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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. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 29, 2006.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

Almighty God, high and lifted up, Your ways are often beyond our understanding.

Today, guide the leaders of our Nation and world.

When they cannot discern Your purposes, open their eyes.

Lead them away from the valleys of discouragement and pessimism to the high ground of faith and cheer.

Through Your power, direct them when clouds obscure the light of Your countenance.

May they do Your work when there are none to applaud and encourage.

Give them the wisdom to strive simply to please You.

Remind them that in everything You are working for the good of those who love You and are called according to Your purposes.

We pray in Your holy name. 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 gentlewoman from New York (Mrs. KELLY) come forward and lead the House in the Pledge of Allegiance.

Mrs. KELLY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute requests on each side.

DO-NOTHING CONGRESS??

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

Ms. FOXX. I rise today to object to a phrase that has been said all too often lately, ''the do-nothing Congress.'' The Democrats are speaking for themselves as they have not put forth any constructive ideas or sound policy.

As for our side of this aisle, this Republican-led Congress has taken major steps in the advancement of our Nation. I am honored to be a part of the 109th Congress and its accomplishments.

This Republican-led Congress has voted to permanently end the death tax and voted for additional tax cuts. The results: The economy is strong. The unemployment rate is at 4.7 percent, its lowest average over the past three decades. Home ownership is up. And just yesterday the Dow Jones industrial average reached its highest level in 6 years.

But most notably is all the legislation that has been passed to support our troops and protect our homeland. We have listened to the American people and focused on their priorities. Our constituents wanted border security, and we passed several border security bills. In addition, Congress has passed numerous bills that will prevent terrorist attacks and give our military and intelligence forces the tools they need to win the global war on terror.

Mr. Speaker, this Republican-led Congress has taken tremendous steps in growing our economy, protecting our homeland, and fighting the global war on terror.

HEALTH CARE

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

Ms. SCHWARTZ of Pennsylvania. Every day, Americans work hard to meet their responsibilities, to pay their mortgage, to send their children to college, to save for retirement, and every day Americans worry about the health and safety of their family, friends, and loved ones. Yet, under the policy of the Bush administration and the Republican Congress, access to health care has gotten harder.

The number of untreated Americans is on the rise; 47 million are currently without insurance. Health insurance premiums are skyrocketing, a 73 percent increase over the last 5 years. And medical research is stifled because politics, not science, dictates public policy.

Democrats have a plan to make health care more affordable and to advance lifesaving medicine. Democrats will enable small businesses to join together to negotiate more affordable rates for their employees. Democrats will negotiate lower prices for seniors and eliminate overpayments to HMOs, and Democrats will work towards cures for diseases that affect all of our families by investing in the promise of stem

cell research and innovative biotechnologies.

Our plan prioritizes the health of people, not the profits of special interests. Our plan will reduce costs and will find cures.

It is time for a new direction in health and science, one that Democrats can deliver.

LONE STAR VOICE—MAC GARRISON

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

Mr. POE. Mr. Speaker, the gunning down of the Houston police officer by an illegal who shot him in the back has sparked new immigration safety concerns. Although the ''open borders crowd'' doesn't want to talk about it, normal citizens are speaking the truth anyway. Mac Garrison of Kingwood, Texas writes, ''The murder of Houston Police Officer Rodney Johnson must serve as a wakeup call to all concerned citizens regarding the huge problem of illegal immigration.

''Our borders are nonexistent, our language is deteriorating, and our culture is melting away.

''Those that come here illegally, simply by the nature of their first act on American soil, breaking the law, have no respect for our laws and our social structure. Anarchy seems to rule the day now.

''The Federal Government has failed miserably to protect the border. And local law enforcement agencies are being denied the ability to work closely with other Federal agencies to stop this problem.

''We as a law abiding society must demand more accountability of elected leaders and our citizens. Now, more than ever is the time to get extremely serious about putting a complete halt to illegal immigration before more lives are lost and before our country is completely financially and morally bankrupt.''

Mr. Speaker, Mac Garrison speaks for many Americans.

And that's just the way it is.

REGARDING IRAQI OIL REVENUES

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

Mr. EMANUEL. Mr. Speaker, in March of 2003, Deputy Secretary of Defense Paul Wolfowitz said: We are dealing with a country, Iraq, that can really finance its own reconstruction, and relatively soon.

Well, I guess 3 years doesn't count as relatively soon. According to a new report by the Iraqi Special Inspector General, the Iraqi oil industry lost $16 billion because of violence, theft, and corruption. In fact, 3 years after Secretary Wolfowitz's confident predictions, Iraq is actually paying billions of dollars to import refined petroleum. Iraq is importing refined petroleum products.

In the words of Secretary of Defense Donald Rumsfeld, ''stuff happens.''

Maybe if this Congress had questioned Wolfowitz on his calculations a little closer, maybe if the President had given the commanders on the ground the troops they needed, maybe if this Congress had conducted and sought accountability into Iraq's reconstruction, we wouldn't be dealing with quite so much ''stuff.'' But I guess under Republican leadership, you end up with the leadership you have, not the one you want.

TAX RELIEF/SMALL BUSINESS

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

Mrs. KELLY. Mr. Speaker, I rise today in opposition to the false argument by the Democrats that the tax relief this Republican Congress has provided the American people during the last 5 years isn't helpful.

Democrats are vowing to repeal these tax cuts and are running around with a terribly false sound bite that tax cuts are for the rich.

So I ask them: Do only rich people have children? Because we increased the tax credit to $1,000 per child for every American family.

So I ask them: Do only rich people get married? Because we fixed a major flaw that punished every American married couple by charging them higher taxes for filing jointly.

And I ask them: Do rich people have a family income of $14,000 a year? Because it was for them that we created an income range, a new 10 percent tax bracket to specifically cut their tax rates. It cuts taxes for 6.1 million low-income taxpayers in New York alone.

Finally, I ask them: Are you labeling every small business owner in America as rich? Because we on the Small Business Committee worked very hard to ensure the majority of these tax cuts specifically helps small businesses.

When I walk down the main streets of Hudson Valley and visit the small businesses, the owners tell me they are certainly not rich. They tell me they need tax cuts to pay their workers, to serve their customers, and create new jobs.

Mr. Speaker, the truth is in the numbers. The Treasury Department shows that a family of four, making $50,000 a year, would experience a 132 percent tax increase in 2011 if Congress repealed these tax cuts.

Let's remain a Congress that votes in favor of the taxpayer.

TIME FOR A NEW DIRECTION

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

Mr. KUCINICH. A war based on lies. An administration lost in ideological fantasies, stubbornly ignoring the best advice of military commanders. Getting ready for the next war. A President who refuses to see a situation collapsing around 130,000 young men and women he sent into battle. A global war on terror has become a war of errors, undermining our security around the world and here at home. A national security state has emerged, and America is immersed in lying, spying, and dying.

It is time for a new direction. It is time for a new direction in international relations, achieving security through cooperation. It is time for a new direction here at home in health care, Medicare for all. It is time for a new direction in job creation and infrastructure bill. It is time for a new direction.

We are homeward bound, America. We are coming home. We are coming back to take care of things that matter to people here at home, jobs and health care and education. Time for a new direction.

FOOTY'S BUBBLES AND BONES GALA

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize south Florida Y–100 radio station, and especially John Kross, known to our south Florida community as ''Footy,'' for this year's sixth annual Anti-Drug Bubbles and Bones Gala. Proceeds benefit Here's Help, a private, nonprofit, comprehensive rehabilitation agency that caters to inner-city youth with substance dependency and addiction.

In my congressional district, programs such as these have been instrumental in saving the lives of many teenagers and young adults by helping them cope with their addictions.

I ask my colleagues to join me in congratulating Footy on this wonderful drug rehab program. This event will provide assistance to so many young people in need to make sure that they one day can live in a Nation where drug and alcohol addictions are no longer a fact of their lives.

AMERICANS WANT A NEW DIRECTION

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

Mr. MCDERMOTT. Mr. Speaker, the Republicans are shutting down the debate in Congress today. They don't want the American people to hear anything other than Republican press releases. They have nothing else to show and offer the American people.

November will be a referendum on the President's failed diplomacy, disastrous war in Iraq, and governing America by telling the American people to be afraid.

Now, maybe Aesop was wrong 3,000 years ago in his fable. Maybe you can

shout, ''Wolf, wolf, wolf,'' and win an election. But you can't stifle democracy and cling to power. The American people have had enough.

The Republican leadership believes that they are going to have the last word today, but, fortunately, on November 7, the American people are going to choose a new direction. They don't want any more of this. They have watched it, they have given the President support, they have given him leeway, and what have they gotten? A war that is making more unsafe our world, and Americans want a new direction. They are going to get it on November 7.

□ 0915

GOP PREPARES TO LEAVE WITHOUT HOLDING ADMINISTRATION ACCOUNTABLE ON IRAQ

(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, despite countless assurances from the President that we are safer now than we were before 9/11, this past week we learned the truth: The world is more dangerous today than it was pre-9/11, and the war in Iraq is the main reason why.

This weekend on ''60 Minutes,'' Bob Woodward will report that our intelligence agencies predict that 2007 is going to be more deadly for American troops than 2006. That is a dire prediction considering that insurgent attacks against our troops are now occurring every 15 minutes.

These reports from our intelligence agencies should serve as a wake-up call to House Republicans who for 3 years have sat on the sidelines neglecting their oversight responsibility of the war in Iraq.

How bad do things have to get in Iraq before this Republican do-nothing Congress actually takes action? When will they finally begin asking questions? When will they finally begin to hold Secretary Rumsfeld and others in the President's War Cabinet accountable for their incompetence?

Mr. Speaker, the American people deserve a Congress that will take its oversight responsibilities seriously. It is time for a change here in Congress, and it is coming this November.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007; PROVIDING FOR CONSIDERATION OF S. 3930, MILITARY COMMISSIONS ACT OF 2006; PROVIDING FOR CONSIDERATION OF H.R. 4772, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1054 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1054

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. 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. 3930) to authorize trial by military commission for violations of the law of war, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit.

SEC. 3. 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. 4772) 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, and for other purposes. 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 Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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, the rule before us today will provide for consideration of three measures of vital importance to our Nation: The conference report for Fiscal Year 2007 Homeland Security Appropriations bill, the Private Property Rights Implementation Act of 2006 and the Military Commissions Act of 2006. This rule will enable the House to consider these bills and complete this important work on behalf of the American people.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. These three bills address some of our Nation's most pressing priorities. First, the Homeland Security Appropriations Conference Report funds our most important Federal programs aimed at securing the Nation against terrorist attacks. It provides $34.8 billion for the operations and activities of the Department of Homeland Security in fiscal year 2007, an increase of $2.3 billion over fiscal year 2006 and $2.7 billion above the President's request.

The conference agreement aggressively addresses our most critical homeland security needs, including border and immigration security; nuclear detection; port, cargo and container security; transportation security; natural disaster preparedness and response; and support to State and local first responders.

This legislation secures our homeland first and foremost by protecting our borders and revitalizing immigration enforcement, because border security is homeland security. It provides over $21 billion for border protection, immigration enforcement and related activities. It includes an increase of $2.1 billion over funding in 2006. This includes $5.2 billion for the Secure Border Initiative and additional funding to support technology, personnel and infrastructure to prevent terrorists and other criminals from exploiting our borders and immigration system.

Among other security-enhancing measures, this funding includes $2.77 billion for Border Patrol, adding 1,500 new Border Patrol agents, for a total of 14,800. It includes $1.2 billion for border fencing, vehicle barriers, technology and infrastructure; $4.2 billion for immigration and customs enforcement; $1.38 billion for Immigration and Custody Enforcement custody operations, adding 6,700 detention beds, for a total of 27,500; and $28.2 million to assist State and local efforts to enforce immigration laws.

This conference report also recognizes the need to enhance port, container and cargo security by providing the funds necessary to secure our ports and inbound cargo in order to prevent terrorists and criminals from exploiting the international commerce system.

It supports our first responders by paying attention to the needs of high-threat areas, firefighters and emergency management. It supports ongoing efforts to enhance the current inventory of our Nation's critical infrastructures, develop secure communication systems with Federal, State and local entities, and it continues to work with the private sector to implement protective measures around the Nation's infrastructure.

This agreement continues ongoing efforts to enhance security for all modes of transportation, including ports, rails and aviation with a focus on developing and installing next-generation technology to inspect cargo, baggage and passengers. And it supports traditional missions, such as drug interdiction, law enforcement, maritime safety and Presidential protection.

Finally, this conference report provides for the necessary and appropriate oversight of the Department of Homeland Security. It fences off $1.6 billion from being spent until DHS meets certain planning and management requirements. Under these requirements, DHS must develop a comprehensive strategy and plan for port, cargo, container security, and for the Secure Border Initiative. Department of Homeland Security must also provide expenditure plans for the border security system, U.S.-VISIT, Federal Protective Service, business transformation for CIS, explosive detection systems in airports, Customs information technology systems, and overall better financial data throughout the department, and in particular, science and technology.

Finally, the agreement directs the preparedness Directorate and FEMA to improve its capacities in communications, training and other capacity assessments, including management logistics, emergency housing, debris removal and victim registration.

Second, this rule provides for consideration of the Military Commissions Act of 2006 as modified by the other body. The House version of this legislation passed the House on Wednesday by a vote of 253–168 and was sent to the other body. Today's legislation again provides congressional authorization for military commissions to try alien unlawful enemy combatants for war crimes committed before, on or after 9/11/2001. It amends the War Crimes Act to criminalize grave breaches of Common Article 3 of the Geneva Conventions, while fully satisfying U.S. treaty obligations. It also authorizes the establishment of military commissions to try alien unlawful enemy combatants, which is the legal term used to define international terrorists and those who aid and support them, for war crimes. While this new chapter is based upon the Code of Military Justice, it also creates an entirely new structure for these trials.

These commissions will only be used to try alien terrorists for war crimes. Any U.S. citizen will be tried within the Federal United States judiciary. These alien terrorists acquitted of a war crime will still be detained as enemy combatants according to the principle in international law that there exists an undisputable right to keep the enemy from returning to the battlefield. Thus, an acquittal at a war crime trial will not result in terrorists being released. This legislation also provides for an independent certified military judge to preside over all proceedings.

This agreement creates the process necessary to prosecute terrorists effectively and fairly, while also protecting American troops and intelligence agents fighting the global war on terror.

I would like to thank Chairman DUNCAN HUNTER and Chairman SENSENBRENNER for all of their hard work in reaching an agreement with the other body that keeps Americans safe while observing the rule of law.

Third, this rule provides for the consideration of legislation to give private property owners the ability to litigate cases in Federal court when local and State regulations deprive owners the use of their own land.

Although this legislation already passed the House this week with the support of the majority of its Members, it did not achieve the support of the super majority needed to pass under the suspension of the rules.

So, today, the House will once again have the opportunity to support this commonsense bill to ensure that property owners have the same access to Federal courts as other plaintiffs claiming a violation of their constitutional rights.

It removes the judicial detour of forcing claimants raising solely Federal claims to first pursue their litigation in State court on the very same case and dramatically reduces the amount of time that property owners must spend in negotiation and litigation before takings claims that can be heard on their merits.

I congratulate the gentleman from Ohio (Mr. CHABOT) for all of his hard work in constructing and perfecting this legislation, and I look forward to supporting his efforts on the floor later this afternoon.

Mr. Speaker, I am proud of this work product that the majority has brought to the floor today. I encourage all of my colleagues to support this rule and the underlying legislation that will keep Americans safer, uphold the rule of law and protect the private property rights of citizens. I encourage each of my colleagues to join me in supporting this rule and the three underlying bills.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, these are not the circumstances under which we should be considering this legislation. The bills before us deal with nothing less than the security of our homeland and the fundamental nature of our Nation. Our citizens deserve better than to have their elected representatives rush to pass all of these bills in one day, bills that say a great deal about who we are as a society and where we are headed as a country.

The Homeland Security Appropriations Conference Report and the Military Commissions Act before us are manifestations of how this country has chosen to respond to the challenges that confront us, challenges to our safety and our peace of mind.

□ 0930

Will we respond with flawed acts that undermine our economic vitality and sacrifice the very liberties we are theoretically fighting to protect? Or will we be measured in our response and do what is necessary to preserve our liberty from both threats abroad and the consequences of fear and mistrust here at home?

Mr. Speaker, this homeland security legislation means a great deal to my constituents in western New York and to the tens of millions of Americans who live in northern border communities throughout our country.

Our relationship with Canada is truly a unique one. Ours is the longest unguarded border in the world, a demonstration of the spirit of trust and openness shared by our two great nations. That spirit has produced and sustained a thriving cross-border tourism industry and hundreds of billions of dollars in trade between our two countries every year.

Border economies on both sides of the divide depend on that trade and tourism. So it would be shortsighted and self-destructive to permit a flawed border security plan to cut off such a lifeline. Unfortunately, the Western Hemisphere Travel Initiative, put forth with so much fanfare by the Department of Homeland Security and the Department of State, threatens to do just that. In the name of heightened security, this plan, if implemented in its current form, will mean that millions of tourists from both countries will stay home and businesses will stop shipping their goods across the border. In its current form, this plan is a disaster waiting to happen. And considering that Canada is our largest trading partner, we have no choice but to fix it before it is too late. And what we need first is an extension of the WHTI implementation deadline, which I am relieved to see is still in this bill. Backing up the implementation until June or at least January of 2009 will give us the time we need to fix this program where it is broken.

My colleague and good friend from New York Representative MCHUGH and I have fashioned a bipartisan, commonsense bill that will correct the most egregious failings of WHTI and make it work for our constituents instead of against them. The Protecting American Commerce and Travel Act, or PACT Act, has gained the support of a wide range of Representatives in this body. It will ensure border security while at the same time keeping it open to travel and trade. I urge all of my colleagues to consider and pass the PACT Act in the months ahead. We don't have to choose between economic security and physical security. We can and we must have both.

Mr. Speaker, the Western Hemisphere Travel Initiative was a flawed reaction to a perceived threat and today threatens the liberty and prosperity of our country more than those it supposedly protects us from.

In the same way, the Military Commissions Act before us represents a shocking assault on the fundamental

freedoms and liberties that we have been told we are fighting to defend. This bill will dramatically increase the President's right to detain men and women the world over and to hold them indefinitely without charge. What is more, it will serve as a backdoor legalization of all but the most brutal of interrogation methods, taking our Nation down a path that we have chastised so many other countries for following.

Yesterday in the Senate, my friend and New York delegation colleague, Senator HILLARY CLINTON, told a story about our country's first great military leader, a man who went on to become our first great political leader.

On Christmas Day in 1776, in the midst of the Revolutionary War, General George Washington launched a daring raid that culminated in the capture of numerous Hessian soldiers. They were foreign mercenaries known for their brutality and who were fighting for the British. Despite what they had done to American soldiers, he ordered his men to treat them humanely. He said, ''Let them have not reason to complain of our copying the brutal example of the British Army.''

George Washington, the man who so influenced our national consciousness, who was so deeply responsible for who we are as a people, wanted the world to know that the new American Army did not abuse its prisoners of war. He also wanted to do whatever he could to win the hearts and minds of the Hessians. If even one came to see the virtue of America and lay down his arms, that would be a victory in the fight for our Nation's freedom and independence.

Mr. Speaker, I think we have heard some of the best arguments against this bill from General Washington's successors: the men and women who have held top positions of responsibility in our Armed Forces. They have told us over and over again that if we ignore our country's longstanding commitment to the rules of war and international treaties like the Geneva Conventions, we will be putting our own soldiers and our own Nation at risk. Opening the door to detainee abuse and indefinite detention will make our soldiers more likely to be tortured and dehumanized so that they fall into enemy hands, and that means our own country will be less safe.

A world based on the rule of law is more safe, not less safe, than a world based on power alone. To argue that those who oppose this detainee bill want to let terrorists roam free is both wrong and illogical. Suspected terrorists who have evidence against them will be convicted by courts of law. They will stay behind bars. At the same time, a steadfast commitment to due process will both defend our most cherished freedoms and free the innocent from unwarranted punishment. Doing so will protect our liberty and deprive our enemies of one of the main tools that they are using to recruit their new followers.

We will show the world that the United States practices what it preaches about freedom and democracy and human dignity. We will bring others over to our side and make them less likely to take up arms against us.

There is a reason why Colin Powell recently warned us that the world is beginning to doubt the moral basis of our fight on terrorism. He said it because it is true and because such a reality is a truly dangerous one. What is more, humane interrogation methods will prevent us from chasing after ghosts, from following the fleeting leads of false confessions born not from knowledge but from desperation.

