96**

Speaker: Read a letter from the Speaker wherein he appointed Representative Wamp to act as Speaker pro tempore for today. **Page H7351**

Recess: The House recessed at 9:09 a.m. and reconvened at 10 a.m. **Page H7352**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on yesterday, Monday, September 25th:

Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006: H.R. 5092, amended, to modernize and reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, by a 2/3 yea-and-nay vote of 277 yeas to 131 nays, Roll No. 476; **Pages H7369–70**

Calling on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection: H. Res. 723, amended, to call on the President to take immediate steps to help improve the security situation in Darfur, Sudan, with a specific emphasis on civilian protection, by a 2/3 yea-and-nay vote of 412 yeas to 7 nays, Roll No. 481; **Pages H7423–24**

Urging the President to appoint a Presidential Special Envoy for Sudan: H. Res. 992, amended, to urge the President to appoint a Presidential Special Envoy for Sudan, by a 2/3 yea-and-nay vote of 414 yeas to 3 nays, Roll No. 482; **Pages H7424–25**

Agreed to amend the title so as to read: "Supporting the appointment of a Presidential Special Envoy for Sudan.". **Page H7425**

Commending the United Kingdom for its efforts in the War on Terror: H.R. 989, amended, to commend the United Kingdom for its efforts in the War

on Terror, by a 2/3 yea-and-nay vote of 412 yeas to 3 nays, Roll No. 483; and **Pages H7465–66**

Affirming support for the sovereignty and security of Lebanon and the Lebanese people: H. Res. 1017, amended, to affirm support for the sovereignty and security of Lebanon and the Lebanese people, by a 2/3 yea-and-nay vote of 411 yeas to 5 nays, Roll No. 484. **Pages H7466–67**

Suspension—Proceedings Resumed—Failed: The House failed to agree to suspend the rules and pass the following measure:

Private Property Rights Implementation Act of 2006: H.R. 4772, amended, to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, by a 2/3 yea-and-nay vote of 234 yeas to 172 nays, Roll No. 477. **Page H7370**

Motion to resolve into Secret Session: The House rejected the Pelosi motion that the House resolve itself into secret session, that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider certain communications, by a yea-and-nay vote of 171 yeas to 217 nays, Roll No. 478. **Page H7371**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Open Space and Farmland Preservation Act: H.R. 5313, to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity; **Pages H7372–73**

Providing for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property: H.R. 5103, amended, to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property; **Pages H7373–74**

Providing for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin: H.R. 4559, amended, to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin; **Pages H7374–75**

Agreed to amend the title so as to read: "To provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.". **Page H7375**

Children and Family Services Improvement Act of 2006: 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. The House concur in Senate amendments to the House amendments—clearing the measure for the President; **Pages H7375–87**

Permitting certain expenditures from the Leaking Underground Storage Tank Trust Fund: H.R. 6131, to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund; **Pages H7387–89**

Promoting Antiterrorism Capabilities Through International Cooperation Act: H.R. 4942, amended, to establish a capability and office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments; **Pages H7433–37**

Recruiting and retaining Border Patrol agents: H.R. 6160, to recruit and retain Border Patrol agents; **Pages H7437–40**

Expressing the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents: H. Res. 1030, to express the sense of the House of Representatives that the United States Border Patrol is performing an invaluable service to the United States, and that the House of Representatives fully supports the more than 12,000 Border Patrol agents; **Pages H7440–45**

Biodefense and Pandemic Vaccine and Drug Development Act of 2006: H.R. 5533, amended, to

prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness; **Pages H7445–50**

Extending the time required for construction of a hydroelectric project: H.R. 4377, to extend the time required for construction of a hydroelectric project; **Pages H7450–51**

Providing for the reinstatement of a license for a certain Federal Energy Regulatory project: H.R. 4417, to provide for the reinstatement of a license for a certain Federal Energy Regulatory project; **Page H7451**

Extending the deadline for commencement of construction of a hydroelectric project in the State of Wyoming: S. 244, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming—clearing the measure for the President; **Pages H7451–52**

Extending the deadline for commencement of construction of a hydroelectric project in the State of Alaska: S. 176, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska—clearing the measure for the President; **Page H7452**