General Washington saw the value of a world based on law and principle over 200 years ago, and he saw it at a time when his fledgling Nation was truly in a fight for its very survival. And for us to pass a bill today that abandons some of the most fundamental principles of the civilization that we have sworn to defend would be an insult to all those who came before us, to all those who fought and struggled so that we could live free.

Mr. Speaker, it is such a respect for law and eternal principles that this administration and far too many in this Republican leadership lack. The proof lies in a provision of this bill which has received so little notice it is shameful but that is profoundly revealing about its true nature.

Ten years ago Congress passed a law called the War Crimes Act. Under that bill violating the Geneva Conventions is a crime in the United States. The administration argued that the Convention does not apply to enemy combatants, a term of its own invention. But the Supreme Court disagreed. In other words, the administration officials who have spent the last 5 years creating and directing our torture policy, as well as the government employees who have carried it out, could be liable for criminal prosecution for violating the War Crimes Act.

And so they have decided in this bill to go back in time to 1997 and to rewrite the War Crimes Act to make their actions legal. And that is exactly what this bill does. To call this strategy cynical and self-serving, Mr. Speaker, is an understatement. When President Bush signs this bill, he will be signing away any responsibility for the potentially criminal policies that he and those in his administration have enacted during the past 5 years. When he signs this bill, he will be signing a pardon for himself and for all other architects of these disastrous, self-defeating, and immoral policies.

But we have a choice here today. We can take a principled stand on behalf of the principles that make us great. We can choose to reject a future in which America can no longer honestly claim that it respects human rights, a future in which our own shortsighted, selfish, and immoral retreat into fear and suspicion has left us less safe and more isolated than ever before. We can choose to embrace our true nature and, in so doing, take a great step toward the creation of a world led by law and free from fear.

It is our choice, Mr. Speaker. And I implore all of my friends in this body, please, let us today make the right one.

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

Mr. SESSIONS. Mr. Speaker, during the last few years, Members of Congress have spoken very plainly and openly to this administration about our thoughts and ideas and hopes and dreams, about how we can better protect not only this country and our borders but the rule of law, and this administration has been very open to hearing from Members of Congress about these thoughts and concerns.

Our next speaker is a gentleman who has engaged the administration, has talked about how important border initiatives are, to make sure that not only are we secure on our border but to make sure that we deal effectively and carefully with people who have come to this country, to make sure that they are safe, to make sure that they are not harmed in that process. If they have broken the law, they will take the full measure of law as it is given, but that we do so in a compassionate way.

Our next speaker is the chairman of the Rules Committee, the gentleman from California (Mr. DREIER), and I yield to him such time as he may consume.

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

Mr. DREIER. Mr. Speaker, I thank my friend for his very kind words, but we do want to adjourn by this evening; so I appreciate the fact that he kept it relatively brief. And I want to thank him for his typical superb management of this very important rule and to say that I am very pleased that we have been able to work in a bipartisan way.

At least two of the three provisions in this rule deal with the single most important issue that we face: the security of the American people. Our Homeland Security appropriations bill and I believe this tribunal bill, which will be made in order under this rule, is critical to the security of the United States of America, and that is our top priority.

I guess I should begin, since he is looking so relaxed there, by saying time and time again in the Rules Committee, my colleague Ms. SLAUGHTER and others said that it was MARTIN SABO's last appearance before the Rules Committee. Well, I had every confidence, when people joked about the prospect of bringing a conference agreement back on the Homeland Security appropriations bill, that it would happen. And many people rolled their eyes. But thanks to the leadership of MARTIN SABO and HAROLD ROGERS and, of course, DAVID OBEY and JERRY LEWIS, we have been able to come together with a very important

Homeland Security appropriations conference report.

So I would like to join in extending great appreciation to MARTIN SABO for his stellar service to this body over the years and for his commitment to dealing with transportation issues and now homeland security and to say that we will miss him greatly.

This measure, Mr. Speaker, that we are going to consider, the appropriations bill itself, is absolutely essential if we are going to focus on the security of our borders and deal with it in a responsible way. And I am happy that Ms. SLAUGHTER was able to work on her compromise. Again, it is a bipartisan compromise, as she just said in her statement, that we have been able to deal with.

And similarly, I am proud of another item that is included in this bill that is once again a bipartisan measure, and that is legislation that was introduced in the Senate by my California colleague, DIANNE FEINSTEIN, and I was privileged to introduce it here in the House. We had an actual unanimous recorded vote on this measure, and it was to recognize that we have a problem at our border; that being since September 11, 2001, the discovery of 38 tunnels, one of which came from Canada into the United States, 37 from Mexico into the United States. And what we discovered is that there is actually no criminal penalty for people who are tunneling or the utilization of property here in the United States for tunnels to come up. And what has happened? Through those tunnels we have seen tremendous problems with both human and narcotrafficking.

So in this measure that we pass, we will be actually implementing criminalization of that kind of action, once again demonstrating our commitment to securing our Nation's border.

Similarly, we obviously are very concerned about the fact that in heavy urban areas and in five particular areas, we have seen just across the border, above ground, large problems of human and narcotrafficking, and for those areas we are going to see the construction of border fences.

I do not like the idea of fences. I really do not like the idea of fences at all. But our empirical evidence, Mr. Speaker, has shown that for the 14 miles along the border between Tijuana, Mexico, and San Diego, California, we have seen a great improvement in the standard of living and quality of life because of this border fence which has been established.

□ 0945

In fact, there has been a 50 percent reduction in the crime rate in San Diego, in large part attributed to the fact that we have this fence here.

I look forward to the day when we will be able to take down all of these fences. But, frankly, as long as we have human trafficking and narcotrafficking the way it is today, I do not believe that we as a Nation have a choice. And so in those areas where we have heavy urban populations on both sides the border, I think it is essential that we do this.

There are other areas where utilization of 21st century technology, using motion detectors, using unmanned aerial vehicles and other things will be very beneficial in our quest to ensure that we secure our Nation's borders.

Now, as we look at our items in this bill, I believe that the funding that is provided is going to help us deal with the overall global war on terror. Again, if you think about the preamble of the U.S. Constitution, I always argue that, in that preamble, the five most important words of the preamble are: Provide for the common defense.

And those five words, I believe, are addressed very successfully with this Homeland Security Appropriations Conference Report. So, Mr. Speaker, I am very proud of the work that has been done in a bipartisan way, Democrats and Republicans coming together, to do the right thing.

I hope it can be used as a model for many of the things that we proceed with in the future.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentlewoman for yielding me time. Thank you for your great service on Rules Committee.

And to the chairman, I thank him for his kind remarks.

Mr. Speaker, I am a strong supporter of the base bill on homeland security funding. But there is one part of that bill which I think we could significantly improve. So I would ask Members today to vote against the previous question so that we can offer a separate concurrent resolution to the conference report which would delete from the bill four provisions as it relates to the regulation of chemical plants that, in my judgment, significantly weaken the legislation.

As background, the whole question of setting security standards for chemical plants is an issue that has concerned me for a long time. We have had a void in the ability of the Secretary to act to adopt any regulation as it impacts most chemical plants in this country.

This year, while we were considering the appropriations bill, we offered and adopted in committee an amendment that gave authority to the Secretary to adopt regulations relating to the security of chemical plants.

We envisioned that as being a temporary solution, while the authorizers had time at some point to pass regular authorizing legislation. That was stricken by a point of view on the House floor. In the Senate, fortunately, in an amendment by BOB BYRD, adopted that same amendment. And that is what we had in conference.

There then proceeded negotiations between the authorizers. And it ended up being a partisan negotiation between majority Members in the House and Senate which produced the recommended plan for the regulation of chemical plants, which the conference committee substituted for the Byrd amendment.

That more detailed recommendation has not been subject to debate in either the House or the Senate or considered in that form by any of our committees. And it has four provisions which I think significantly weakens the authority of the Secretary to adopt regulations. I think we should strike them.

The first one is a provision that states that: The Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure.

What that means, I frankly do not know. The reality is that any security measure is going to deal with a whole series of particular security measures. Some are going to be more important than the other. Why we limit the authority of the Secretary in this fashion is beyond me. I do not know what it means. There must be some relevance to it. But it clearly would seem to limit the ability of the Secretary to adopt a comprehensive security measure.

Then we have another provision which is rather strange. And it says that if we proceed in court and any information is provided on plants to that court, then that unclassified information becomes classified when it reaches the courtroom. I know of no other instance in our government where unclassified information becomes classified because it goes to court.

I have no idea what the precedent for any such action is. It is unique. It is new. And we should not have it in this bill. I do not know, as I read this bill, whether the States have the ability to adopt security standards which are stricter than the Federal law. Some read this language to say it prohibits the States from having stricter standards.

I read it as being unclear, and where we turn that issue over is not to our judgment but to the courts. As I read the language, if a State adopts stricter standards and the Secretary approves them, I expect it will be challenged in court. If they adopt stricter standards and the Secretary rejects them, that will be challenged in court.

In my judgment, the States should have that ability. But whether we think they should or should not have it, it is a decision we should make and not simply leave it to the vagaries of what a particular court might decide.

Another provision in this bill simply says that it prohibits the public from filing any suit to enforce the provisions of this law. Again, that makes no sense to me and goes contrary to what we normally do in this country.

I am glad we are finally moving forward with chemical plant security. However, the negotiations, not by the conferees on the appropriation bill but by the negotiators from the two authorizing committees, have produced a

version of chemical security regulation that in my judgment is much weaker than it need be, and we should clarify it and strike those provisions. Not add anything new, but simply make sure that the Secretary has greater authority and to make sure that States have the right to adopt stricter regulation if they so desire.

So I urge the rejection of the previous question so that we can offer such an amendment.

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

Mr. Speaker, in the month of August, I had an opportunity with several other Members to go to Laredo, Texas, to visit our border to see the border operations and to see the things that were happening there. I had a chance to run across Texas Army National Guard personnel who were attempting to not only work but work successfully with Border Patrol and other Customs and Immigration enforcement personnel.

I wanted to draw attention to how important our National Guard has been from each of our States in protecting our borders, working on border security and doing those things that are necessary. This came as a result of a plan that happened with input from Congress, that happened through the great work that was done not only with the President but also with local Governors and people who are interested in doing this.

I had a chance to go with the Honorable JO BONNER from Alabama down to Laredo. And both he and I together had a chance to see firsthand how the Army National Guard worked with Border Patrol. We went out that night to see firsthand their needs.

Mr. Speaker, that is what is in this bill, the ability that we have to protect our border, to provide the necessary resources, to make sure that our men and women who are with official law enforcement and also those who are with the Guard are able to make sure that this country is protected.

That is what is in this bill. I am proud of it. I am going to ask for everyone's vote for not only the rule but also the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in strong opposition to this rule because the legislation would seriously undermine efforts to secure chemical facilities across the country. I want to join in the comments made by the ranking member, Mr. SABO.

Back in July, the Homeland Security Committee passed by voice vote a bill that would go a long way towards fixing the chemical security problem in the aftermath of 9/11. This is one of the most glaring problems in our post-9/11 security efforts that has been neglected here in Washington by the Congress and by the administration.

Yet rather than moving forward with this bill out of the Homeland Security Committee, bringing to it the floor and having an open debate; Republicans have decided to craft an industry-friendly proposal behind closed doors and stick it in the Homeland Security Appropriations Conference Report.

Now, this is no way to deal with such a serious security issue. EPA data indicates that there are more than 100 chemical plants across the country that could put over 1 million people at risk in the event of a serious accident or terrorist attack. More than 7,000 chemical plants could put 1,000 people or more at risk.

Yet under the cover of a conference report, the Republican leadership has seriously undermined our efforts to secure these chemical facilities. The language here exempts thousands of chemical plants not deemed ''high risk'' by the Department of Homeland Security, along with 3,000 drinking water and wastewater facilities that use large quantities of chlorine.

It also prohibits the Department of Homeland Security from doing anything to move towards the use of inherently safer technologies or substances. And it fails to protect the rights of States like my own, New Jersey, to implement stronger security requirements at chemical plants.

Mr. Speaker, the consequences of an incident at a chemical facility could be dire for residents of my State of New Jersey. We saw this last Tuesday when an accidental release of sulfur dioxide sent 59 people to the hospital. If that is what happens from one simple mistake, I shudder to think of the consequences of an attack by determined terrorists.

We need to reject this rule. Strip this weak chemical security language from the conference report and move ahead with strong legislation like what the Homeland Security Committee already passed here in the House.

Mr. SESSIONS. Mr. Speaker, here we are talking about the rule for Homeland Security, and yesterday, the Rules Committee had an opportunity to speak very plainly with the appropriators who were responsible for this Homeland Security appropriations bill. We spoke with them about several matters. One of them was about the air marine operation under the CBP, Customs and Border Protection.

I would like for my colleagues to know, who have joined me and others in the effort to talk about the air interdiction program that we have about drugs that come into this country, that this bill provides $600 million for their border and air space protection.

Secondly, we had an opportunity to talk about the fugitive operation teams that nationwide are gathered together under Customs and Border Protection to make sure that the apprehension of those people who are illegal aliens that are in our country here who are fugitives and who are dangerous are picked up and dealt with by our judicial system in this country.

Over and over and over, the things that we have talked about that were necessary and needed throughout the years are contained with funding in this bill. I am very happy to say that I am proud of what this administration has done by listening to us, and perhaps more importantly, our appropriators, like HAL ROGERS who brought this bill, who listened and who have done something about it.

□ 1000

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my Rules Committee colleague for yielding the time.

I rise in support today for this rule and, of course, the underlying conference report, H.R. 5441, the Department of Homeland Security Appropriations Act for Fiscal Year 2007. I would like to commend Chairmen Lewis and Rogers and, of course, our dear friend Martin Sabo for their tireless effort in keeping our homeland safe.

H.R. 5441 is one more piece of pro-security legislation advanced by this Congress, and its passage prior to our adjournment, Mr. Speaker, is critical to ensuring funding for homeland security programs that do keep our Nation safe.

This is a comprehensive bill. It addresses several aspects of our porous border problem. It provides increased technologies for use in explosion detection. It beefs up maritime and chemical security and, most importantly, overhauls FEMA.

As we know a big part of keeping our homeland safe is protecting these borders. The bill includes $1.8 billion in emergency funding for border and maritime security. It includes $1.2 billion for the construction of a border fence, and it provides for the hiring of an additional 1,500 border patrol agents and includes a commonsense provision brought forth by our chairman of the Rules Committee criminalizing the construction of border tunnels.

However, Mr. Speaker, despite the great things in this legislation, I realize that it is not a perfect bill. One of the most notable problems is securing our ports of entry with better background check technology. As you remember, we passed language in the 9/11 bill and in the REAL ID Act last year to require biometric passports by a certain deadline, along with the proper equipment to read the high-tech identification. The deadline was extended 6 months, and with this appropriation bill, unfortunately, it is extended another 17 months because someone in the other Chamber from a northern border State put language in there to further delay this crucial, crucial program. We cannot afford to keep extending the deadline when our security is at stake.

Mr. Speaker, shoe bomber Richard Reed, we all remember him, entered our country on an unsecured visa waiver. This visa waiver program allows 28 countries, their folks, to come into this

country with nothing, really, to prove their identification. He came in with a visa waiver. We have to know who is coming into our country to prevent terrorists from having a free pass.

Despite all the improvements made in this appropriations bill, they are meaningless without securing our ports of entry.

Mr. Speaker, all week long we have witnessed this Congress passing legislation to fund critical Department of Defense programs, to try terrorist detainees in military courts and to listen in on the communications of terrorist operatives plotting our destruction. Heather Wilson from New Mexico explained that so well yesterday on this floor.

It is unfortunate that throughout this week we have witnessed obstructionism on just about every front and some on the other side advocating for a cautious approach to fighting terrorism out of concern of treating the terrorists fairly. In my opinion, Mr. Speaker, this is the wrong approach, and we must remain aggressive in our efforts to keep America safe.

I encourage all of my colleagues on both sides of the aisle to keep this in mind, to ensure we give our government the tools it needs to protect our homeland.

I urge support of this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy and her leadership.

This is sort of a bizarre rule that is limiting debate on three very critical areas, but I would like to just focus on one because under the guise of protecting property rights, H.R. 4772 is back before us, and it will undermine the quality of life for most Americans.

I find no small amount of irony that our friends on the Republican side of the aisle who say that they support local control are now going to gut some of the most basic protections for neighborhoods, businesses, and the environment to make sure that they are decided at the State and local level. Remember, these are our same friends who have come to us with provisions to strip away from these same Federal courts being able to rule on the Pledge of Allegiance or on marriage. Those are too important to be given to the Federal courts, but you are going to take away opportunities for people to be able to deal with the most fundamental of issues in terms of neighborhood quality and throw that into the Federal courts without having an opportunity to work it through at the State and local level.

The Supreme Court itself has recognized that State and local courts are the best way to deal with things that are inherently local in nature. I spent 10 years as a commissioner of public works in the city of Portland. I watched development proposal after development proposal come over the transom. If your rules were in place, it would not help the little developer because they would not have the firepower to be able to go through the Federal process, but it would have been an amazing club for big developers to have their way for proposals that were incomplete, inadequate, or not carefully thought through. In some cases, there were things that were making mistakes. In others, they were trying to do something that would have threatened adjacent businesses, adjacent homeowners. What we did was work with them, going through the process, and as a result, time after time, we had better results.

This would undercut that effort. That is why 36 attorney generals, including Mr. CHABOT's attorney general, says that this is an unnecessary Federal intrusion and it ought to be resisted.

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

Our previous speaker has just hit on probably one of the most important aspects of freedom in America, and that is the right of a person to be able to own property, the ability that we have to have our house to be our castle. Yet as we talk about the issue, I would like to add my dimension to it.

The bottom line is that we are engaged in this on behalf of people who own property, people who own property who have grown weary of having local government take their property without due compensation for the benefit of local government, and we are going to protect the private property owner. We believe private property rights are very important, and that is why we are getting engaged, because we have seen local communities do for their own best interest those things that they wanted to do by taking private property from a person.

We believe it is a simple part of what the Constitution is about. We believe that private property rights are important. I do understand the argument, and it is related to a person who cannot fight government even in their own local community when that is what government wants to do.

We are going to give a level playing field to those individuals because we believe that the individualist who owns his own property should have equal rights also, not just to be taken advantage of by local communities.

Mr. Speaker, that is also in this rule. We support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman very much, and this rule is just another appalling case of Republican leadership siding with special interests over the security interests of our country.

In July, the Homeland Security Committee reported a bipartisan chemical security bill. We know that al Qaeda wants to hit huge chemical facilities in our country that could cause between 10,000 and hundreds of thousands of injuries. That was a good bill. It was bipartisan.

It required that there be mandatory enforceable security provisions that apply to all chemical facilities in America. It required the company shift to safer chemicals and methods to reduce the consequences of a terrorist attack. The bill ensured that the States could set higher security standards. The bill contained red teaming exercises to test whether or not security around these chemical facilities was, in fact, adequate. It contained worker training provisions to upgrade workers' ability to protect against an al Qaeda attack. It contained civil and criminal provisions, and it contained whistleblower protections for chemical industry workers if any Paul Revere-like figure would rise up to warn that there was a danger at a chemical facility.

Democrats and Republicans alike praised the committee's work, and Republicans promised to protect the language as it came out on to the House floor.

But instead, the House Republican leaders refused to allow it to be considered for a vote on the House floor. Instead, the Republicans on the Homeland Security Committee and on the Energy and Commerce Committee acquiesced to the wishes of the chemical industry behind closed doors to negotiate the weak, inadequate language contained in the conference report.

In public, the Republicans profess their support for strong chemical security legislation, but in private, they provided their chemical industry allies with an early Christmas present, the weak legislation the industry had been pursuing all along, and that is what we are now going to debate on this House floor; not the bipartisan secure chemical bill, but the chemical industry-written bill that the Republicans are now bringing out here in a closed rule that will not have any debate at all.

And by the way, if back home you have a Governor, you have a mayor that is very concerned about the ability of their hometown or their State to put stronger security measures around a chemical facility, well, after today you can just tell your Governor, your mayor, it is up to the Department of Homeland Security. They are not going to be able to increase it back at home. This bill is going to make it possible for the chemical industry to keep the local governments and the State governments wrapped up in red tape forever as those local communities, those local heroes, and by the way, if there is an al Qaeda attack, people are not going to call the Department of Homeland Security. They are going to call the local police, the local fire, the local emergency medical personnel. They are going to be the ones that have to respond, and when this bill is passed their hands are going to be tied behind

their back in terms of their ability to put stronger, tougher protections around these chemical facilities, especially in urban areas.

It also reduces the number of facilities that have to be covered. Instead of all of the facilities that could cause upwards of 10,000 fatalities or injuries, they eliminate 90 percent of the facilities from having to be covered by the provisions of the legislation that we are talking about here today. And by the way, the Department of Homeland Security is prohibited from disapproving of a facility's security plan because of the absence of any specific security measure.

So the Department of Homeland Security looks at a chemical facility, sees that there is a problem, they still cannot disapprove that plan. How in the world can the Department of Homeland Security be effective if their hands are tied behind their back? This is an area that we know is at the top of the al Qaeda terrorist target list, chemical facilities; and on the last day, professing to care about homeland security, and by the way, if al Qaeda is going to attack today, all the wiretapping, everything else that you want to do, if there is a secret group already in America poised to hit a chemical facility, then you better have the protection that is built around it.

What you are doing today in this bill is you are making it infinitely more likely that al Qaeda can make a successful attack against a chemical facility. You are gagging the Democrats. You are handing it over to the chemical industry for them to decide on their bottom line cost-basis analysis of the type of security they want to put in place.

Right now, it is harder to get into some nightclubs in New York City than it is for al Qaeda to get into a chemical facility in the United States of America. That is the bottom line on the bill the Republicans are bringing out here today.

Vote ''no'' on this Republican rule.

□ 1015

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman for bringing this up as an issue, because I think, once again, it shows clearly the differences between our parties and the way we think about this.

It is true that the Republican Party would be accused of having a balanced approach not only to making sure that these chemical companies have taken care of their responsibility for security but making sure also that we protect the jobs that come with those and the security of the towns in which they are located in.

We heard the gentleman use words like stronger, tougher, harder and making it more difficult. Everything he talked about was to simply make it harder for these companies to operate in America. Tougher sanctions, more rules, more regulations and being tough on the chemical companies. Yes, we get it, run them out of town. Run them out of the country. Take the jobs and leave.

Mr. Speaker, we are not going to do that in this bill. We are going to bring a balance, a balance that says that these chemical companies are a natural asset to the United States of America. As a part of our ability not only to make sure that we can receive the things that we need, technology and these things which chemical companies provide, that make our lives better every day, we are not going to run them out of town and we are not going to run them out of the country.

They have a responsibility to make sure that their internal elements are safe and the controls they put in place are doing the right thing. They want to take care of their responsibilities, and we are going to make sure that that is balanced. So we are not going to allow the tougher sanctions, the tougher things that our friends on the other side of the aisle want to do. We are going to strike a balance, a balance for safety, a balance for comprehension that what we want is to make sure that they are good corporate citizens and that they look closely at where their own frailties exist.

That is why this bill is going to pass today, because we are not going to run them out of town. We are not going to speak from a position of weakness; we are going to speak from a position of strength. That is another one of the differences between the Republican Party. We are going to balance it out and do the right thing.

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

Ms. SLAUGHTER. Mr. Speaker, I will use my remaining time to close, but, first, I wish to insert for the RECORD an editorial from this morning's New York Times called, ''More Comfort for the Comfortable.'' That is the way they describe the Private Property Rights Implementation Act. They say it is a deeply misguided giveaway for big real estate developers.

[From the New York Times, Sept. 29, 2006.]

MORE COMFORT FOR THE COMFORTABLE

Congress, which has done so little this session to address the nation's real problems, is expected to vote today on a deeply misguided giveaway for big real estate developers. The bill would create new property rights that could in many cases make it difficult, if not impossible, for local governments to stop property owners from using their land in socially destructive ways. It should be defeated.

The Private Property Implementation Act would make it easier for developers challenging zoning decisions to bypass state courts and go to federal court, even if there was not a legitimate federal constitutional question. Zoning regulations are quintessentially local decisions. This bill would cast this tradition aside, and involve the federal government in issues like building density and lot sizes.

The bill would also make it easier for developers to sue when zoning decisions diminished the value of their property. Most zoning does that. Developers would make more money if they could cram more houses on small lots, build skyscrapers 200 stories tall, or develop on endangered wetlands. The bill would help developers claim monetary compensation for run-of-the-mill zoning decisions on matters like these. It would also make it easier for them to intimidate local zoning authorities by threatening to run to federal court.

Zoning is not an attack on property rights. It is an important government function, and most Americans appreciate that it helps keep their own neighborhoods from becoming more crowded, polluted and dangerous. If more people knew the details of this bill, there would be wide opposition. As it is, attorneys general from more than 30 states, of both parties, have joined the U.S. Conference of Mayors, the National Conference of State Legislatures and leading environmental groups in opposing it.

The bill does a lot of things its supporters claim to abhor. House Republicans were elected on a commitment to states' rights and local autonomy, and opposition to excessive litigation and meddling federal judges. It is remarkable how quickly they have pushed these principles aside to come to the aid of big developers.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule to instruct the enrolling clerk to strike from the conference report several last-minute provisions that may compromise chemical plant security.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, these provisions were not in either the House or Senate-passed versions of the Homeland Security bill. They were drafted in secret and slipped into the conference report without the input of any Democrats in the conference. Even worse, these provisions may make chemical facilities more vulnerable to security problems and not less.

When we talk about balance, I think Homeland Security was supposed to be about rules and regulations. The new language weakens the Homeland Security Secretary's ability to enforce chemical facility site security plans. It takes the authority away. It allows the Secretary to preempt tougher State laws to ensure chemical facility security, and it severely restricts the rights of citizens to take any legal action to enforce chemical facility security requirements. Securing our chemical plants is far too important to be compromised by a secretive and inadequate security plan.

I want to stress that a ''no'' vote on the previous question will not stop consideration of the conference report, but a ''no'' vote will allow the House to remove these inadequate and dangerous provisions. Again, please vote ''no'' on the previous question.

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

Mr. SESSIONS. Mr. Speaker, I want to join my colleagues in thanking the

Honorable MARTIN SABO for his service to this House and for his additions of the things he has brought forth in this legislation, not only working in a bipartisan basis but also his leadership on behalf of making sure that the next generation understands things like port security and other things which the gentleman has specialized in.

Mr. Speaker, I would also like to thank our Speaker, DENNIS HASTERT, and majority leader, JOHN BOEHNER, for their vision and hard work to bring this bill forward today. They worked very closely with Chairman HAL ROGERS and Chairman JERRY LEWIS of the Appropriations Committee, DUNCAN HUNTER of the Armed Services Committee, Chairman JIM SENSENBRENNER of the Judiciary Committee, and certainly STEVE CHABOT of the Judiciary Committee.

This bill we bring forward today is a negotiated product, one where we have worked hard with not only members of the administration, but we have taken, as Members of Congress, trips to see our borders wherever they might be, the northern border or the southern border. We have our appropriators, who have taken time to understand the intricate details and the needs of this great Nation. We have engaged with the Department of Defense to talk about those things that will be necessary to protect our men and women on the battlefield. We have taken time to make sure that we have talked to our CIA, Central Intelligence Agency, about the way that they need to do business and those attributes about who they engage across the world and how we can treat fairly, yes, but treat properly those who would engage in killing Americans and bringing down reigning terror in our cities.

Mr. Speaker, I want to say that this underlying legislation is very important to America's learning lessons from the prior years and bringing those lessons to bear to protect this great Nation. We will speak from a position of strength, not fear. We will not worry about the things that we cannot get done but the things that we can get done. We will learn from our mistakes, and we will learn that, as terrorism in the 21st century evolves, we will, too. That is what these bills are all about.

I am proud of our country, and I say God bless America. Mr. Speaker, I ask for all the Members to support this bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 1054—RULE ON CONFERENCE REPORT FOR H.R. 5441 DEPARTMENT OF HOMELAND SECURITY FY07 APPROPRIATIONS

Strike all after the resolved clause and insert:

''That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: ''Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 5441''; and

(3) the text of which is as follows:

(1) In subsection (a), strike: ''*Provided further,* That the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but the Secretary may disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established by this section: Provided further, That the Secretary may approve alternative security programs established by private section entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations:''

(2) In subsection (c), strike: '': *Provided further,* That in any proceeding to enforce this section, vulnerability assessments, site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material''

(3) In subsection (d), strike: '': Provided, That nothing in this section confers upon any person except the Secretary a right of action against an owner or operator of a chemical facility to enforce any provision of this section''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the grounds 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.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 186, not voting 25, as follows:

[Roll No. 504]

YEAS—221

Aderholt	Bonilla	Chocola
Akin	Bonner	Coble
Alexander	Bono	Cole (OK)
Bachus	Boozman	Conaway
Baker	Boustany	Crenshaw
Barrett (SC)	Bradley (NH)	Culberson
Barrow	Brady (TX)	Davis (KY)
Bartlett (MD)	Brown (SC)	Davis, Jo Ann
Barton (TX)	Brown-Waite, Ginny	Davis, Tom
Bass	Buyer	Deal (GA)
Beauprez	Calvert	Dent
Biggert	Camp (MI)	Diaz-Balart, L.
Bilbray	Campbell (CA)	Diaz-Balart, M.
Bilirakis	Cannon	Doolittle
Bishop (UT)	Cantor	Drake
Blackburn	Capito	Dreier
Blunt	Carter	Duncan
Boehlert	Chabot	Ehlers
Boehner		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
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
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)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
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
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—25

Brown (OH)
Burgess
Burton (IN)
Case
Castle
Clay
Cubin
Evans
Fattah
Hoyer
Lewis (GA)
Maloney
McKeon
McKinney
Meehan
Ney
Paul
Strickland
Thompson (MS)
Udall (CO)
Wamp
Waters
Wilson (SC)
Wolf
Young (AK)

□ 1050

Ms. SCHWARTZ of Pennsylvania and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TERRY). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 188, not voting 26, as follows:

[Roll No. 505]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
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
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
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)
Salazar
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 (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
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
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky

Wasserman Schultz	Waxman	Wu
Watson	Weiner	Wynn
Watt	Wexler	
	Woolsey	

NOT VOTING—26

Brown (OH)	Evans	Strickland
Burgess	Fattah	Thompson (MS)
Burton (IN)	Hoyer	Udall (CO)
Case	Lewis (GA)	Wamp
Castle	McKeon	Waters
Clay	McKinney	Wilson (SC)
Cubin	Meehan	Wolf
Doyle	Ney	Young (AK)
Ehlers	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1100

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 for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 505 I could not vote because the First Lady, Mrs. Laura Bush, and I were dedicating the new National Garden at the Botanic Gardens, and I was not able to return to the House Chamber in time to register my vote. Had I been present, I would voted ''yea.''

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, on rollcall Nos. 504 and 505 I am not recorded because I was absent due to my attendance at former congressman Joel T. Broyhill's funeral. Had I been present, I would have voted ''yea.''

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1054, I call up the bill (H.R. 4772) 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, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, 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. 4772

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 ''Private Property Rights Implementation Act of 2006''.

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES CONCERNING REAL PROPERTY.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

''(c) Whenever a district court exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property, it shall not abstain from exercising or relinquish its jurisdiction to a State court if the party seeking redress does not allege a violation of a State law, right, or privilege, and no parallel proceeding is pending in State court, at the time the action is filed in the district court, that arises out of the same operative facts as the district court proceeding.

''(d) In an action in which the operative facts concern the uses of real property, the district court shall exercise jurisdiction under subsection (a) even if the party seeking redress does not pursue judicial remedies provided by a State or territory of the United States.

''(e) If the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question so certified, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

''(1) is necessary to resolve the merits of the Federal claim of the injured party; and

''(2) is patently unclear.

''(f)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, which causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.''.

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, which causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable law of the United States provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.''.

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

''(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and

''(B) one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

The party seeking redress shall not be required to apply for a waiver or appeal described in subparagraph (B) if such waiver or appeal is unavailable or can not provide the relief requested, or if pursuit of such a mechanism would otherwise be futile.''.

SEC. 5. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS.

Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: ''If the party injured seeks to redress the deprivation of a property right or privilege under this section that is secured by the Constitution by asserting a claim that concerns—

''(1) an approval to develop real property that is subject to conditions or exactions, then the person acting under color of State law is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

''(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, territory, or the District of Columbia; or

''(3) alleged deprivation of substantive due process, then the action of the person acting under color of State law shall be judged as to whether it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

For purposes of the preceding sentence, 'State law' includes any law of the District of Columbia or of any territory of the United States.''.

SEC. 6. CLARIFICATION FOR CERTAIN CONSTITUTIONAL PROPERTY RIGHTS CLAIMS AGAINST THE UNITED STATES.

(a) DISTRICT COURT JURISDICTION.—Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(i) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

''(1) an approval from an executive agency to permit or authorize uses of real property that is

subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

''(2) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State or territory, or the District of Columbia, as the case may be; or

''(3) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this subsection, the term 'executive agency' has the meaning given that term in section 105 of title 5.''.

(b) COURT OF FEDERAL CLAIMS JURISDICTION.—Section 1491 of title 28, United States Code, is amended by adding at the end the following:

''(4) If a claim brought under subsection (a) is founded upon a property right or privilege secured by the Constitution that concerns—

''(A) an approval from an executive agency to permit or authorize uses of real property that is subject to conditions or exactions, then the United States is liable if any such condition or exaction, whether legislative or adjudicatory in nature, including but not limited to the payment of a monetary fee or a dedication of real property from the injured party, is unconstitutional;

''(B) a subdivision of real property pursuant to any statute, ordinance, regulation, custom, or usage of any State or territory, or the District of Columbia, then such a claim against an executive agency shall be decided with reference to each subdivided lot, regardless of ownership, if such a lot is taxed, or is otherwise treated and recognized, as an individual property unit by the State, or territory, or the District of Columbia, as the case may be; or

''(C) an alleged deprivation of substantive due process, then the United States shall be judged as to whether its action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

In this paragraph, the term 'executive agency' has the meaning given that term in section 105 of title 5.''.

SEC. 7. DUTY OF NOTICE TO OWNERS.

(a) IN GENERAL.—Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments by this Act, the agency shall, not later than 30 days after the agency takes that action, give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due them under such amendments.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) the term ''Federal agency'' means ''agency'', as that term is defined in section 552(f) of title 5, United States Code; and

(2) the term ''agency action'' has the meaning given that term in section 551 of title 5, United States Code.

SEC. 8. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—If any provision of this Act or the amendments made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) 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 H.R. 4772 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.

I rise in support of H.R. 4772, the Private Property Rights Implementation Act. Members will recall that this bill was debated on Monday and failed under suspension of the rules, and this is the same bill that is being brought up today under a rule.

I would thus hope that all of the debate that we had for and against the bill would be incorporated by reference into the RECORD, and that Members could kind of modulate their arguments because we have heard them all before and we don't need to repeat them, as will I.

Mr. Speaker, the vast majority of Americans were outraged by a recent Supreme Court decision that severely undermined constitutionally protected property rights. The case of course is the notorious Kelo v. City of New London. In Kelo, the Supreme Court held that a city can take private property from one citizen and give it to a large corporation for economic development purposes.

I, along with Judiciary Committee Ranking Member CONYERS, led the charge to correct that terrible decision by introducing H.R. 4128, the ''Private Property Protection Act'' which passed the House of Representatives by the overwhelming bipartisan margin of 376–38. However, that bill now languishes in the other body despite overwhelming public support.

In any case, the Supreme Court's recent disregard for constitutionally protected private property is unfortunately not confined to the Kelo decision. In the case of Williamson County v. Hamilton Bank, which was reaffirmed last term in the case of San Remo Hotel v. City and County of San Francisco, the Supreme Court upheld a set of procedural rules that effectively prohibit private property owners from ever getting into Federal court to have their Federal property rights claims heard on the merits.

I congratulate again the gentleman from Ohio (Mr. CHABOT) for authoring this vitally important legislation that will finally allow property owners to defend their Federal property rights in Federal court.

This bipartisan legislation was reported out of the Judiciary Committee by a voice vote on July 12. I hope it will receive the same bipartisan support on the floor today, and urge my colleagues to support the bill.

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

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

Mr. Speaker, I don't want to be controversial, but H.R. 4772 has nothing to do with Kelo. What the chairman said about it, and our agreement about it is correct; but the reason why H.R. 4772 has nothing to do with homeowners like those in Kelo is that the bill has nothing to do with eminent domain abuses. H.R. 4772 has everything to do with land developers and corporations and regulatory takings claims, and I include for the RECORD four editorials from The Washington Post, the New York Times, the Atlanta Journal Constitution and the Sacramento Bee.

[From washingtonpost.com, Sept. 29, 2006]

TAKE IT BACK

THE HOUSE MOVES A RADICAL BILL TO HOBBLE LOCAL LAND-USE RULES

The House of Representatives is scheduled to take up today a terrible piece of legislation designed to strengthen the hands of developers in their battles with government. Congress considered and rejected a similar bill in 1997 and again in 2000. Now it's back—only worse.

The bill deals with legal claims under the ''takings'' doctrine—a requirement of the Fifth Amendment under which government has to compensate property holders when it seizes their land. Under current law, landowners must give local governments a chance to resolve such disputes and state courts a fair chance to adjudicate them before bringing the federal courts into the picture. The House bill would let developers make federal courts their first stop. This would give developers a big club to wield over local policymakers, gum up the federal courts with local land-use disputes, and diminish the rightful autonomy of state and local governments on the most local of questions.

Then—and here's where this year's bill is even worse than its predecessors—the substantive rules concerning takings and other constitutional challenges to land-use regulations also would be changed in developers' favor. Right now, federal courts are leery of such challenges in land-use cases, generally deferring to local authorities. Under this proposal, however, they would have to invalidate as a violation of due process any local decision that was ''arbitrary, capricious, [or] an abuse of discretion.'' The bill, in short, would make it easier for landowners to get into court and, once there, easier to block regulations or to demand payment for compliance with them.

Conservatives often style themselves as champions of federalism, and some conservative judges—including Justice Samuel A. Alito Jr. while he served on the U.S. Court of Appeals for the 3rd Circuit—have taken principled stands on preserving local authority over land use. In 1994, Judge Frank H. Easterbrook of the 7th Circuit wrote in frustration: ''Federal courts are not boards of zoning appeals. This message, oft-repeated, has not penetrated the consciousness of property owners. . . .'' It's time for it to penetrate the consciousness of members of Congress.

[From the New York Times, Sept. 29, 2006]

MORE COMFORT FOR THE COMFORTABLE

Congress, which has done so little this session to address the nation's real problems, is expected to vote today on a deeply misguided giveaway for big real estate developers. The bill would create new property rights that could in many cases make it difficult, if not impossible, for local governments to stop property owners from using their land in socially destructive ways. It should be defeated.

The Private Property Rights Implementation Act would make it easier for developers challenging zoning decisions to bypass state courts and go to federal court, even if there was not a legitimate federal constitutional question. Zoning regulations are quintessentially local decisions. This bill would cast this tradition aside, and involve the federal government in issues like building density and lot sizes.

The bill would also make it easier for developers to sue when zoning decisions diminished the value of their property. Most zoning does that. Developers would make more money if they could cram more houses on small lots, build skyscrapers 200 stories tall, or develop on endangered wetlands. The bill would help developers claim monetary compensation for run-of-the-mill zoning decisions on matters like these. It would also make it easier for them to intimidate local zoning authorities by threatening to run to federal court.

Zoning is not an attack on property rights. It is an important government function, and most Americans appreciate that it helps keep their own neighborhoods from becoming more crowded, polluted and dangerous. If more people knew the details of this bill, there would be wide opposition. As it is, attorneys general from more than 30 states, of both parties, have joined the U.S. Conference of Mayors, the National Conference of State Legislatures and leading environmental groups in opposing it.

The bill does a lot of things its supporters claim to abhor. House Republicans were elected on a commitment to states' rights and local autonomy, and opposition to excessive litigation and meddling federal judges. It is remark how quickly they have pushed these principles aside to come to the aid of big developers.

[From the Atlanta Journal-Constitution, Sept. 29, 2006]

FEDERAL COURTS NOT FOR ZONING CASES

In the past, Congress has wisely rejected efforts to force local zoning disputes into federal court. But politically powerful developer groups armed with campaign cash have once again managed to resurrect the idea, and lawmakers in Congress should once again reject it.

Proponents of House Resolution 4772 claim it would help developers subjected to ''takings'' of their land thanks to overly restrictive zoning ordinances passed by local governments. Their dubious proposal would sanctify the right of property owners to do what they wish with their property over the right of communities to protect themselves through zoning against traffic congestion, massage parlors and other problems.

Such disputes are currently settled through negotiation or, failing that, by state court judges who are easily accessible to plaintiffs and defendants. But if passed, the bill would effectively sidestep state courts and grant developers special rights to take their appeals directly to federal courts.

The bill is also intended to intimidate local governments from daring to challenge developers who are often armed with better legal and financial resources.