Extending the deadline for commencement of construction of certain hydroelectric projects in Connecticut: H.R. 971, to extend the deadline for commencement of construction of certain hydroelectric projects in Connecticut; **Pages H7452–53**

Amending title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health: H.R. 6164, to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, by a 2/3 yea-and-nay vote of 414 yeas to 2 nays, Roll No. 485; **Pages H7453–65, H7467**

Veterans Identity and Credit Security Act of 2006: H.R. 5835, amended, to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs; **Pages H7468–78**

Encouraging all offices of the House of Representatives to hire disabled veterans: H. Res. 1016, to encourage all offices of the House of Representatives to hire disabled veterans; **Pages H7478–80**

Green Chemistry Research and Development Act of 2005: H.R. 1215, amended, to provide for the implementation of a Green Chemistry Research and Development Program; **Pages H7480–84**

National Integrated Drought Information System Act of 2006: H.R. 5136, amended, to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities; **Pages H7484–86**

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: H. Res. 948, to recognize 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; and **Pages H7486–88**

Extending temporarily certain authorities of the Small Business Administration: H.R. 6159, to extend temporarily certain authorities of the Small Business Administration. **Pages H7488–89**

Public Expression of Religion Act of 2005: The House passed H.R. 2679, to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees, by a yea-and-nay vote of 244 yeas to 173 nays, Roll No. 480. **Pages H7389–H7404, H7422–23**

Agreed to amend the title so as to read: "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.". **Page H7423**

Pursuant to the rule, the amendment in the nature of a substitute reported by the Committee on the Judiciary, shall be considered as adopted. **Page H7389**

H. Res. 1038, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 229 yeas to 177 nays, Roll No. 474, after agreeing to order the previous question. **Pages H7356–64, H7368**

Child Custody Protection Act: 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, by a yea-and-nay vote of 264 yeas to 153 nays, Roll No. 479—clearing the measure for the President. **Pages H7412–22**

H. Res. 1039, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of

249 yeas to 157 nays, Roll No. 475, after ordering the previous question. Pages H7364–69

Department of Defense Appropriations Act, 2007—Conference Report: The House agreed to the conference report on H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, by a yea and nay vote of 394 yeas to 22 nays, Roll No. 486, after ordering the previous question. Pages H7425–33, H7467–68

H. Res. 1037, the rule providing for consideration of the conference report, was agreed to by voice vote, after ordering the previous question. Pages H7404–12

Board of Visitors to the United States Air Force Academy—Reappointment: The Chair announced the Speaker's reappointment of Representatives Kilpatrick of Michigan to the Board of Visitors to the United States Air Force Academy. Page H7489

Senate Message: Message received from the Senate today appears on page H7445.

Senate Referral: S. 3421 was held at the desk. Page H7445

Quorum Calls—Votes: Thirteen yea-and-nay votes developed during the proceedings today and appear on pages H7368, H7368–69, H7369–70, H7370, H7371, H7422, H7422–23, H7423–24, H7424, H7465–66, H7466, H7467, and H7467–68. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:59 p.m.

Committee Meetings

FEDERAL FARM POLICY

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review federal farm policy affecting the specialty crop industry. Testimony was heard from public witnesses.

DOD ALTERNATIVE ENERGY/EFFICIENCY PROGRAMS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities and the Subcommittee on Readiness held a joint hearing on Alternative Energy and Energy Efficiency Programs of the Department of Defense. Testimony was heard from the following officials of the Department of Defense: John Young, Director, Defense Research and Engineering; Richard Connelly, Director, Defense Energy Support Center; Mike Aimone, Deputy Chief of Staff, Logistics, Installations and Mission Support; and Phil Grone, Deputy Under Secretary, Installations and Environment; and public witnesses.

COLLEGES AND INTERNET POLICY

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing entitled "The Internet and the College Campus: How the Entertainment Industry and Higher Education are Working to Combat Illegal Piracy." Testimony was heard from public witnesses.

EDITING MOVIE CONTENT FOR FAMILIES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on Editing Hollywood's Editors: Cleaning Flicks for Families. Testimony was heard from public witnesses.