A majority of the Georgia congressional delegation who favored the bill in a procedural vote taken this week would be wise to reconsider their support. Usurping the authority of county zoning boards certainly won't sit well in a state where the rallying cry of ''local control'' over land use and other issues is especially loud.

A lobbyist for the National Association of Home Builders, a trade group pushing hard for the bill, once bragged that passage of an earlier version would be a ''hammer to the head'' of state and local governments that tried to thwart developers. If Congress votes to pass the bill as the NAHB hopes, the hammer will wielded by voters angered at special-interest legislation that literally strikes them very close to home.

[From the Sacramento Bee, Sept. 29, 2006]

REGULATING LAND USE

HOUSE BILL WOULD BE GIFT TO DEVELOPERS

Here we go again. Since 1994, some members of Congress have introduced bills to redefine local land-use regulations as ''takings'' and to give developers a special fast-track to the federal courts. Currently, developers have to go first to local zoning boards and state courts.

Now a rehash of a failed 2000 bill is being rushed the House floor. Proponents claim it is about stopping eminent domain abuses, but H.R. 4772 is really about hampering the ability of local communities to enforce their zoning and environmental protection rules. Members of Congress should reject this bill, again.

Since 1791, the U.S. Constitution has required government to pay just compensation if it takes private property for public use. So if you own 100 acres and the government takes 98 acres to build a school, it must pay you. But if government rules say developers can only build one house per half acre, that's not a taking. Or if government rules allow development on 98 acres, but not on 2 acres of wetlands, that's not a taking.

H.R. 4772 would change that. Courts no longer would be able to look at the 100-acre parcel as a whole, but would have to look at each lot. So, local government would have to pay developers not to build on every inch in the 100-acre parcel. Taxpayers would pick up the tab for this extortion. If developers didn't get what they wanted from local zoning boards, they'd be able to bypass state courts and go to federal court. Judge Frank Easterbrook, a Reagan appointee in the 7th U.S. Circuit Court of Appeals, dismissed such special pleading in a 1994 case. ''Federal courts are not boards of zoning appeals,'' he wrote. Those who ''neglect or disdain'' their state remedies should be thrown out of court, period.

Congress has turned back bills like H.R. 4772 before, and it should do so again. This bill, like Proposition 90 on the California ballot in November, radically expands ''takings'' and should be rejected.

Mr. Speaker, what we are doing now is undermining longstanding interpretations of the fifth amendment. As we discussed on Monday, on two separate occasions, the Supreme Court has ruled that landowners must pursue remedies for just compensation from the State, and the court has confirmed that a Federal court cannot properly consider a takings claim unless or until a landowner has been denied an adequate remedy. To do so would make cases unconstitutionally ripe for Federal review and also limit a Federal court's ability to abstain from State questions.

But the most disturbing thing about this measure is that the bill elevates the rights of property owners over all other categories of persons with constitutional claims. I know we do not believe that the rights of real estate developers are more important than the rights of other Americans. Perhaps some in this body might feel that way, which is why we are attempting to give developers special protections under an early Civil Rights Act, now known as section 1983, that has not been substantially altered in two generations.

The bill's proponents would like you to believe that the land developers and corporations are the only constitutional claimants that must start in State courts; not the case. The cases involving constitutional challenges to detention and violation of the sixth amendment require you start in State courts. Confinement of juvenile offenders in violation of the eighth amendment is another example of the claims that must first go to State courts.

Today we have been called to task and must stand up against this assault on the principles of federalism. Please study this measure carefully because the Nation's civil rights laws and our Constitution, as well as the principles of federalism, are involved.

Mr. Speaker, I rise—again—in strong opposition to the Private Property Rights Implementation Act. Just three days ago, this controversial legislation was defeated on suspension. Republican leadership did not like this vote, so here we are today taking up the same bill under a rule. With the election right around the comer, the Majority is determined to get the outcome that it wants.

We first took up this legislation in the 105th and 106th Congresses. This legislation was bad policy then and remains bad policy today. My concerns about this bill have not changed since Tuesday. H.R. 4772 is a forum-shopping bill that will only benefit land developers and corporations. This bill undermines longstanding interpretations of the 5th Amendment. And furthermore, this legislation elevates property owners over all other constitutional claimants.

First, H.R. 4772 singles out developers and corporations for a special fast track into federal court. Though it has been characterized as such, this bill is not a response to the Kelo decision. Last November, this House passed a bipartisan proposal in response to Kelo. At that time, there was no discussion of providing homeowners like those in Kelo with expedited access to federal courts and there shouldn't be one today.

The reason why is because H.R. 4772 has nothing to do with homeowners like those in Kelo. This bill has nothing to do with eminent domain abuses. H.R. 4772 has everything to do with land developers and corporations and regulatory takings claims.

If a developer does not like a state or local land use decision, it now has the ability to bypass state and local administrative procedures and jump right into federal court. To quote Jerry Howard of the National Association of Homebuilders, ''This bill will be a hammer to the head of these State and local bureaucracies.''

Second, H.R. 4772 undermines long-standing interpretations of the 5th Amendment. As

we discussed on Monday, two times the Supreme Court has ruled that landowners must pursue remedies for just compensation from the state, in state court (Williamson County (473 U.S. 172 (1985)) and San Remo (545 U.S. 323) (2005)).

The Court has confirmed that a federal court cannot properly consider a takings claim unless or until a landowner has been denied an adequate remedy. To do otherwise would make cases unconstitutionally ripe for federal review and also limit a federal court's ability to abstain from state questions.

But this is exactly what H.R. 4772 will do. This bill will allow regulatory takings claims into the federal courts prematurely. States and localities will be restricted in their land use decisions at the threat of federal litigation. It will be harder for jurisdictions to protect against groundwater contamination, waste dumps, and adult bookstores.

Finally, and perhaps most disturbingly, this bill elevates the rights of property owners over all other categories of persons with constitutional claims. I know we do not believe that the rights of real estate developers are more important than the rights of other Americans. Perhaps some people in this body do, which is why we are attempting to give developers special protection under the Civil Rights Act of 1871, now known as Section 1983—a statute that has not been substantially altered since 1871 according to CRS.

This bill's proponents would like you to believe that land developers and corporations are the only constitutional claimants that must start in the state courts. However, this is just not true. Cases involving constitutional challenges to detention in violation of the 6th Amendment and confinement of juvenile offenders in violation of the 8th Amendment are just two examples of claims that must first go to the state courts.

Today we all have been called to task, and must stand up against this assault on the principles of federalism, the Nation's civil rights laws, and our Constitution.

Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. NADLER) be assigned to the management of this bill on the floor on the side of the minority.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the chairman. In an attempt to adhere to his admonition that brief is better, I will add my voice of support for this bill.

I represent a rural district in Texas. It is 36,500 square miles. It is 14 percent of the land mass of Texas, and so we have a lot of opportunities for takings from various entities.

I support this bill because most landowners, most developers, simply want answers. ''Yes'' or ''no'' is better than ''wait until tomorrow.'' Once you get hung up in this regulatory nightmare of waivers and permits and permits and waivers and that body and this body, just knowing the truth and what the ultimate answer is would be better.

This law defines that Federal courts have to begin hearing a case once a final answer has been given under a permit or a waiver, and allows access to the court so that the property owner will then be able to get an answer that they can live with.

I support this bill. I encourage my colleagues to also support this bill to protect private property rights and give landowners and other property owners their day in Federal court.

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

Mr. Speaker, the Constitution provides for just compensation where government takes property. On that there is general agreement. There is also agreement that the ability of government to take property must be strictly limited to a public purpose and that the power to take property must be used sparingly and judiciously. Those are not controversial points.

This bill is something different, something radically and dangerously different. This bill goes far outside the bounds of the Constitution to reward big developers and polluters whenever local government tries to preserve the quality of life in our communities by controlling the spread of huge landfills or sprawling subdivisions or factory farms or adult bookstores.

Under this bill, a developer could circumvent local government and normal State court consideration, drag our local governments into Federal court, and demand payment every time our constituents want to preserve their health or quality of life.

The threat of Federal court litigation, expensive Federal court litigation, is real and troubling. One representative of the National Association of Home Developers said this bill would be a ''hammer to the head'' of every local official. That is what this bill does.

It greatly expands the definition of a taking. It would require the government to provide compensation in cases where the Constitution does not. It would allow developers to game the system by arbitrarily dividing their lots to squeeze money out of communities.

Should we have to pay someone to keep them from poisoning our drinking water or ignoring our zoning laws or opening an adult bookstore? That seems to be the claim of developers who want to fill in wetlands at will or build garbage dumps the size of small towns. Is it a taking for which me must compensate the developer if we make them pay their fair share of the cost of the new roads, sewers, water lines and schools that will be needed to support their new subdivision?

Should local taxpayers have to pay a developer whenever any conditions are imposed on a developer before allowing him to move forward? That's what this bill does.

Let's have no doubt this is a big developers' bill. My friend, the sponsor of this bill, has trumpeted the fact that the bill is supported by the home builders, the realtors, the Chamber of Commerce, the National Federation of Independent Business, and the U.S. Farm Bureau.

It is opposed by environmental organizations, the American Planning Associations, consumer organizations, and your mayors, your Governors and your attorneys general of the States. Which side are you on?

One of the majority's witnesses at our hearing on this bill was Mr. Frank Kottschade, a major local developer who complained that he didn't get everything that he wanted from his local government.

Another was an attorney, Joseph Trauth, who represents Wal-Mart, Home Depot and GE in zoning cases. Small developers. He is proud of the fact that he helped the Rumpke landfill in Hamilton, Ohio, expand by 65 acres.

That is who the bill is for, not for homeowners who want to protect their homes and communities.

Let me clear up some confusion. Many Members of this House were outraged by the Supreme Court's Kelo decision which dealt with the use of eminent domain to take private property from one person and give it to another private party in order to promote economic development.

□ 1115

The distinguished chairman spoke of Kelo. This bill has nothing to do with Kelo and nothing to do with eminent domain. It is not about taking property. It is about regulating responsible use of property. It is about stopping the ability of local governments to pass zoning laws, environmental protection laws, to enforce them to protect the local residents against those who would pollute the environment, build every inch and fill our suburban towns with 200-story buildings.

You have heard Kelo discussed in this debate because the real purpose of this bill is simply indefensible. This bill has to do with zoning, environmental protection, and environmental regulation. This is about protecting homeowners from abuse by developers and polluters. The bill, actually, is about stopping the ability of local governments to protect homeowners from abuse by developers and polluters.

I would just note the irony that the Republican leadership the other day moved a bill that would limit the rights of religious minorities under the 1871 Civil Rights Act. This bill expands the rights of developers and polluters under the same 1871 Civil Rights Act and allows them to extort local communities. That is the Republican civil rights agenda.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), the author of the bill.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

I want to, first, thank the gentleman from Wisconsin for his leadership and his cosponsorship of this bill, also the 35 other cosponsors and the 234 Members of this body that voted for it. It passed just the other day by a margin of 60 votes. Now, it needed two-thirds, so that is the reason for our being here today. But there is really overwhelming support. I also want to thank the gentleman from Tennessee, BART GORDON, for his leadership as well in support of this legislation.

Just to address a couple of the points that were made before I get into the bulk of my speech here, the gentleman from Michigan mentioned that this elevates property owners above all other constitutional rights and individuals who are trying to establish their constitutional rights. It doesn't do that at all. It puts them on the same level as other people who have a constitutional right that they are trying to enforce. And they should under existing law already have their constitutional rights. This is a fifth amendment right in the Bill of Rights. A person cannot have their property taken without just compensation, without due process of law, and this is just putting them on the same level with all the other constitutional rights that we enjoy in this country.

The gentleman from New York said that this is radical and dangerous. I would venture to say there aren't too many things that this side has tried to pass in the 12 years that I have served with the gentleman that the gentleman hasn't considered to be radical and dangerous, with some exceptions where we have been on the same side. But I think this is not radical nor is it dangerous.

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

Mr. CHABOT. I would be happy to yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I will concede that when we passed last week my bill to recognize Congress's support for a memorial at the World Trade Center site, after it had been held in committee for 2 years, that was not radical and dangerous.

Mr. CHABOT. Reclaiming my time, Mr. Speaker, as I had indicated, there have been times when the gentleman has not said things we are doing are radical and dangerous, and I agree with that part of what we just talked about.

But the gentleman talks about this being only for big developers and not the little guy, so to speak. I would just note that H.R. 4772, this particular legislation, levels the playing field for small and middle-class property owners and retirees. The expense of bringing a Federal takings claim through the labyrinth of procedures in place today is disproportionately borne by private citizens who cannot draw on the public treasury to defend their rights. This bill, more than any big developer, helps small developers and the middle class, whose finances are particularly strained by the costs of defending their fifth amendment property rights.

This bill helps, for example, elderly retirees who may have all their savings tied up in their home that the government is trying to take away from them for whatever. When their home is unjustly taken by the government, the elderly should not have to spend 10 years paying for expensive lawyers to defend themselves in court. And that is what happens in communities all over this country right now. They should be allowed to go right to the Federal court and defend their federally protected property rights, and this bill would allow them to do just that.

On February 16 of this year, when I authored this, along with the gentleman from Tennessee (Mr. GORDON), this Private Property Rights Implementation Act, and I want to thank the gentleman, as I already did, we introduced this legislation as a result of recent Supreme Court decisions last term, Kelo and San Remo. They, quite frankly, ignored the constitutional rights of property owners.

The fifth amendment to the Constitution, as I stated before, states: No person shall be ''deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.'' And that is exactly what we are talking about remedying by this bill.

The House of Representatives acted to correct the Kelo decision by passing a bill, H.R. 4128, by a bipartisan vote of 376–38. Today, Congress has an opportunity to restore the rights taken away by the San Remo decision by passing this bill which will correct that decision.

Now, here is the problem. Strange as it sounds, under current law, property owners are now blocked from raising a Federal fifth amendment takings claim in Federal court. And here is why: The Supreme Court's 1985 decision in Williamson County v. Hamilton Bank requires property owners to pursue to the end all available remedies for just compensation in State court before the property owners can file suit in Federal court under the fifth amendment.

Then just last year, in the case of San Remo Hotel v. City and County of San Francisco, the Supreme Court held that once a property owner tries their case in State court, the property owner is prohibited from having their constitutional claim heard in Federal court, even though the property owner never wanted to be in State court with their Federal claim in the first place. The combination of these two rules means that those with Federal property rights claims are effectively shut out of the Federal court on their Federal takings claims, setting them unfairly apart from those asserting any other kind of Federal right, such as those asserting free speech or freedom of religion or other rights that could be established under the Constitution.

The late Chief Justice Rehnquist commented directly on this unfairness, observing in his concurring opinion in San Remo that ''the Williamson County decision all but guarantees that claimants will be unable to utilize the Federal courts to enforce the fifth amendment's just compensation guarantee.'' The Second Circuit Court of Appeals has also stated that ''it is both ironic and unfair if the very procedure that the Supreme Court requires property owners to follow before bringing a fifth amendment takings claim, a State court takings action, also precluded them from ever bringing a fifth amendment takings claim in Federal court.

H.R. 4772, the Private Property Rights Implementation Act, will correct the unfair legal bind that catches all property owners in what amounts to a catch-22. This bill, which is based on Congress's clear authority to define the jurisdiction of the Federal courts and the appellate jurisdiction of the United States Supreme Court, would allow property owners raising Federal takings claims to have their cases decided in Federal court without first pursuing a wasteful and unnecessary litigation detour, and possibly a dead end, in State court.

H.R. 4772 would also remove another artificial barrier blocking property owners' access to Federal court. The Supreme Court's Williamson County decision also requires that before a case can be brought for review in Federal court, property owners must first obtain a final decision from the State government on what is an acceptable use of their land. This has created an incentive for regulatory agencies to avoid making a final decision at all by stringing out the process and thereby forever denying a property owner access to the court. Studies of takings cases in the 1990s indicate that it took property owners nearly a decade of litigation, which most property owners, let us face it, especially a small property owner, can't afford, before takings claims were ready to be heard on the merits in any court, whether it is State or Federal.

To prevent that unjust result, this bill would clarify when a final decision has been achieved and when the case is ready for Federal court review. Under this bill, if a land use application is reviewed by the relevant agency and rejected, a waiver is requested and denied, and an administrative appeal is also rejected, so they have gone through this long process, then a property owner can bring their Federal constitutional claim, and, again, this is a Federal constitutional claim, in a Federal court. The bill would not change the way agencies resolve disputes; rather, H.R. 4772 simply makes clear the steps the property owner must take to make their case ready for court review.

This bill also clarifies the rights of property owners raising certain types of constitutional claims in other ways.

First, it would clarify that conditions that are imposed upon a property owner before they can receive a development permit must be proportional to

the impact a development might have on the surrounding community.

Second, it would clarify that if property units are individually taxed under State law, then the adverse economic impact the regulation has on a piece of property should be measured by determining how much value the regulation has taken away from the individual lot affected, not the development as a whole.

Third, the bill would clarify that due process violations involving property rights should be found when the government has been found to have acted in an arbitrary and capricious manner.

This legislation also applies these same clarifications to cases in which the Federal Government is taking the private property. This legislation is endorsed by a number of organizations: the National Association of Homebuilders; the National Association of Realtors; the U.S. Chamber of Commerce; the National Federation of Independent Businesses, which is oftentimes small businesses, most of the time; the United States Farm Bureau; and the Property Rights Alliance.

Again, this legislation passed. A majority of more than 60 votes for this legislation, as opposed to against it just a couple of days ago.

Again, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership and also the gentleman from Tennessee (Mr. GORDON) for his leadership.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. This bill is a bad idea that comes before us periodically but, happily, has never been enacted. And I hope it meets a similar fate this time.

This bill is, quite simply, an effort to take away the rights of each and every property owner who wants to alter or even block an unwanted development. It should really be called the ''Private Property Rights Obliteration Act.''

If you are a homeowner and you would like a new mall or a new apartment building to be a little smaller so it does not overwhelm your neighborhood with traffic and all the other attendant problems, this bill will make it next to impossible for you to succeed. If you are a homeowner and you don't want a bar to be built right around the corner from your house, this bill will make it almost impossible to succeed. If you are a small businessman and you want to control where a big-box store is going to be built, this bill will make it almost impossible for you to succeed.

In 2000, the last time we debated this, the developers, quite rightly, described this bill as a hammer to the heads of local officials who are trying to guide and manage development. It is a very dangerous bill.

It is also a very odd bill. Here we have supposed conservatives begging Federal courts to intervene in the most local of matters. Why? So that the developers can scare localities into not doing their most fundamental jobs.

Now this time around, the proponents of the bill have come up with some new ingenious arguments for the bill. The only problem is that these arguments are wildly inaccurate. So let me make this clear to my colleagues: This bill does not deal at all with eminent domain or property seizures or the Supreme Court's Kelo decision. Let me restate that, it is so important: This bill does not deal at all with eminent domain or property seizures or the Supreme Court's Kelo decision, which was decided years after the bill was written.

This bill is only about localities exercising their zoning authority. It is not about localities taking property by eminent domain.

And by the way, the substantive problem in Kelo was that a developer was kicking people out of their homes. This bill would only strengthen the hand of developers to an unprecedented degree.

So let us not undermine our Nation's neighborhoods and localities with this unprecedented and radical change in law. Let us listen to all the local governments and environmental groups that have always opposed this bill. Let us make sure our constituents retain their ability to shape their own neighborhoods. Vote ''no.''

□ 1130

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER) who has been instrumental in local development, planning efforts in local government.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy. Our friend from New York set the right tone.

Basically I must respectfully disagree with the chairman of the committee. Maybe everything has been said, but I do not think everything has been heard. That is why his attorney general joined with 35 other attorneys general in saying this is flawed, unnecessary, dangerous legislation.

They basically flunk Property Protection 101. It ignores the fact that planning and zoning is to protect everybody's property. Now, the gentleman from Cincinnati would not yield to me. I wonder, if I yielded him 30 seconds, if he would answer a question.

Mr. CHABOT. It is your time.

Mr. BLUMENAUER. Does Hamilton County or the City of Cincinnati have any protective zoning and planning mechanisms that occasionally require more than one decision to be able to reach a rational decision? I yield 30 seconds to the gentleman

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding. We have the same zoning laws that are in many other places around the country. There is an appeals process that we go through, and there is a three-step process under this particular legislation: You have to be denied. You have to then appeal. You have to go a third level. And if you lose at all of those, then the owner has the option to go to either State court or Federal court under this legislation, which seems perfectly reasonable.

Mr. BLUMENAUER. My question is, in Hamilton County or Cincinnati, does it ever occur that there are other activities locally in dealing with the local planning and zoning process that would require an additional step or two? I yield 30 more seconds.

Mr. CHABOT. Of course there are. We have various zoning boards. We have various agencies. We have the same basic things in our community that most of the other communities have. And I was on the community commission. We have appeals of all kinds of nature at all times.

Mr. BLUMENAUER. I appreciate the gentleman's clarification, because I have the same experience you have. I was a county commissioner. I was the commissioner of public works for the City of Portland. I had example after example where there were imperfect applications that were thrown over the transom. I can think of one where there was a massive shopping center that was going to be in an industrial area where they wanted a zone change that required extensive efforts to protect everybody's property protection.

I find it outrageous that you are going to be proposing, under your legislation, short-circuiting that local property protection.

It is ironic that the same committee is telling us that the Supreme Court is not competent to deal with issues of marriage, same-sex marriage. It is not competent to deal with something as complex as the flag amendment. Somehow you are going to be rocketing proposal after proposal into the Federal courts where the Supreme Court has already said that it is not the best place to deal with things that are uniquely local and State in nature.

It is not the small property owner that is going to benefit from this. The little old grandma that you are talking about in the first instance is not filing complex planning and zoning proposals, in the main. This will be utilized by large developers who can wear down communities. And we have seen it happen. When it happens to small communities, where all of the fire power that was arrayed before the Judiciary Committee comes to bear, wearing them down, it is going to make it very difficult to provide those local protections.

Now, Mr. Speaker, that is why unions, planning associations, Clean Water Action, why the Defenders of Wildlife, over a dozen other environmental and conservation groups, including the Trust for Historic Preservation, and as I mentioned 36 attorney

generals, including Mr. CHABOT's attorney general in Ohio, say this is flawed and unnecessary legislation.

Mr. Speaker, I would respectfully suggest that rather than trying to drive a wedge into the planning process in local communities, processes that are designed to help to provide protections for everybody, I would strongly suggest that this legislation be rejected.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds just to amplify the fact that my Democratic attorney general was just defeated in the primary, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 45 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I would point out that there are 35 other attorney generals that are Republican and Democratic, from Alabama, from Connecticut, from Iowa, Louisiana, Maryland, Massachusetts, Maine, Kentucky, noting the gentleman in the chair, from Idaho—I think he is a Republican—Delaware, Arizona, Alaska, Michigan, Montana, New Jersey, New York, Oregon, Rhode Island, Tennessee, Oklahoma, New Mexico, Nevada, Mississippi, Utah, Vermont, West Virginia, Wyoming. I mentioned Wisconsin, and I do think we ought to reemphasize again Ohio, the home State of the sponsor of this legislation. All these attorneys general oppose this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT) who I think is right, and his attorney general is wrong.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, if the gentleman is bringing up statewide office holders in Ohio for credibility purposes, I think the gentleman should probably review the political situation in Ohio and some of the stature that some of those folks hold right now. If you are making an argument to support your side of the case, there are a number of them that are let's say not at the height of popularity as we speak here today.

But just to mention a couple of things that the gentleman touched upon, especially the environmental concerns, for example. There is nothing in this bill that would prohibit the protection of land for environmental, health and safety reasons.

However, if the land is so regulated as to deny the owner any use of it, then, yes, the owner needs to be paid just compensation. The fifth amendment does not have an exemption for environmental laws or any other laws. In fact, the best approach would be to purchase the land, possibly through eminent domain, rather than trying to pull a fast one and harm the property owner or take that person's property without just compensation.

The basic idea is that individual property owners should not bear all of the costs of protecting our communities. A few land owners should not have to sacrifice their own land and economic well being for the betterment of a town or a city; rather, the town should give them just compensation. That is what we are supposed to do in this society.

If we are taking it from a particular individual, and they cannot use their land as they want to see fit, the rest of us, through the appropriate way, should give them just compensation.

The fifth amendment should apply in all taking cases, and we should not be carving out exceptions when it comes to public health and safety, just like in the Kelo legislation we passed; we did not carve out exceptions for the private use of eminent domain because some property is not as desirable to the community at large. All property should be treated the same.

And if there is public health or environmental needs to take the land, owners should be compensated for its taking. There are limits to what the government can do. And that limit is called the Bill of Rights. When the government takes private property, owners must be fairly compensated for their land.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the bill. I represent some beautiful communities in California: Carmel, many of you know, Pebble Beach, Santa Cruz, communities that have built their aesthetics around regulation. And I sat as a county board of supervisor having to manage these recollections.

The author of the bill is right. We have eminent domain. When there is taking, you get compensated. What his bill is about is protecting developers at the expense of property owners. This is going to decrease property values. Decrease property values.

Because you get them to pay for every kind of regulation. Now, all of us know that when you get a benefit, you do it with a responsibility. You get a driver's license, but that does not allow you to drive over 65 miles an hour. In this case, you would have to pay someone, because they bought a car that can go 100 miles an hour, you have to pay them the difference between 65 and 100.

That is what this kind of bill is about. What is the taking? Is it requiring that the trees be left standing? Is it required to have a little bit of a setback? This bill injures property values and should be defeated.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, it is difficult to understand my friends on the Republican side of the aisle's efforts to stick this burden on the taxpayers and allow developers to do the equivalent of developer's gerrymandering to increase their profits. Why should the taxpayers have to succumb to developers doing to the taxpayers what politicians have done to the voters?

Politicians, what they have done to the voters is carved out these little districts to try to keep their seats safe. If this bill were to become law, which it will not, it will allow developers to carve up their little development, fancy little lines to extract the maximum amount of money from the taxpayers.

Where is the reason to allow developers to decide their own rules, to write their own paycheck from the taxpayers? We have laws on the books enforced by supreme courts that say that, if you have your property taken as a whole, you get compensation. But this bill will game the system, will create this arbitrary system where the developer decides, not the courts, and that is a massive gambit to allow the guy who wants to build a strip club or a gambling spot or a strip mall in your neighborhood to make it impossible for your local community to have meaningful zoning to protect your neighborhood.

And it is done for one single reason, to put money in developers pockets in a way that is not fair. And, by the way, this is not about grandma out in her backyard. It is about people wanting to break up large chunks for a subdivision, and decide that they are going to take a wetlands. Right now, if there is a wetlands, and we have lost humungous amounts of wetlands in the last couple hundred years; whether there is a taking depends on the whole property.

Do not allow this gambit to take place. It is not fair. It is not Constitutional, and it is not going to pass.

Mr. NADLER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York has 9½ minutes remaining. The gentleman from Wisconsin has 13 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I looked at the website of one of the witnesses that Mr. CHABOT brought from Cincinnati, and looked at a couple of the things that he has been successful in achieving, as significant expansion in a landfill, siting a 1,000-foot radio and TV tower.

These are the sorts of things that I worked on as a county commissioner; I assume Mr. CHABOT worked on when he was a county commissioner. It took years, for example, for us to deal with sitings for radio tower emissions because local people, neighbors and representation from industry were going crazy.

But the lengthy process was worth it; we produced the safest standards in the

country that the industry ultimately adopted. Using Mr. CHABOT's approach, it would allow those powerful interests to have bypassed us and gone to Federal court. We could not have stood up to them.

The neighborhood would have been at risk. It is exactly the sort of thing that people elect local officials like we used to be to protect. I think it is outrageous that Congress is going to undermine them.

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Mr. SENSENBRENNER. Mr. Speaker, once again I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding. I just make two quick points.

The gentleman from Oregon disparages the reputation of the gentleman who testified at the committee, Mr. Trauth, who was an attorney, on the types of cases that he takes. I would just note that I oftentimes agree with people who come and testify, disagree. They are lawyers. They represent various sides.

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

Mr. CHABOT. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Speaker, I was not disparaging the gentleman. I was talking about his cases that he advertised.

Mr. CHABOT. Reclaiming my time, I happen to know that he also represents people that are at lower income levels that maybe are having their houses taken away by somebody. As all lawyers do, they represent a whole range of cases.

And the other gentleman from Washington talked about how awful this legislation the Republicans are trying to pass is. I would just note to the gentleman that there were 37 Democrats that voted for this legislation just the other day.

I thank the gentleman for yielding.

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

Mr. Speaker, it is important to get this debate back on track as to what we are talking about, not what we are not talking about, because the gentleman on the other side keeps bringing up matters that were not debated, that is not before us in this bill.

This bill has nothing to do with Kelo. It has nothing to do with whether there should be compensation for a taking. If the government wants to take your house for a new highway, they have got to pay you. That is the fifth amendment. If the government wants to take your house to give it to somebody else to build something that they judge for public purpose, the Supreme Court said they can do it in Kelo. A lot of people do not like it. That is the Kelo controversy. That is not this controversy.

This controversy has nothing to do with that. This controversy is saying the following: If local government passes regulations legislating land use, you cannot destroy a wetland; you cannot build a building more than 50 stories tall; you cannot build more than five houses on an acre, because it is a suburb and we do not want too much crowding; you cannot build a factory next to the houses; you cannot build a mine in a residential neighborhood. These are limitations on the use of property. It does not say you cannot use your property. It says you cannot build a mine here or you can only build 5 houses on that lot, not 2,500 houses.

Should these kinds of limiting regulations that governments all across our land grant all the time in order to protect local homeowners, in order to protect local property values, in order to protect the quality of life in local communities, should these laws remain possible? This bill says they should not remain possible.

This bill says that in two ways. One, we are going to drag the local community into Federal court where, contrary to the implications of the other side, it is a lot more expensive to litigate generally in Federal court than it is in a local court. So we are going to say that if the megadeveloper who wants to build 300 homes or 50 stories or 100 stories on that local lot next to your house, against the local zoning, he can take you right into Federal court, make you spend a lot of money and not go through the local process and not go through the local court process. That is very dangerous.

That is why the proponents of this bill, the home builders, said this is a hammer to the head of local officials. It is intended to be a hammer to the head of local officials. And who do the local officials represent? The local people who care about their property value, that is who they represent. But we are going to put a hammer to their heads because to hell with the property values of our local communities; to hell with the local planned development; we do not want big developers to be inhibited from building 300 houses on an acre instead of only three or four or whatever the local zoning code says.

Secondly, question: Is it a taking? The big developer buys 100 acres, has a 100-acre plot, two of them are a wetlands. The local government says or the law says you cannot build on the wetlands, you can only build on 98 of your 100 acres. The Supreme Court has always said you look at the totality of the property to determine whether that is a taking requiring compensation, and it is not, because you can build on 98 percent of your property, until this bill comes along and says no you cannot; you can subdivide the lots and if you want to protect that wetland, you have to pay for it.

The bill also says, in effect, that if you want to say that you cannot build 100 houses on that property, you can only build 10, you have to pay the developer for the difference between 10 houses and 100 houses, 90 percent.

Now, Mr. CHABOT says, well, why should the government not pay the property owner if he cannot use his property. Well, the issue is not that. The issue is why should the local government, which wants to regulate or limit use of property in certain ways, have to pay the difference between what they say you can do with your property which they are not taking and everything conceivably you could do?

If the answer is yes, no local government will be able to pay that, no local community can pay that, and you cannot have local land use regulations, you will have to have the 50 story building there because no one can stay the difference between a 10-story limitation in the zoning instead of 50 on every lot.

So this is a question of whether you can have local language regulation, whether you can protect local communities at all.

Finally, let me say that this bill is clearly unconstitutional because this bill says you go right into Federal court. In the Williamson decision in 1985, the Supreme Court held that a takings claim, a claim that you are taking property without due process of law, is not right for Federal court review if the property owner had not obtained a final decision from the appellate administrative agency and the property owner had not first filed the claim in State court to challenge the government action. The court held that these requirements are constitutional requirements, not statutory. We cannot give them the right to go straight into Federal court because the rule, the court said, is compelled by the very nature of the inquiry required by the just compensation, that is, the takings clause, because the fact it is applied in deciding a takings claim simply cannot be evaluated until the administrative agency has arrived at a final decision regarding how it will apply the regulation it issued for the particular land in question.

Just 7 years ago, in 1999, the Supreme Court said again, a Federal court cannot entertain a takings claim under section 1983 or unless or until the complaining land owners are denied an adequate ''deprivation remedy,'' in other words has been denied State court review.

So by forcing the case right into Federal court this is clearly unconstitutional.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to rise in support of H.R. 4772. I am pleased to be an original cosponsor and want to commend Mr. CHABOT and Mr. SENSENBRENNER for shepherding this legislation through.

In Arizona, between State, Federal and Indian reservation, private property extends to less than 20 percent in the State, and so we take private property very seriously there because we

cannot afford to lose too much more of it.

So, when we have had the recent Kelo decision and other decisions that have eroded private property rights over the past couple of years, we feel that we need to respond in this way, and if the Federal Government has provisions which erode those private property rights then somebody ought to have a remedy through the Federal courts. And that's what this legislation is about.

I commend the sponsors for pushing it through, and I would encourage support for it.

Mr. NADLER. Mr. Speaker, just to clarify, this bill does not simply deal with sending cases to Federal courts. It deals with the substantive law to be considered there.

Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I just want to clarify. I find it interesting that my colleague from Cincinnati somehow thinks that, because I noted his witness represents people siting radio towers in landfills, that I was disparaging him. I did not say anything like that. I gave real-life examples of why his bill is going to destroy property values.

If you have a 1,000-foot radio tower next to you or a landfill expansion, in your home town that may make one person more money, but it has the potential of eroding the protections of everybody around them. Those are the real-life examples that they refuse to acknowledge.

Mr. NADLER. Mr. Speaker, I am pleased to yield 1¼ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, there is a lot of anger about eminent domain law right now because of the Kelo decision, and I am one of the people who disagrees with that decision. I do not believe it is wise to allow eminent domain to be used for private purposes, and I think it was a poorly decided decision.

But I want to make sure that the Members understand. This bill does nothing to fix that problem. If you are angry about Kelo, this bill is not medicine. It does nothing to change the standards for when eminent domain can be used by Federal or municipal governments.

So this does not solve the problem, and I want to yield to Mr. CHABOT, if I could, for a moment. I just want to make sure that we are on the same page on this. I have looked diligently through this and can find nothing that changes the eminent domain standard that would overturn the Kelo decision.

Do you agree with me on that assessment?

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

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. CHABOT. I agree that this is not directly related to Kelo, although there is, I think in many people's minds, some connection, and I think rightfully so.

Mr. INSLEE. Mr. Speaker, I want to make clear it is not the impression in people's minds that counts in Congress. It is what is in people's bills, and in this bill is nothing to solve the Kelo problem.

We should not let anger about Kelo allow developers to game taxpayers. This bill should be rejected.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill deals with when a government exercises zoning power and the big developer disagrees with that, what happens. It says you go into Federal court right away, which is more expensive for the local government to defend, and which is unconstitutional, as I mentioned a few minutes ago, because you have to go through the State remedy.

But second of all, it changes the substantive law to enable the developer to say that any reduction in his use of the property, that says you cannot have more than X number of houses on the property or you cannot destroy all the wetlands on the property, anything that will help preserve the local communities, all the regulations it would depend on to preserve property values, to preserve local communities, they are all gone because you have to pay for them and no local government is going to pay for them.

So nobody is going to be able to go to their local zoning board and complain. They will have to go to the Supreme Court, which will not have time for them.

Mr. UDALL of Colorado. Mr. Speaker, Colorado has been one of the fastest-growing States, and we have our share of contentious land-use disputes—in fact, sometimes it seems we may have more than our share.

And I do think the federal government has a role to play in helping our communities to respond to the problems that come with that rapid growth.

But I don't think the help that's needed is greater involvement of the federal courts in more and more local land-use decisions. And that's what this bill is all about.

This bill does not deal with the questions about use of eminent domain for economic development projects that were involved in the case of Kelo v. New London which attracted so much attention when the Supreme Court issued its decision last year.

I voted for a resolution (H. Res. 340) expressing disapproval of that decision, and for a bill (H.R. 4128) that responded to the decision by barring any state or political subdivision from exercising its power of eminent domain for economic development if that state or political subdivision received federal economic development funds. That bill also would make a state or political subdivision violating that prohibition ineligible for any such funds for two fiscal years, bar the federal government from exercising its power of eminent domain for economic development, and establish a private cause of action for any private property owner who suffers injury as a result of a violation of the bill.

I thought that was an appropriate response to the Kelo decision. But this bill is quite different, and I cannot support it.

I do not think it is needed. The vast majority of land-use disputes, including claims that local regulations or decisions amount to a "taking" of property, are resolved at the local or state level without significant delay.

There is no need to short-circuit the decisionmaking process under local and state law. There is no need to bypass our state courts, because, as noted in a letter signed by Attorney Generals of 32 States, "State courts . . . are ideal forums for resolving disputes involving state and local planning issues [and] . . . the bill thus runs counter to the admonition of Justice Alito . . . that the federal judiciary should avoid procedural rules under which it could be 'cast in the role of a zoning board of appeals.'"

I also don't think the bill is sound policy. I am very concerned that it would severely tilt the field in favor of one interest, developers, and make it even harder for our communities to meet the challenges of growth and sprawl. It would saddle taxpayers of our towns, cities, and counties with the costs of expensive federal litigation. That's one reason it is opposed by the Colorado Municipal League as well as the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, the National Council of State Legislatures, and the Council of State Governments.

It's also not good for our federal courts. When the House considered similar legislation previously, the Judicial Conference of the United States—the body that speaks for our federal judges—said it "may adversely affect the administration of justice" and "contribute to existing backlogs in some judicial districts."

Finally, as a non-lawyer who takes very seriously the oath we all have taken to support the Constitution, I have listened carefully to the views of the many lawyers—including distinguished Members of the Judiciary Committee—who have concluded that the bill is likely unconstitutional.

Even if I thought the bill was otherwise desirable, that would make me hesitate. But, as I've said, the bill has other serious shortcomings—and the constitutional issues that have been raised mean that enacting this bill would inevitably lead to even more protracted and expensive litigation that would go all the way to the Supreme Court. However the Court might finally rule, that additional litigation is not something that I think is necessary or that Congress should encourage. So, again, I cannot vote for this bill.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation which was introduced by Congressman CHABOT. It protects the Americans' private property.

The Bill of Rights guarantees the right to private property. Such a right lies at the foundation of a democracy where citizens have the freedom to buy, sell, exchange, or make a profit on all forms of property.

In recent years, it has become more and more common for the government to seize private property under the guise of eminent domain for "public" use.

This is something that landowners in my home state of Texas are already frequently faced with under the Endangered Species Act, which prevents a landowner from developing

their property if an endangered species is found on the land.

Under last year's Supreme Court decision in Kelo, state and local governments now can take property from a private landowner in order to give or sell it to another private owner. So, we need to make sure Americans can protect their private property ownership.

The Private Property Rights Implementation Act of 2006 clarifies current law in order to give America's property owners those tools.

For instance, H.R. 4772 corrects an anomaly created by two Supreme Court decisions that prevents a property owner from having their federal takings claim decided in Federal Court without first pursuing the case in state court.

And the legislation clarifies that the standard for due process claims in a takings case is ''arbitrary and capricious'' and not the much higher ''shocks the conscience'' standard that some courts are using and that almost no property rights case can meet.

The bill also clarifies what constitutes a ''final decision'' on an acceptable land use from a regulatory agency for purposes of being able to take the claim to federal court.

Some regulatory agencies have avoided making such ''final decisions'' in order to prevent the property owner from moving forward with the property rights claim.

H.R. 4772 is a good bill that will protect Americans' property rights.

Mr. Speaker, I thank Congressman CHABOT for offering this legislation, and urge my colleagues to support it.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to H.R. 4772, the ''Private Property Rights Implementation Act.''

This bill strips local governments of their authority to enforce zoning regulations by allowing real estate developers to bypass the State courts and go directly to Federal courts to challenge local zoning decisions. While I strongly believe in the rights of property owners, zoning is an important tool of local governments to maintain livable communities where residents and businesses can coexist.

The city of New York opposes this legislation because it would intrude upon its authority over local land decisions. Additionally, this bill is opposed by a coalition of groups including the League of Conservation Voters, the National League of Cities, the U.S. Conference of Mayors, and the National Conference of State Legislatures.

I am puzzled about why the Republican Majority feels that this bill should be voted on before we adjourn when there are so many other issues like increasing the minimum wage and implementing the recommendations of the 9/11 Commission that have yet to be considered by this body.

I urge my colleagues to vote ''no.''

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. I appreciate this opportunity to explain my concerns with the bill, H.R. 4772, the Private Property Rights Implementation Act of 2005. I oppose the bill because I am concerned that it will weaken local land use, zoning, and environmental laws by encouraging costly and unwarranted ''takings'' litigation in Federal court against local officials.