INTERNET SEXUAL EXPLOITATION OF CHILDREN

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Sexual Exploitation of Children Over the Internet: The Face of a Child Predator and Other Issues." Testimony was heard from Andres Hernandez, Director, Bureau of Prisons' Sex Offender Treatment Program, Bureau of Prisons, Department of Justice; and public witnesses.

Hearings continue tomorrow.

MEDICAL DEVICE SAFETY

Committee on Government Reform: Held a hearing entitled "Medical Device Safety: How FDA Regulates the Reprocessing of Supposedly Single-Use Devices. "Testimony was heard from Daniel G. Schultz, M.D., Director, Center for Devices and Radiological Health, FDA, Department of Health and Human Services; and public witnesses.

WEAPONS OF MASS DESTRUCTION

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled "Weapons of Mass Destruction: Reviving Disarmament." Testimony was heard from William H. Tobey, Deputy Administrator, Defense Nuclear Proliferation, National Nuclear Security Administration, Department of Energy; Andrew K. Semmel, Deputy Assistant Secretary, International Security and Nonproliferation, Department of State; Jack David, Deputy Assistant Secretary, Combating Weapons of Mass Destruction and Negotiations Policy, Department of Defense; Gene Aloise, Director, Natural Resources and Environment, GAO; Hans Blix, Chairman, The Weapons of Mass Destruction Commission; and public witnesses.

SMALL BUSINESS PAPERWORK AMNESTY ACT

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled " H.R. 5242, Small Business Paperwork Amnesty Act. Testimony was heard from. Senator Vitter; Representative Neugebauer; and public witnesses.

HOMELAND SECURITY DEPARTMENT: INITIATIVES FOR 2007

Committee on Homeland Security: Held a hearing entitled "The Department of Homeland Security: Major Initiatives for 2007 and Beyond." Testimony was heard from Michael Chertoff, Secretary of Homeland Security.

HUMAN TRAFFICKING

Committee on International Relations: Held a hearing on Enhancing the Global Fight to End Human Trafficking. Testimony was heard from John Miller, Director, The Office to Combat Trafficking in Persons, Department of State; Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services.

The Committee also held a briefing on this subject. The Committee was briefed by Ricky Martin, Goodwill Ambassador and President, The Ricky Martin Foundation.

LEGAL SERVICES CORPORATION IMPROVEMENT ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 6101, Legal Services Corporation Improvement Act. Testimony was heard from the following officials of the Legal Services Corporation: Frank Strickland, Chairman of the Board; and Richard West, Inspector General; and David Williams, Inspector General, U.S. Postal Service.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 5110, More Water and More Energy Act of 2006; H.R. 5786, South Orange County Recycled Water Enhancement Act; and H.R. 5987, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District. Testimony was heard from the following officials of the Department of the Interior: William E. Rinne, Acting Commissioner, Bureau of Reclamation; and Robert M. Hirsch, Associate Director, Water, U.S. Geological Survey; and public witnesses.

MILITARY COMMISSIONS ACT OF 2006

Committee on Rules: Granted, by voice vote, a closed rule providing two hours of debate in the House on H.R. 6166, to amend title 10, United States Code, to authorize trial by military commission for violations of the law of war, and for other purposes, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hunter, Representatives Lungren, Skelton, Jackson-Lee of Texas, Markey, Harman, Wu and Lynch.

AERONAUTICS DECADAL PLAN/NASA BLUEPRINT

Committee on Science: Subcommittee on Space and Aeronautics continued hearings on The National Academy of Sciences' Decadal Plan for Aeronautics: A Blueprint for NASA? Testimony was heard from Lisa Porter, Associate Administrator, Aeronautics Research Mission Directorate, NASA; and William W. Hoover, co-chair, National Research Council's Steering Committee that produced the Decadal Survey of Civil Aeronautics.

OVERSIGHT—NATIONAL ACADEMY OF SCIENCE ICEBREAKER REPORT

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the National Academy of Science Icebreaker Report. Testimony was heard from RADM Joseph L. Nimmich, USCG, Assistant Commandant, Policy and Planning, U.S. Coast Guard, Department of Homeland Security; Arden L. Bement, Jr., Director, NSF; Anita K. Jones, Chair, Polar Research Board, Assessment of USCG polar icebreaker roles and futures needs, The National Academies; and Mead Treadwell, Chairman, U.S. Arctic Research Commission.