Mr. Chairman, H.R. 4772 would fundamentally alter the procedures governing regulatory takings litigation. Those procedures are required by the U.S. Constitution and have been repeatedly reaffirmed by the U.S. Supreme Court, as recently as last year. The bill purports to alter these requirements by giving developers, corporate hog farms, adult bookstores, and other takings claimants the ability to bypass local land use procedures and State courts. Indeed, the National Association of Home Builders candidly referred to a prior version of the bill as a ''hammer to the head'' of local officials. Developers could use this hammer to side-step land use negotiations and avoid compliance with local laws that protect neighboring property owners and the community at large.

In addition, section 5 of the bill purports to dramatically change substantive takings law as articulated by the Supreme Court and other Federal courts by redefining the constitutional rules that apply to permit conditions, subdivisions, and claims under the Due Process Clause. The existing rules, developed over many decades, allow courts to strike a fair balance between takings claimants, neighboring property owners, and the public. The proposed rules would tilt the playing field further in favor of corporate developers and other takings claimants, even in the many localities across the country where developers already have an advantage.

As a result, H.R. 4772 would allow big developers and other takings claimants to use the threat of premature Federal court litigation as a club to coerce small communities to approve projects that would harm the public. By short-circuiting local land use procedures, H.R. 4772 also would curtail democratic participation in local land use decisions by the very people who could be harmed by those decisions.

The bill also raises serious constitutional issues. The provisions that purport to redefine constitutional violations ignore the fundamental principle established in Marbury v. Madison (1803) that it is ''emphatically the province and duty'' of the Federal courts to interpret the meaning of the Constitution. Moreover, under longstanding precedent, a landowner has no claim against a State or local government under the Fifth Amendment until the claimant first seeks and is denied compensation in State court. Federal courts would continue to dismiss these claims, as well as claims that lack an adequate record where claimants use the bill to side-step local land use procedures. The bill will create more delay and confusion by offering the false hope of an immediate Federal forum for those who have not suffered a Federal constitutional injury. In short, this bill is a great threat to federalism, our local land use protections, neighboring property owners, and the environment. Therefore, I urge my colleagues to vote against the bill.

The SPEAKER pro tempore. The gentleman's time has expired.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1054, 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. NADLER. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5631) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.''.

MILITARY COMMISSIONS ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1054, I call up the Senate bill (S. 3930) to authorize trial by military commission for violations of the law of war, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3930

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 ''Military Commissions Act of 2006''.

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

SEC. 2. CONSTRUCTION OF PRESIDENTIAL AUTHORITY TO ESTABLISH MILITARY COMMISSIONS.

The authority to establish military commissions under chapter 47A of title 10, United States Code, as added by section 3(a), may not be construed to alter or limit the authority of the President under the Constitution of the United States and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.

SEC. 3. MILITARY COMMISSIONS.

(a) MILITARY COMMISSIONS.—

(1) IN GENERAL.—Subtitle A of title 10, United States Code, is amended by inserting after chapter 47 the following new chapter:

"CHAPTER 47A—MILITARY COMMISSIONS

''SUBCHAPTER I—GENERAL PROVISIONS

"§ 948a. Definitions

''In this chapter:

''(1) UNLAWFUL ENEMY COMBATANT.—(A) The term 'unlawful enemy combatant' means—

''(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

''(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

''(B) CO-BELLIGERENT.—In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

''(2) LAWFUL ENEMY COMBATANT.—The term 'lawful enemy combatant' means a person who is—

''(A) a member of the regular forces of a State party engaged in hostilities against the United States;

''(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

''(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

''(3) ALIEN.—The term 'alien' means a person who is not a citizen of the United States.

''(4) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

''(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

''(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"§ 948b. Military commissions generally

''(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

''(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

''(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided in this chapter. The judicial construction and application of that chapter are not binding on military commissions established under this chapter.

''(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

''(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

''(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

''(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

''(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by this chapter.

''(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

''(f) STATUS OF COMMISSIONS UNDER COMMON ARTICLE 3.—A military commission established under this chapter is a regularly constituted court, affording all the necessary 'judicial guarantees which are recognized as indispensable by civilized peoples' for purposes of common Article 3 of the Geneva Conventions.

''(g) GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.—No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights.

"§ 948c. Persons subject to military commissions

''Any alien unlawful enemy combatant is subject to trial by military commission under this chapter.

"§ 948d. Jurisdiction of military commissions

''(a) JURISDICTION.—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

''(b) LAWFUL ENEMY COMBATANTS.—Military commissions under this chapter shall not have jurisdiction over lawful enemy combatants. Lawful enemy combatants who violate the law of war are subject to chapter 47 of this title. Courts-martial established under that chapter shall have jurisdiction to try a lawful enemy combatant for any offense made punishable under this chapter.

''(c) DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS DISPOSITIVE.—A finding, whether before, on, or after the date of the enactment of the Military Commissions Act of 2006, by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense that a person is an unlawful enemy combatant is dispositive for purposes of jurisdiction for trial by military commission under this chapter.

''(d) PUNISHMENTS.—A military commission under this chapter may, under such limitations as the Secretary of Defense may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when authorized under this chapter or the law of war.

"§ 948e. Annual report to congressional committees

''(a) ANNUAL REPORT REQUIRED.—Not later than December 31 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under this chapter during such year.

''(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"§ 948h. Who may convene military commissions

''Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§ 948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter.

''(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members of the commission such members of the armed forces eligible under subsection (a), as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

''(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

''(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military

commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

''(b) QUALIFICATIONS.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

''(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

''(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members of the commission except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members of the commission.

''(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

''(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

''§ 948k. Detail of trial counsel and defense counsel

''(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

''(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

''(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable after the swearing of charges against the accused.

''(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such commissions.

''(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

''(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice) who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

''(2) a civilian who—

''(A) is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

''(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

''(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

''(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

''(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

''(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

''§ 948l. Detail or employment of reporters and interpreters

''(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the commission qualified court reporters, who shall make a verbatim recording of the proceedings of and testimony taken before the commission.

''(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the commission and, as necessary, for trial counsel and defense counsel and for the accused.

''(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the commission, who shall also be responsible for preparing the record of the proceedings.

''§ 948m. Number of members; excuse of members; absent and additional members

''(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

''(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

''(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

''(1) as a result of challenge;

''(2) by the military judge for physical disability or other good cause; or

''(3) by order of the convening authority for good cause.

''(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''§ 948q. Charges and specifications

''(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

''(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

''(2) that they are true in fact to the best of the signer's knowledge and belief.

''(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges against him as soon as practicable.

''§ 948r. Compulsory self-incrimination prohibited; treatment of statements obtained by torture and other statements

''(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

''(b) EXCLUSION OF STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture shall not be admissible in a military commission under this chapter, except against a person accused of torture as evidence that the statement was made.

''(c) STATEMENTS OBTAINED BEFORE ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained before December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

''(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

''(2) the interests of justice would best be served by admission of the statement into evidence.

''(d) STATEMENTS OBTAINED AFTER ENACTMENT OF DETAINEE TREATMENT ACT OF 2005.—A statement obtained on or after December 30, 2005 (the date of the enactment of the Defense Treatment Act of 2005) in which the degree of coercion is disputed may be admitted only if the military judge finds that—

''(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

''(2) the interests of justice would best be served by admission of the statement into evidence; and

''(3) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005.

''§ 948s. Service of charges

''The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused

and military defense counsel a copy of the charges upon which trial is to be had. Such charges shall be served in English and, if appropriate, in another language that the accused understands. Such service shall be made sufficiently in advance of trial to prepare a defense.

''SUBCHAPTER IV—TRIAL PROCEDURE

''§ 949a. Rules

''(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense, in consultation with the Attorney General. Such procedures shall, so far as the Secretary considers practicable or consistent with military or intelligence activities, apply the principles of law and the rules of evidence in trial by general courts-martial. Such procedures and rules of evidence may not be contrary to or inconsistent with this chapter.

''(b) RULES FOR MILITARY COMMISSION.—(1) Notwithstanding any departures from the law and the rules of evidence in trial by general courts-martial authorized by subsection (a), the procedures and rules of evidence in trials by military commission under this chapter shall include the following:

''(A) The accused shall be permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

''(B) The accused shall be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

''(C) The accused shall receive the assistance of counsel as provided for by section 948k.

''(D) The accused shall be permitted to represent himself, as provided for by paragraph (3).

''(2) In establishing procedures and rules of evidence for military commission proceedings, the Secretary of Defense may prescribe the following provisions:

''(A) Evidence shall be admissible if the military judge determines that the evidence would have probative value to a reasonable person.

''(B) Evidence shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or other authorization.

''(C) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

''(D) Evidence shall be admitted as authentic so long as—

''(i) the military judge of the military commission determines that there is sufficient basis to find that the evidence is what it is claimed to be; and

''(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

''(E)(i) Except as provided in clause (ii), hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the intention of the proponent to offer the evidence, and the particulars of the evidence (including information on the general circumstances under which the evidence was obtained). The disclosure of evidence under the preceding sentence is subject to the requirements and limitations applicable to the disclosure of classified information in section 949j(c) of this title.

''(ii) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial shall not be admitted in a trial by military commission if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value.

''(F) The military judge shall exclude any evidence the probative value of which is substantially outweighed—

''(i) by the danger of unfair prejudice, confusion of the issues, or misleading the commission; or

''(ii) by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

''(3)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (1)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

''(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (1)(D). In such case, the detailed defense counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

''(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

''(d) NOTIFICATION TO CONGRESSIONAL COMMITTEES OF CHANGES TO PROCEDURES.—Not later than 60 days before the date on which any proposed modification of the procedures in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the modification.

''§ 949b. Unlawfully influencing action of military commission

''(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or his functions in the conduct of the proceedings.

''(2) No person may attempt to coerce or, by any unauthorized means, influence—

''(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

''(B) the action of any convening, approving, or reviewing authority with respect to his judicial acts; or

''(C) the exercise of professional judgment by trial counsel or defense counsel.

''(3) Paragraphs (1) and (2) do not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by a military judge or counsel.

''(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

''(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

''(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

''§ 949c. Duties of trial counsel and defense counsel

''(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

''(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

''(2) The accused shall be represented by military counsel detailed under section 948k of this title.

''(3) The accused may be represented by civilian counsel if retained by the accused, but only if such civilian counsel—

''(A) is a United States citizen;

''(B) is admitted to the practice of law in a State, district, or possession of the United States or before a Federal court;

''(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

''(D) has been determined to be eligible for access to classified information that is classified at the level Secret or higher; and

''(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

''(4) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information and may not divulge such information to any person not authorized to receive it.

''(5) If the accused is represented by civilian counsel, detailed military counsel shall act as associate counsel.

''(6) The accused is not entitled to be represented by more than one military counsel.

However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in that person's sole discretion, may detail additional military counsel to represent the accused.

''(7) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

''§ 949d. Sessions

''(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

''(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

''(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

''(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

''(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

''(2) Except as provided in subsections (c) and (e), any proceedings under paragraph (1) shall—

''(A) be conducted in the presence of the accused, defense counsel, and trial counsel; and

''(B) be made part of the record.

''(b) PROCEEDINGS IN PRESENCE OF ACCUSED.—Except as provided in subsections (c) and (e), all proceedings of a military commission under this chapter, including any consultation of the members with the military judge or counsel, shall—

''(1) be in the presence of the accused, defense counsel, and trial counsel; and

''(2) be made a part of the record.

''(c) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

''(d) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter, but only in accordance with this subsection.

''(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

''(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

''(B) ensure the physical safety of individuals.

''(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

''(e) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

''(1) to ensure the physical safety of individuals; or

''(2) to prevent disruption of the proceedings by the accused.

''(f) PROTECTION OF CLASSIFIED INFORMATION.—

''(1) NATIONAL SECURITY PRIVILEGE.—(A) Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. The rule in the preceding sentence applies to all stages of the proceedings of military commissions under this chapter.

''(B) The privilege referred to in subparagraph (A) may be claimed by the head of the executive or military department or government agency concerned based on a finding by the head of that department or agency that—

''(i) the information is properly classified; and

''(ii) disclosure of the information would be detrimental to the national security.

''(C) A person who may claim the privilege referred to in subparagraph (A) may authorize a representative, witness, or trial counsel to claim the privilege and make the finding described in subparagraph (B) on behalf of such person. The authority of the representative, witness, or trial counsel to do so is presumed in the absence of evidence to the contrary.

''(2) INTRODUCTION OF CLASSIFIED INFORMATION.—

''(A) ALTERNATIVES TO DISCLOSURE.—To protect classified information from disclosure, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

''(i) the deletion of specified items of classified information from documents to be introduced as evidence before the military commission;

''(ii) the substitution of a portion or summary of the information for such classified documents; or

''(iii) the substitution of a statement of relevant facts that the classified information would tend to prove.

''(B) PROTECTION OF SOURCES, METHODS, OR ACTIVITIES.—The military judge, upon motion of trial counsel, shall permit trial counsel to introduce otherwise admissible evidence before the military commission, while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that (i) the sources, methods, or activities by which the United States acquired the evidence are classified, and (ii) the evidence is reliable. The military judge may require trial counsel to present to the military commission and the defense, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the United States acquired the evidence.

''(C) ASSERTION OF NATIONAL SECURITY PRIVILEGE AT TRIAL.—During the examination of any witness, trial counsel may object to any question, line of inquiry, or motion to admit evidence that would require the disclosure of classified information. Following such an objection, the military judge shall take suitable action to safeguard such classified information. Such action may include the review of trial counsel's claim of privilege by the military judge in camera and on an ex parte basis, and the delay of proceedings to permit trial counsel to consult with the department or agency concerned as to whether the national security privilege should be asserted.

''(3) CONSIDERATION OF PRIVILEGE AND RELATED MATERIALS.—A claim of privilege under this subsection, and any materials submitted in support thereof, shall, upon request of the Government, be considered by the military judge in camera and shall not be disclosed to the accused.

''(4) ADDITIONAL REGULATIONS.—The Secretary of Defense may prescribe additional regulations, consistent with this subsection, for the use and protection of classified information during proceedings of military commissions under this chapter. A report on any regulations so prescribed, or modified, shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days before the date on which such regulations or modifications, as the case may be, go into effect.

''§ 949e. Continuances

''The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

''§ 949f. Challenges

''(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the commission. The military judge shall determine the relevance and validity of challenges for cause. The military judge may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

''(b) PEREMPTORY CHALLENGES.—Each accused and the trial counsel are entitled to one peremptory challenge. The military judge may not be challenged except for cause.

''(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

''§ 949g. Oaths

''(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

''(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary of Defense. Those regulations may provide that—

''(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

''(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

''(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

''§ 949h. Former jeopardy

''(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

''(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

''§ 949i. Pleas of the accused

''(a) ENTRY OF PLEA OF NOT GUILTY.—If an accused in a military commission under this

chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

''(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

''§ 949j. Opportunity to obtain witnesses and other evidence

''(a) RIGHT OF DEFENSE COUNSEL.—Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

''(b) PROCESS FOR COMPULSION.—Process issued in a military commission under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

''(1) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

''(2) shall run to any place where the United States shall have jurisdiction thereof.

''(c) PROTECTION OF CLASSIFIED INFORMATION.—(1) With respect to the discovery obligations of trial counsel under this section, the military judge, upon motion of trial counsel, shall authorize, to the extent practicable—

''(A) the deletion of specified items of classified information from documents to be made available to the accused;

''(B) the substitution of a portion or summary of the information for such classified documents; or

''(C) the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(2) The military judge, upon motion of trial counsel, shall authorize trial counsel, in the course of complying with discovery obligations under this section, to protect from disclosure the sources, methods, or activities by which the United States acquired evidence if the military judge finds that the sources, methods, or activities by which the United States acquired such evidence are classified. The military judge may require trial counsel to provide, to the extent practicable, an unclassified summary of the sources, methods, or activities by which the United States acquired such evidence.

''(d) EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel shall disclose to the defense the existence of any evidence known to trial counsel that reasonably tends to exculpate the accused. Where exculpatory evidence is classified, the accused shall be provided with an adequate substitute in accordance with the procedures under subsection (c).

''(2) In this subsection, the term 'evidence known to trial counsel', in the case of exculpatory evidence, means exculpatory evidence that the prosecution would be required to disclose in a trial by general court-martial under chapter 47 of this title.

''§ 949k. Defense of lack of mental responsibility

''(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

''(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

''(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members of the commission as to the defense of lack of mental responsibility under this section and shall charge them to find the accused—

''(1) guilty;

''(2) not guilty; or

''(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

''(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

''§ 949l. Voting and rulings

''(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

''(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

''(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

''(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

''(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

''(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

''(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

''(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

''§ 949m. Number of votes required

''(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

''(b) SENTENCES.—(1) No person may be sentenced by a military commission to suffer death, except insofar as—

''(A) the penalty of death is expressly authorized under this chapter or the law of war for an offense of which the accused has been found guilty;

''(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

''(C) the accused is convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

''(D) all the members present at the time the vote is taken concur in the sentence of death.

''(2) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

''(3) All other sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

''(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12.

''(2) In any case described in paragraph (1) in which 12 members are not reasonably available because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not fewer than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

''§ 949n. Military commission to announce action

''A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

''§ 949o. Record of trial

''(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

''(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

''(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall be given a redacted version of the record consistent with the requirements of section 949d of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

''SUBCHAPTER V—SENTENCES

"§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§ 949t. Maximum limits

''The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

''(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

''SUBCHAPTER VI—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"§ 950a. Error of law; lesser included offense

''(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

''(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§ 950b. Review by the convening authority

''(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

''(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

''(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been given an authenticated record of trial under section 949o(c) of this title.

''(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

''(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

''(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

''(2)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

''(B) Subject to regulations prescribed by the Secretary of Defense, action on the sentence under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

''(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

''(3) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, may—

''(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

''(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

''(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

''(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

''(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

''(i) there is an apparent error or omission in the record; or

''(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

''(B) In no case may a proceeding in revision—

''(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

''(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

''(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

''(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§ 950c. Appellate referral; waiver or withdrawal of appeal

''(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided under subsection (b), in each case in which the final decision of a military commission (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

''(b) WAIVER OF RIGHT OF REVIEW.—(1) In each case subject to appellate review under section 950f of this title, except a case in which the sentence as approved under section 950b of this title extends to death, the accused may file with the convening authority a statement expressly waiving the right of the accused to such review.

''(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

''(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice on the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

''(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

''(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§ 950d. Appeal by the United States

''(a) INTERLOCUTORY APPEAL.—(1) Except as provided in paragraph (2), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the Court of Military Commission Review of any order or ruling of the military judge that—

''(A) terminates proceedings of the military commission with respect to a charge or specification;

''(B) excludes evidence that is substantial proof of a fact material in the proceeding; or

''(C) relates to a matter under subsection (d), (e), or (f) of section 949d of this title or section 949j(c) of this title.

''(2) The United States may not appeal under paragraph (1) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

''(b) NOTICE OF APPEAL.—The United States shall take an appeal of an order or ruling under subsection (a) by filing a notice of appeal with the military judge within five days after the date of such order or ruling.

''(c) APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed the Secretary of Defense, directly to the Court of Military Commission Review. In ruling on an appeal under

this section, the Court may act only with respect to matters of law.

''(d) APPEAL FROM ADVERSE RULING.—The United States may appeal an adverse ruling on an appeal under subsection (c) to the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in the Court of Appeals within 10 days after the date of such ruling. Review under this subsection shall be at the discretion of the Court of Appeals.

''§ 950e. Rehearings

''(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

''(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

''(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

''(B) no sentence in excess of or more than the original sentence may be imposed unless—

''(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

''(ii) the sentence prescribed for the offense is mandatory.

''(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

''§ 950f. Review by Court of Military Commission Review

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Court of Military Commission Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing military commission decisions under this chapter, the court may sit in panels or as a whole in accordance with rules prescribed by the Secretary.

''(b) APPELLATE MILITARY JUDGES.—The Secretary shall assign appellate military judges to a Court of Military Commission Review. Each appellate military judge shall meet the qualifications for military judges prescribed by section 948j(b) of this title or shall be a civilian with comparable qualifications. No person may be serve as an appellate military judge in any case in which that person acted as a military judge, counsel, or reviewing official.

''(c) CASES TO BE REVIEWED.—The Court of Military Commission Review, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.

''(d) SCOPE OF REVIEW.—In a case reviewed by the Court of Military Commission Review under this section, the Court may act only with respect to matters of law.

''§ 950g. Review by the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court

''(a) EXCLUSIVE APPELLATE JURISDICTION.—(1)(A) Except as provided in subparagraph (B), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority) under this chapter.

''(B) The Court of Appeals may not review the final judgment until all other appeals under this chapter have been waived or exhausted.

''(2) A petition for review must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

''(A) written notice of the final decision of the Court of Military Commission Review is served on the accused or on defense counsel; or

''(B) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the Court of Military Commission Review under section 950f of this title.

''(b) STANDARD FOR REVIEW.—In a case reviewed by it under this section, the Court of Appeals may act only with respect to matters of law.

''(c) SCOPE OF REVIEW.—The jurisdiction of the Court of Appeals on an appeal under subsection (a) shall be limited to the consideration of—

''(1) whether the final decision was consistent with the standards and procedures specified in this chapter; and

''(2) to the extent applicable, the Constitution and the laws of the United States.

''(d) SUPREME COURT.—The Supreme Court may review by writ of certiorari the final judgment of the Court of Appeals pursuant to section 1257 of title 28.

''§ 950h. Appellate counsel

''(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications for counsel appearing before military commissions under this chapter.

''(b) REPRESENTATION OF UNITED STATES.—Appellate counsel appointed under subsection (a)—

''(1) shall represent the United States in any appeal or review proceeding under this chapter before the Court of Military Commission Review; and

''(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

''(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate counsel appointed under subsection (a) before the Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (4) of that section.

''§ 950i. Execution of sentence; procedures for execution of sentence of death

''(a) IN GENERAL.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

''(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

''(c) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

''(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when—

''(A) the time for the accused to file a petition for review by the Court of Appeals for the District of Columbia Circuit has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court; or

''(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

''(i) a petition for a writ of certiorari is not timely filed;

''(ii) such a petition is denied by the Supreme Court; or

''(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(d) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

''§ 950j. Finality or proceedings, findings, and sentences

''(a) FINALITY.—The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, except as otherwise provided by the President.

''(b) PROVISIONS OF CHAPTER SOLE BASIS FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter 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.

''SUBCHAPTER VII—PUNITIVE MATTERS

''Sec.
''950p. Statement of substantive offenses.
''950q. Principals.
''950r. Accessory after the fact.
''950s. Conviction of lesser included offense.
''950t. Attempts.
''950u. Solicitation.
''950v. Crimes triable by military commissions.
''950w. Perjury and obstruction of justice; contempt.

''§ 950p. Statement of substantive offenses

''(a) PURPOSE.—The provisions of this subchapter codify offenses that have traditionally been triable by military commissions. This chapter does not establish new crimes that did not exist before its enactment, but rather codifies those crimes for trial by military commission.

''(b) EFFECT.—Because the provisions of this subchapter (including provisions that incorporate definitions in other provisions of

law) are declarative of existing law, they do not preclude trial for crimes that occurred before the date of the enactment of this chapter.

"§ 950q. Principals

''Any person is punishable as a principal under this chapter who—

''(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

''(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

''(3) is a superior commander who, with regard to acts punishable under this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

"§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

"§ 950s. Conviction of lesser included offense

''An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950t. Attempts

''(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

''(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

''(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

"§ 950u. Solicitation

''Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

"§ 950v. Crimes triable by military commissions

''(a) DEFINITIONS AND CONSTRUCTION.—In this section:

''(1) MILITARY OBJECTIVE.—The term 'military objective' means—

''(A) combatants; and

''(B) those objects during an armed conflict—

''(i) which, by their nature, location, purpose, or use, effectively contribute to the opposing force's war-fighting or war-sustaining capability; and

''(ii) the total or partial destruction, capture, or neutralization of which would constitute a definite military advantage to the attacker under the circumstances at the time of the attack.

''(2) PROTECTED PERSON.—The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including—

''(A) civilians not taking an active part in hostilities;

''(B) military personnel placed hors de combat by sickness, wounds, or detention; and

''(C) military medical or religious personnel.

''(3) PROTECTED PROPERTY.—The term 'protected property' means property specifically protected by the law of war (such as buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, or places where the sick and wounded are collected), if such property is not being used for military purposes or is not otherwise a military objective. Such term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

''(4) CONSTRUCTION.—The intent specified for an offense under paragraph (1), (2), (3), (4), or (12) of subsection (b) precludes the applicability of such offense with regard to—

''(A) collateral damage; or

''(B) death, damage, or injury incident to a lawful attack.

''(b) OFFENSES.—The following offenses shall be triable by military commission under this chapter at any time without limitation:

''(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

''(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

''(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

''(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

''(7) TAKING HOSTAGES.—Any person subject to this chapter 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, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

''(11) TORTURE.—

''(A) OFFENSE.—Any person subject to this chapter who commits 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, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this section, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

''(12) CRUEL OR INHUMAN TREATMENT.—

''(A) OFFENSE.—Any person subject to this chapter who commits an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

''(B) DEFINITIONS.—In this paragraph:

''(i) The term 'serious physical pain or suffering' means bodily injury that involves—

''(I) a substantial risk of death;

''(II) extreme physical pain;

''(III) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

''(IV) significant loss or impairment of the function of a bodily member, organ, or mental faculty.

''(ii) The term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

''(iii) The term 'serious mental pain or suffering' has the meaning given the term 'severe mental pain or suffering' in section 2340(2) of title 18, except that—

''(I) the term 'serious' shall replace the term 'severe' where it appears; and

''(II) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and nontransitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

''(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

''(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

''(i) a substantial risk of death;

''(ii) extreme physical pain;

''(iii) protracted and obvious disfigurement; or

''(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including lawful combatants, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

''(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

''(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

''(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessity, shall be punished as a military commission under this chapter may direct.

''(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades 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, shall be punished as a military commission under this chapter may direct.

''(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct.

''(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

''(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24)), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

''(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

''(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

''(27) SPYING.—Any person subject to this chapter who with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(28) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this chapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''§ 950w. Perjury and obstruction of justice; contempt

''(a) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to military commissions under this chapter.

''(b) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.''.

(2) TABLES OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are each amended by inserting after the item relating to chapter 47 the following new item:

''47A. Military Commissions ..... 948a''.

(b) SUBMITTAL OF PROCEDURES TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).

SEC. 4. AMENDMENTS TO UNIFORM CODE OF MILITARY JUSTICE.

(a) CONFORMING AMENDMENTS.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended as follows:

(1) APPLICABILITY TO LAWFUL ENEMY COMBATANTS.—Section 802(a) (article 2(a)) is amended by adding at the end the following new paragraph:

''(13) Lawful enemy combatants (as that term is defined in section 948a(2) of this title) who violate the law of war.''.

(2) EXCLUSION OF APPLICABILITY TO CHAPTER 47A COMMISSIONS.—Sections 821, 828, 848, 850(a), 904, and 906 (articles 21, 28, 48, 50(a), 104, and 106) are amended by adding at the

end the following new sentence: ''This section does not apply to a military commission established under chapter 47A of this title.''.

(3) INAPPLICABILITY OF REQUIREMENTS RELATING TO REGULATIONS.—Section 836 (article 36) is amended—

(A) in subsection (a), by inserting '', except as provided in chapter 47A of this title,'' after ''but which may not''; and

(B) in subsection (b), by inserting before the period at the end '', except insofar as applicable to military commissions established under chapter 47A of this title''.

(b) PUNITIVE ARTICLE OF CONSPIRACY.—Section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a)'' before ''Any person''; and

(2) by adding at the end the following new subsection:

''(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly does an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.''.

SEC. 5. TREATY OBLIGATIONS NOT ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

(a) IN GENERAL.—No person may invoke the Geneva Conventions or any protocols thereto in any habeas corpus or other civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States is a party as a source of rights in any court of the United States or its States or territories.

(b) GENEVA CONVENTIONS DEFINED.—In this section, the term ''Geneva Conventions'' means—

(1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(3) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(4) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 6. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IMPLEMENTATION OF TREATY OBLIGATIONS.—

(1) IN GENERAL.—The acts enumerated in subsection (d) of section 2441 of title 18, United States Code, as added by subsection (b) of this section, and in subsection (c) of this section, constitute violations of common Article 3 of the Geneva Conventions prohibited by United States law.

(2) PROHIBITION ON GRAVE BREACHES.—The provisions of section 2441 of title 18, United States Code, as amended by this section, fully satisfy the obligation under Article 129 of the Third Geneva Convention for the United States to provide effective penal sanctions for grave breaches which are encompassed in common Article 3 in the context of an armed conflict not of an international character. No foreign or international source of law shall supply a basis for a rule of decision in the courts of the United States in interpreting the prohibitions enumerated in subsection (d) of such section 2441.

(3) INTERPRETATION BY THE PRESIDENT.—

(A) As provided by the Constitution and by this section, the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.

(B) The President shall issue interpretations described by subparagraph (A) by Executive Order published in the Federal Register.

(C) Any Executive Order published under this paragraph shall be authoritative (except as to grave breaches of common Article 3) as a matter of United States law, in the same manner as other administrative regulations.

(D) Nothing in this section shall be construed to affect the constitutional functions and responsibilities of Congress and the judicial branch of the United States.

(4) DEFINITIONS.—In this subsection:

(A) GENEVA CONVENTIONS.—The term ''Geneva Conventions'' means—

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3217);

(ii) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(B) THIRD GENEVA CONVENTION.—The term ''Third Geneva Convention'' means the international convention referred to in subparagraph (A)(iii).

(b) REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.—

(1) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(A) 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

(B) by adding at the end the following new subsection:

''(d) COMMON ARTICLE 3 VIOLATIONS.—

''(1) PROHIBITED CONDUCT.—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 OR INHUMAN TREATMENT.—The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

''(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 subsection, one or more persons taking no active part in the hostilities, including those placed out of 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 subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause, by disfiguring the person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of his body, 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 a 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 paragraphs (1)(A) and (1)(B) 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;

''(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;

''(D) the term 'serious physical pain or suffering' shall be applied for purposes of paragraph (1)(B) as meaning bodily injury that involves—

''(i) a substantial risk of death;

''(ii) extreme physical pain;

''(iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or

''(iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and

''(E) the term 'serious mental pain or suffering' shall be applied for purposes of paragraph (1)(B) in accordance with the meaning given the term 'severe mental pain or suffering' (as defined in section 2340(2) of this title), except that—

''(i) the term 'serious' shall replace the term 'severe' where it appears; and

''(ii) as to conduct occurring after the date of the enactment of the Military Commissions Act of 2006, the term 'serious and nontransitory mental harm (which need not be prolonged)' shall replace the term 'prolonged mental harm' where it appears.

''(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) or 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.

''(5) DEFINITION OF GRAVE BREACHES.—The definitions in this subsection are intended only to define the grave breaches of common Article 3 and not the full scope of United States obligations under that Article.''.

(2) RETROACTIVE APPLICABILITY.—The amendments made by this subsection, except as specified in subsection (d)(2)(E) of section 2441 of title 18, United States Code, shall take effect as of November 26, 1997, as if enacted immediately after the amendments made by section 583 of Public Law 105–118 (as amended by section 4002(e)(7) of Public Law 107–273).

(c) ADDITIONAL PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this subsection, the term ''cruel, inhuman, or degrading treatment or punishment'' means cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

(3) COMPLIANCE.—The President shall take action to ensure compliance with this subsection, including through the establishment of administrative rules and procedures.

SEC. 7. HABEAS CORPUS MATTERS.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking both the subsection (e) added by section 1005(e)(1) of Public Law 109–148 (119 Stat. 2742) and the subsection (e) added by added by section 1405(e)(1) of Public Law 109–163 (119 Stat. 3477) and inserting the following new subsection (e):

''(e)(1) No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

''(2) Except as provided in paragraphs (2) and (3) of section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), no court, justice, or judge shall have jurisdiction to hear or consider any other action against the United States or its agents relating to any aspect of the detention, transfer, treatment, trial, or conditions of confinement of an alien who is or was detained by the United States and has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act which relate to any aspect of the detention, transfer, treatment, trial, or conditions of detention of an alien detained by the United States since September 11, 2001.

SEC. 8. REVISIONS TO DETAINEE TREATMENT ACT OF 2005 RELATING TO PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.

(a) COUNSEL AND INVESTIGATIONS.—Section 1004(b) of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1(b)) is amended—

(1) by striking ''may provide'' and inserting ''shall provide'';

(2) by inserting ''or investigation'' after ''criminal prosecution''; and

(3) by inserting ''whether before United States courts or agencies, foreign courts or agencies, or international courts or agencies,'' after ''described in that subsection''.

(b) PROTECTION OF PERSONNEL.—Section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd–1) shall apply with respect to any criminal prosecution that—

(1) relates to the detention and interrogation of aliens described in such section;

(2) is grounded in section 2441(c)(3) of title 18, United States Code; and

(3) relates to actions occurring between September 11, 2001, and December 30, 2005.

SEC. 9. REVIEW OF JUDGMENTS OF MILITARY COMMISSIONS.

Section 1005(e)(3) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2740; 10 U.S.C. 801 note) is amended—

(1) in subparagraph (A), by striking ''pursuant to Military Commission Order No. 1. dated August 31, 2005 (or any successor military order)'' and inserting ''by a military commission under chapter 47A of title 10, United States Code'';

(2) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) GRANT OF REVIEW.—Review under this paragraph shall be as of right.'';

(3) in subparagraph (C)—

(A) in clause (i)—

(i) by striking ''pursuant to the military order'' and inserting ''by a military commission''; and

(ii) by striking ''at Guantanamo Bay, Cuba''; and

(B) in clause (ii), by striking ''pursuant to such military order'' and inserting ''by the military commission''; and

(4) in subparagraph (D)(i), by striking ''specified in the military order'' and inserting ''specified for a military commission''.

SEC. 10. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking ''the Department of Defense at Guantanamo Bay, Cuba'' and inserting ''the United States''.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from California.

□ 1200

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3930.

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

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3930, the Military Commissions Act of 2006.

Mr. Speaker, as we debated this bill just a few hours ago, again, I say that I can't think of any better way to honor the fifth anniversary of September 11 than by establishing a system to prosecute the terrorists who on that day murdered thousands of civilians and who continue to seek to kill Americans both on and off the battlefield.

Mr. Speaker, I think that Justice Thomas described best the backdrop against which this legislation is being considered when he said, and I quote, ''We are not engaged in a traditional battle with a nation state but with a worldwide hydra-headed enemy who lurks in the shadows conspiring to reproduce the atrocities of September 11, 2001, and who has boasted of sending suicide bombers into civilian gatherings, has proudly distributed videotapes of beheadings of civilian workers, and has tortured and dismembered captured American soldiers.''

So, Mr. Speaker, we have debated this precisely, this bill, which is precisely the same coming back over from the other body as the bill that we voted on in the full House, where I think we had a robust debate on the issues. But I would just say that this gives us a new body of law that provides a construct under which we can carry out our charge.

And this is an interesting charge to this body and to both Houses of Congress. We were not only requested to do this by the President, but the Supreme Court in the Hamdan case essentially invited, in fact said that we were an essential part of the construct of any tribunal legislation that would set up the new tribunal process; that it had to be a construct that was participated in by

Congress. So you could say, I think, Mr. Speaker, that we have been charged not just by the President but by the Supreme Court with doing our job and putting together this process.

We have pursued the terrorists across the globe. We have captured some, and we have killed many. We have pursued them literally to the ends of the earth. We have caught them at 10,000 foot elevation mountain ranges in caves where they thought they were safe, in so-called safe houses that turned out not to be safe houses. We captured some who, according to our intelligence personnel, helped to design the attack against New York and Washington, DC, and Pennsylvania. And I can think of no more important way to memorialize 9/11 than to produce a justice system that allows us to bring to justice, to bring to the courthouse and show justice to the widows and orphans of 9/11, to the American people, to our fellow citizens and to the world. This system is going to allow us to do this.

This system is a product of extensive negotiations, hundreds of provisions that have been agreed upon and worked and looked at by counsel for both this body, the other body, the U.S. Senate and, of course, the administration. I think it is sound. I think it is solid. I think it will allow for the expeditious prosecution of people who attacked our country.

It gives them a lot of rights. It gives a lot of rights to the terrorists that they would never have in their native land. It also gives them rights that American soldiers don't have. There is no American soldier that has the right to an attorney, to a combatant status review and, if he doesn't like that review, to an appellate court, like the D.C. Circuit Court, to prove that he really was not a combatant in that particular conflict.

So as the American people watch these trials unfold, Mr. Speaker, and they watch the defendants, including some of the people who hurt our country and helped to cause the death of thousands of Americans, they are going to watch them with their taxpayer-paid-for attorneys exercising their rights against self-incrimination, their right to a proof standard beyond a reasonable doubt; they are going to watch a jury system or a commission system that uses a secret ballot so that superior officers can't influence junior officers; they are going to watch all these safeguards that we put in place for justice, and I think the American people are going to say, although there will be some who will say they still didn't have enough rights, but I think the American people will come down on the side of what we have done here in the House.

Mr. Speaker, I rise in support of S. 3930, the ''Military Commissions Act of 2006.'' I can think of no better way to honor the fifth anniversary of September 11th than by establishing a system to prosecute the terrorists who, on that day, murdered thousands of innocent civilians, and who continue to seek to kill Americans both on and off the battlefield.

This is vital legislation important to the national security of the United States.

Our foremost consideration in writing this legislation is to protect American troops and American citizens from harm.

The war against terror has produced a new type of battlefield and a new type of enemy. How is it different? We are fighting a ruthless enemy who does not wear a uniform. A savage enemy who kills civilians, women and children and then boasts about it. A barbaric enemy who beheads innocent civilians by sawing their heads off. An uncivilized enemy who does not acknowledge or respect the laws of war, the Geneva Conventions or any of the guarantees which are recognized by civilized nations.

Justice Thomas put it best in Hamdan. He said we are ''not engaged in a traditional battle with a nation-state, but with a world-wide, hydra-headed enemy, who lurks in the shadows conspiring to reproduce the atrocities of September 11, 2001, and who has boasted of sending suicide bombers into civilian gatherings, has proudly distributed videotapes of beheadings of civilian workers, and has tortured and dismembered captured American soldiers.''

How is the battlefield new? First, it will be a long war. We don't know if this enemy will be defeated this decade, the next decade, or even longer than that. Second, in this new war, where intelligence is more vital than ever, we want to interrogate the enemy. Not to degrade them, but to save the lives of American troops, American civilians, and our allies. But it is not practical on the battlefield to read the enemy their Miranda warnings. On the battlefield we can't have battalions of lawyers. Finally, this is an ongoing conflict and sharing sensitive intelligence sources, methods and other classified information with terrorist detainees could be highly dangerous to national security. I am not prepared to take that risk.

So what we have done is to develop a military commission process that will allow for the effective prosecution of enemy combatants during this ongoing conflict. Without this action, United States has no effective means to try and punish the perpetrators of September 11th, the attack on the USS *Cole* and the embassy bombings.

We provide basic fairness in our prosecutions, but we also preserve the ability of our warfighters to operate effectively on the battlefield.

I think a fair process has two guiding principles:

First, the government must be able to present its case fully and without compromising its intelligence sources or compromising military necessity; and

Second, the prosecutorial process must be done fairly, swiftly and conclusively.

Who are we dealing with in military commissions? We are dealing with the enemy in war, not defendants in our domestic criminal justice system. Some of them have returned to the battlefield after we let them out of Guantanamo. Our primary purpose is to keep them off the battlefield. In doing so, we treat them humanely and if we choose to try them as war criminals we will give them due process rights that the world will respect. But we have to remember they are the enemy in an ongoing war.

In time of war it is not practical to apply to rules of evidence that we do in civilian trials or court-martials for our troops. Commanders and witnesses can't be called from the frontline to testify in a military commission. We need to accommodate rules of evidence, chain of custody and authentication to fit the exigencies of the battlefield. If hearsay is reliable we should use it. If sworn affidavits are reliable, we should use them. I note that the rules of evidence are relaxed in international war crime tribunals for Rwanda and Yugoslavia.

The Supreme Court has suggested that Congress act here to fill the legal void left by the Hamdan decision, but in doing so let's not forget our purpose is to defend the nation against the enemy. We won't lower our standards, we will always treat detainees humanely, but we can't be naive either.

This war started in 1996 with the al Qaeda declaration of jihad against the United States. The Geneva Conventions were written in 1949 and the UCMJ was adopted in 1951. These documents were not written to address the war we are now fighting. In that sense, what we are required to do after Hamdan is broader than war crimes trials, it is the start of a new legal analysis for the long war. It is time for us to think about war crime trials and a process that provides due process and protects national security in the new war.

So what do we do with these new military commissions? We uphold basic human rights and state what our compliance with this standard means for the treatment of detainees. We do this in a way that is fair and the world will acknowledge as fair.

First, we provide accused war criminals at least 26 rights if they are tried by a commission for a war crime. While I will not read them all, here are some of the essential rights we provide.