MEMBER PROPOSALS ON TAX ISSUES

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Member Proposals on Tax Issues Introduced in the 109th Congress. Testimony was heard from Representatives Shaw, Cardin, Lewis of Kentucky; Jones of Ohio, Hart, Nunes, Christensen, Fossella, Wilson of New

Mexico, Gary G. Miller of California, Franks of Arizona, Chabot, Udall of New Mexico, Murphy, Turner, Fortenberry, McHugh, Blumenauer, King of Iowa and Conaway.

DNI'S INTELLIGENCE COLLECTION ARCHITECTURE

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the DNI's Intelligence Collection Architecture. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 27, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings to examine United States policy and practice with respect to the use of riot control agents by the U.S. Armed Forces, followed by a closed session in SR–222, 10 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce, and Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 10 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico, S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, S. 3854, to designate certain land in the State of Oregon as wilderness, H.R. 3603, 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 H.R. 5025, 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, 10 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the nominations of Frank Baxter, of California, to be Ambassador to the Oriental Republic of Uruguay, and Charles L. Glazer, of Connecticut, to be Ambassador to the Republic of El Salvador, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness, to hold hearings to examine measures to improve emergency medical care, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine new technologies to improve care for people with diabetes and reduce the burden on the health care system, focusing on the development of an artificial pancreas, 10 a.m., SD–342.

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship, to hold an oversight hearing to examine United States refugee admissions and policy, 3 p.m., SD–226.

Committee on Veterans' Affairs: business meeting to consider the nomination of Robert T. Howard, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology, Time to be announced, Room to be announced.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Subcommittee on Military Personnel and the Subcommittee Economic Opportunity of the Committee on Veterans' Affairs, joint hearing on the Montgomery G.I. Bill for Members of the Selected Reserve, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Irregular Warfare Roadmap, 2:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on "Perspectives on Early Childhood Home Visitation Programs, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 5782, Pipeline Safety and Improvement Act of 2006; and H.R. 5472, National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings entitled "Sexual Exploitation of Children Over the Internet: Follow-up Issues to the Masha Allen Adoption," 2 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, and the Subcommittee on Oversight and Investigations, joint hearing entitled "Protecting Americans from Catastrophic Terrorism Risk," 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled "Rebalancing the Carbon Cycle," 2 p.m., 2154 Rayburn.

Subcommittee on Government Management, Finance and Accountability, hearing entitled "Banks in Real Estate: A Review of the Office of the Comptroller of the Currency's December 2005 Rulings," 2 p.m., 2247 Rayburn.

Committee on House Administration, hearing on the IT Assessment: A Ten Year Vision for Information Technology in the House, 10 a.m., 1310 Longworth.

Committee on International Relations, hearing on the United States—Republic of Korea Relations: An Alliance at Risk? 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 4997, Physicians for Underserved Areas Act; H.R. 5219, Judicial Transparency and Ethics Enhancement Act of 2006; H.R. 4239, Animal Enterprise Terrorism Act; and H.R. 6052, Copyright Modernization Act of 2006, 10 a.m., 2141 Rayburn.

Committee on Small Business, hearing entitled "Advancing Security and Commerce at Our Nation's Ports: The Goals are not Mutually Exclusive," 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Next Generation Air Transportation System Financing Options, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, oversight hearing on the administration of the VA Pension Program, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, to mark up H.R. 6134, Health Opportunity Patient Empowerment Act of 2006, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on the DNI's Perspective on State of Intelligence Reform, 10:15 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Federal efforts to protect children from commercial sexual exploitation, focusing on international initiatives to combat child pornography and trafficking, 2 p.m., 2200–RHOB.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 27

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will continue consideration of H.R. 6061, Secure Fence Act, with 1 hour of debate, to be followed by a vote on the motion to invoke cloture on Frist Amendment No. 5036.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 27

House Chamber

Program for Wednesday: To be announced.

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