Right to Counsel, provided by government at trial and throughout appellate proceedings;

Impartial judge;

Presumption of innocence;

Standard of proof beyond a reasonable doubt;

The right to be informed of the charges against him as soon as practicable;

The right to service of charges sufficiently in advance of trial to prepare a defense;

Mr. Speaker, since I am inserting my entire text in the RECORD, I will not read them all at this point.

The right to reasonable continuances;

Right to peremptory challenge against members of the commission and challenges for cause against members of the commission and the military judge;

Witness must testify under oath; judges, counsel and members of military commission must take oath;

Right to enter a plea of not guilty;

The right to obtain witnesses and other evidence;

The right to exculpatory evidence as soon a practicable;

The right to be present at court with the exception of certain classified evidence involving national security, preservation of safety or preventing disruption of proceedings;

The right to a public trial except for national security issues or physical safety issues;

The right to have any findings or sentences announced as soon as detennined;

Right against compulsory self-incrimination;

Right against double jeopardy;

The defense of lack of mental responsibility;

Voting by members of the military commission by secret written ballot;

Prohibitions against unlawful command influence toward members of the commission, counselor military judges;

⅔ vote of members required for conviction; ¾ vote required for sentences of life or over ten years; unanimous verdict required for death penalty;

Verbatim authenticated record of trial;

Cruel or unusual punishments prohibited;

Treatment and discipline during confinement the same as afford to prisoners in U.S. domestic courts;

Right to review of full factual record by convening authority; and

Right to at least two appeals including to a federal Article III appellate court.

We provide all of these rights, and we give them an independent judge, and the right to at least two appeals, including the U.S. Court of Appeals for the District of Columbia and access to the Supreme Court. No one can say this is not a fair system.

I know some of my colleagues are concerned about the issue of reciprocity. I ask them to look at the list of rights I just summarized. And also keep in mind, that these are rights for terrorists. If we are talking about true reciprocity, then we are only concerned about how the enemy will treat American terrorists. These are not our rules for POWs. We treat the legitimate enemy differently and expect them to treat our troops the same.

How do we try the enemy for war crimes? In this Act, Congress authorizes the establishment of military commissions for alien unlawful enemy combatants, which is the legal term we use to define international terrorists and those who aid and support them, in a new separate chapter of Title 10 of the U.S.C. Code, Chapter 47A. While this new chapter is based upon the Uniform Code of Military Justice, it creates an entirely new structure for these trials.

In this bill we provide standards for the admission of evidence, including hearsay evidence and other statements, that are adapted to military exigencies and provide the military judge the necessary discretion to determine if the evidence is reliable and probative.

I want to talk a little bit about how we handle classified evidence. We had three hearings on this bill in addition to briefings and meetings with experts. I asked every witness the same question. If we have an informant, either a CIA agent or an undercover witness of some sort, are we going to tell Kalid Sheik Mohammad who the informant is? This legislation does not allow KSM to learn the identity of the informant. After several twists and turns in the road, after meeting with the Senate and the White House in marathon sessions over the weekend, we have crafted a solution that does not allow the KSM to learn the identify of the informant, yet provides a fair trial. How do we do this? We address this in Section 949d(f) of Section 3. Classified evidence is protected and is privileged from disclosure to the jury and the accused if disclosure would be detrimental to national security. The accused is permitted to be present at all phases of the trial and no evidence is presented to the jury that is not also provided to the accused.

Section 949d(f) makes a clear statement that sources, methods, or activities will be protected and privileged and not shown to the accused, however, the substantive findings of the sources, methods, or activities will be admissible in an unclassified form. This allows the prosecution to present its best case while protecting classified information. In order to do this, the military judge questions the informant outside the presence of the jury and the defendant. In order to give the jury and the defendant a redacted version or the infornant's statement, the just must find: (1) that the sources, methods, or activities by which the U.S. acquired the evidence are classified and (2) the evidence is reliable. Once the judge stamps the informant as reliable, the informant's redacted statement is given to both the jury and the accused. It removes the confrontation issue, yet allows the accused to see the substance of the evidence against him. I think these rules protect classified evidence and yet preserve a fair trial.

Unauthorized disclosures, not only of classified information, but also of our interrogation techniques, are extremely damaging to our intelligence efforts. Our personnel have encountered enemy combatants trained to resist disclosed interrogation techniques thanks to leakers in our media. I'm pleased that with the current Military Commission legislation moving forward, we have reaffirmed our strict adherence to the U.S. anti-torture laws, while at the same time allowing our CIA to move forward with an effective interrogation program whose techniques will not be published in the Federal Register, or God forbid, in another newspaper disclosure. This legislation preserves the necessary flexibility for the President and the CIA to utilize all lawful and effective methods of interrogation. Let me be clear: the bill defines the specific conduct that is prohibited under Common Article 3, but it does not purport to identify interrogation practices to the enemy or to take any particular means of interrogation off the table. Rather, this legislation properly leaves the decision as to the methods of interrogation to the President and to the intelligence professionals at the CIA, so that they may carry forward this vital program that, as the President explained, serves to gather the critical intelligence necessary to protect the country from another catastrophic terrorist attack.

One other point I want to make for the record. As I mentioned earlier, we have modified the rules of evidence to adapt to the battlefield. One of the principles used by the judiciary in criminal prosecutions of our citizens is called the ''fruit of the poisonous tree doctrine.'' The rule provides that evidence derived from information acquired by police officials or the government through unlawful means is not admissible in a criminal prosecution. I want to make it clear that it is our intent with the legislation not to have this doctrine apply to evidence in military commissions. While evidence obtained improperly will not be used directly against an accused, we will not limit the use of any evidence derived from such evidence. The deterrent effect of the exclusionary rule is not something that our soldiers consider when they are fighting a war. The theory of the exclusionary rule is that if the constable blunders, the accused will not suffer. However, we are not going to say that if the soldier blunders, we are not going to punish a savage terrorist. Some rights are reserved for our citizens. Some rights are reserved for civilized people.

Mr. Speaker, this is a complicated piece of legislation. In addition to establishing an entire legal process from start to finish, we address the application of common Article 3 of the Geneva conventions to our current laws.

Section 5 clarifies that the Geneva Conventions are not an enforceable source of rights in any habeas corpus or other civil action or proceeding by an individual in U.S. courts.

Section 6 of the bill amends 18 U.S.C. Section 2441, the War Crimes Act to criminalize grave breaches of common Article 3 of the Geneva Conventions. As amended, the War Crimes Act will fully satisfy our treaty obligations under common Article 3. This amendment is necessary because currently Section (c)(3) of the War Crimes Act defines a war crime as any conduct which constitutes a violation of Common Article 3. Common Article 3 prohibits some actions that are universally condemned, such as murder and torture but also prohibits ''outrages upon personal dignity'' and ''humiliating and degrading treatment,'' phrases which are vague and do not provide adequate guidance to our personnel. Since violation of Common Article 3 is a felony under the War Crimes Act, it is necessary to amend it to provide clarity and certainty to the interpretation of this statute. The surest way to achieve that clarity and certainty is to define a list of specific offenses that constitute war crimes punishable as grave violations of Common Article 3. This is something we need now, because of the Hamdan decision.

Section 6 of the bill also provides that any detainee under the custody or physical control of the United States will not be subject to ''cruel, inhuman or degrading treatment or punishment'' prohibited by the Fifth, Eighth and Fourteenth Amendments to the Constitution, as defined by the U.S. reservations to the UN Convention against Torture. This defines our obligations under Common Article 3 by reference to the U.S. constitutional standard adopted by the Detainee Treatment Act of 2005.

Section 7 of the bill addresses the question of judicial review of claims by detainees by amending 28 U.S.C. Section 2241 to clarify the intent of the Detainee Treatment Act of 2005 to limit the right of detainees to challenge their detention. The practical effect of this amendment will be to eliminate the hundreds of detainee lawsuits that are pending in courts throughout the country and to consolidate all detainee treatment cases in the D.C. Circuit. However, I want to stress that under this provision detainees will retain their opportunity to file legitimate challenges to their status and to challenge convictions by military commissions. Every detainee under confinement in Guantanmo Bay will have their detention reviewed by the U.S. Court of Appeals for the District of Columbia.

Mr. SENSENBRENNER and my other colleagues are going to speak on the rest of the bill, but before I finish I want to make one point very clear. This legislation does not condone or authorize torture in any way. In fact, we make it a war crime, punishable by death, for one of our soldiers or interrogators to torture someone to death. Let me emphasize this again. In Section 6 of this bill, we amend 18 U.S.C. 2441, the War Crimes Act. In this amendment we explicitly provide that torture inflicted upon a person in custody for the purpose of obtaining information is a war crime for which we may prosecute one of our own citizens. While most of this legislation deals with how we handle the enemy, I want to make it crystal clear that nothing in what we are doing condones or allows torture in any way.

There is more to this bill than military commissions, however. H.R. 6166 addresses an issue that Supreme Court created in the Hamdan case. The Court in Hamdan decided that Common Article 3 of the Geneva Conventions—a article that many assumed only applied to regular armies—applies to terrorist organizations, like al Qaeda. As a result of this decision, our brave personnel in the military and other national security agencies are faced with an unpredictable legal landscape because the meaning of certain elements of Common Article 3 are vague.

For example, would a female interrogator of a male Muslim detainee be guilty of violating Common Article 3 because the mere scenario constitutes an outrage upon personal dignity? Such a situation is untenable. It is unfair to our personnel out in the field trying to protect lives here at home. It is Congress' responsibility to draw the lines of what conduct will be criminal.

As a result, we need to amend the War Crimes Act to make clear that only grave breaches of Common Article 3 constitutes a war crime under U.S. law. Let me be clear, under international law a party to the treaty is responsible for incorporating only grave breaches of Common Article 3 in its penal code. My point is simple: Today the Congress is complying with our treaty obligations under Geneva Conventions and today the Congress is following the guidance of the Supreme Court in Hamdan (even though many believe that the Court's decision was ill construed).

Now, some have suggested that H.R. 6166 condones torture or that this bill implicitly permits ''enhanced torture techniques''. These suggestions are absolutely false and they fly in the face of the very words that appear on the pages of this bill.

First—it is illegal under U.S. law to torture. This was true before H.R. 6166 and it will remain true. Moreover, H.R. 6166 makes torture a war crime that can result in the death penalty. This means that under the War Crimes Act, any U.S. personnel that engages in Torture will be subject to prosecution for committing a war crime. Additionally, in the context of military commissions, a statement obtained through torture is not admissible.

Second—this bill makes clear that the way we treat our detainees is guided by treatment standards set by the Congress—last year—in the Detainee Treatment Act, also known as the McCain amendment. This standard is based upon the familiar standards of the U.S. Constitution. Thus, ''cruel, inhuman, and degrading treatment or punishment'' under this section means the cruel, unusual, inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution, as defined by the U.S. reservations to the UN Convention Against Torture.

I believe that the Constitution, which provides the fundamental, underlying protections for the citizens of the United States, provides more than sufficient protections for unlawful enemy combatants. Why should accused terrorist enjoy protections that exceed what the Constitution provides to United States citizens?

Mr. Speaker, in summary, I believe that this legislation is the best way to prosecute enemy terrorists and to protect U.S. Government personnel and service members who are fighting them.

I urge my colleagues to support this vital legislation.

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

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

The history of tribunals goes back to during and after the Second World War: The German saboteurs who were captured at Ponte Verde, Florida, and Long Island were tried before a tribunal; the Japanese leaders who carried out such inhumane treatment toward the American soldiers and prisoners of war, among them General Yamashita and General Tojo; and, of course, the Nuremberg trials held in Nuremberg, Germany, after the war of the Nazis who perpetrated those various crimes.

Now, here we are trying to establish a tribunal or a commission, which we should do and need to do. The Supreme Court, as a result of the Hamdan decision, said that we in Congress need to do it as opposed to an Executive Order. But what we needed to do was to be tough on terrorists. And being a former prosecuting attorney and knowing that the specter that hangs over every prosecutor's head is that a hard-won victory in court will be overturned by an appellate court or by a Supreme Court, we should be tough on the terrorists; not just tough on them with the law but tough on them with certainty, not giving the opportunity through legislation for the overturning of a conviction.

Now, as you know, Mr. Speaker, there are two ways in which a conviction may be overturned. Number one is on the evidence; a mistake made by the judge or a comment made by the prosecutor. On the other hand, someone may have their conviction overturned in the event that the law upon which the conviction is based is unconstitutional. In my debate and comments recently, I pointed out some seven areas of constitutional uncertainty which may very well cause a reversal of a conviction. Consequently, I think this bill before us, as I have said before, is flawed and that will cause us not only to be not tough but to be uncertain that these convictions will be upheld.

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

Mr. HUNTER. Mr. Speaker, I will yield myself such time as I may consume to say, first, that I appreciate the gentleman's participation in the hearings and the briefings and the markup that we had on the initial bill that came out of the Armed Services Committee 52–8, and I would remind my colleagues that, in fact, the appellate route in this particular bill provides for the court of military review, a new court to be set up as a first appellate stop; and secondly, the D.C. Circuit Court. And in channeling all of the actions to the D.C. Circuit Court, we are going to a court that has lots of experience, is building a body of experience in this type of work, and that will keep us from rifle-shooting actions out throughout the country.

I think that makes for an efficient process, and it provides now two appellate reviews, whereas the Democrat substitute had only one appellate review before you would apply for final review by the Supreme Court, which might or might not occur. So instead of one review, we have two reviews. And I think that that is a strengthening, if you will, of this bill that is one more measure to ensure that as we move forward on this process of bringing to justice those who attacked our country, we give them a robust right of appeal.

Having said that, Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER), who is the chairman of the Veterans' Affairs Committee and a former JAG officer himself.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding. I was a good listener to my colleague, Mr. SKELTON, and we have worked very well over the years. Sometimes we disagree, but I think more times we agree than disagree.

In review of the section, though, I would say to my good friend from Missouri that, with regard to how individuals are tried, I have worked with the administration and the Senate and with my good friend LINDSEY GRAHAM. When you start this legislative process, Mr. SKELTON, and you start with five amendments and you end up with a colloquy, some good things must have happened in the process. So I just want my good friend from Missouri to know that a lot of the concerns I had have been worked out with Mr. HUNTER, with his cooperation, and with the Senate and with the administration.

I know some of you have some concerns that didn't get worked out, and I can understand that and I can relate to the gentleman, but with regard to a process here, the Supreme Court struck down the tribunals, said the Congress needs to act on this to come up with a process, and when I examined this, we took some of the best, not only of our own legal system, but we took some of the best out of the UCMJ, and we took some of the best out of the world court to create the military commissions.

So, now, when you look at title 18, the first chapter will be the Federal criminal code that will apply to United States citizens. The second chapter then is the UCMJ, and the third chapter will now be the Code of Military Commissions. In my judgment, the Code of Military Commissions is in fact a process that will reflect America's values, and it will be balanced against the protection of our national security, and it has indispensable judicial guarantees that are recognized by the world.

The Supreme Court, yes, they will examine our commissions, no differently than how they examine the tribunals, but I am left in an area of good comfort, and that is my counsel that I now give to my country, of 26 years' experience not only as a military JAG officer but also the 14 years here helping lead our country. I am

comfortable with regard to this process, not only if I were the military prosecutor but even if I were the military defense counsel, about the protections that we are affording not only this unlawful enemy combatant but making sure that we have a balance of interests.

Yesterday, on the floor, a couple of our colleagues had raised some issues as to whether American citizens could be subject to the Code of Military Commissions and whether or not, if an American citizen was even classified as an enemy combatant, could they then be subject to a military tribunal. The answer is no. American citizens cannot. Mr. HUNTER has made it very clear in this language.

So even a strict constructionist, when they read this language in the Supreme Court, it is very clear. Section 948 says this does not apply to American citizens; that it only applies to aliens. But let's go with an example: Let's say an American citizen has been arrested for aiding and abetting a terrorist, maybe even participating in a conspiracy, or maybe participating in an action that harmed or killed American citizens.

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That American citizen cannot be tried in the military commission. His coconspirators could be tried in a military commission if they were an alien, but if that other coconspirator is an American citizen, they will be prosecuted under title 18 of the first chapter of a Federal crime, or even we could assimilate the State laws under the Assimilated Crimes Act.

I am trying to go into details, and I want to share with the American people here beyond the rhetoric that sometimes you hear on the floor, that with regard to the process itself, I am very comfortable with the fact that American citizens cannot be tried in this.

The reason I am spending a little time on it is that there was an editorial that went out there by a law professor published in the Los Angeles Times. Let me tell you, as a lawyer myself, just because a law professor says it, I am going to tell you what: not necessarily true.

I read his editorial, and I also then looked at the law. Let me now speak unto the law professor: read the bill. Just like what you would do to your law students, you would tell them to read the bill. And when you read the bill and when you open it up, you would find that the words you wrote so that the readers in Southern California would somehow take what, action, or give you credit or credence to your words, your words are false. And that is completely unfortunate.

So hopefully people will begin to understand that this whole issue about these military commissions applying to American people is not true at all.

In the end, let me thank Mr. HUNTER on a good work product. I do wish that, in the end, that this really could have been a product, Mr. SKELTON, that the two of you could have brought together. I don't know what happened there, because I have such respect for both of you.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I am not going to get into any of the torture aspects of this bill, but I do want to address the due process aspects of this bill.

The distinguished chairman says we have created a system of justice with plenty of rights. Well, we have created two systems of justice. First of all, it doesn't have so many rights. You can appeal from the military tribunal, but the military tribunal can hear hearsay evidence and it can hear evidence obtained under coercion, if not torture. That is debatable.

But the appeal is only on matters of law, not fact. So if it is determined that it is you and not someone whose name is similar to you who is the unlawful enemy combatant by the military tribunal, you can't appeal that decision. You can only appeal the process of that decision. The civilian courts have nothing to say on questions of fact. That is number one.

Number two, much more important, the President under this bill has the ability, or Federal bureaucrats, for that matter, to point their finger at anybody in this country or abroad, as long as he is not a citizen, and say you are an enemy combatant because I say so; and because I say so, we are going to throw you in jail forever and you have no right to have a military commission. We may put you before a military commission, in which case what they were talking about applies. We may put you before a combat status review tribunal, in which case what they were talking about applies; but there is no right to do that.

The bill specifically says that this whole process is exempt from the speedy trial requirements of law. So you may be in jail forever because your name was similar to the real guy.

The bill assumes that we need not have the normal protections that we have had since the Magna Carta for people to at least say habeas corpus; bring the body, sir King, before the magistrate to make sure you have the right guy, to make sure there is some basis for holding this person and depriving him of liberty.

There is no such right. This person can be in jail forever without ever going to a military tribunal, without ever going to a combat status review tribunal, without anything.

This, Mr. Speaker, is irrelevant and unconstitutional. This is un-American. It is against all our traditions, to be able to say that people have no rights. It specifically says you have no right to go to any court, a military tribunal or a regular court, to protest that you are being tortured or to allege that you are being tortured. You can't get into court. If you are being tortured, too bad. No one knows about it.

Secondly, you cannot go to court to say they got the wrong guy, because cops never make mistakes, no one ever makes a mistake.

And, finally, the bill is also unconstitutional because it sets up two systems of justice. If you pick up two people in New York, one of them is a citizen, they go to the Federal court, and you accuse them of being unlawful enemy combatants, they go to the regular American system of justice. One is awaiting citizenship but is a permanent resident, he goes through this other. He has no rights and can be in jail forever. That is clearly unconstitutional. It is a denial of equal protection.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, when the gentleman says the President can make any determination he wanted with regard to status, I would just like the gentleman to know that the determination of one's status is done by a tribunal under article V of the Geneva Conventions.

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

Mr. BUYER. I yield to the gentleman from New York.

Mr. NADLER. It is supposed to be done by a tribunal under article V, but the President claims the power. We have never held such a tribunal.

Mr. BUYER. Wait a minute. Reclaiming my time, please do not come to the floor and make things up. As a JAG officer in the first Gulf War, I wrote the practice and procedures for article V tribunals. I participated in the tribunals to determine status, a person's status. The President of the United States does not participate in that process.

So, please, don't be silly and just make things up.

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

Mr. Speaker, let me just go to the Detainee Act. It says that review is done by the District of Columbia relating to any aspect of the detention of an alien, and we have expanded it from Guantanamo Bay to anywhere, who has been determined by the United States District Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in section 1405. So there is a process whereby the review is made with respect to the status of that alien.

Let me go to a second point. The gentleman spoke about hearsay evidence being allowed. That is true. Hearsay evidence is allowed, with certain restrictions. The judge has to find that it is probative, that it is relevant and that it is reliable.

The war crimes tribunals in Yugoslavia and Rwanda allow hearsay evidence. As I recall, the bill that was offered by Mr. SKELTON, that was voted on in the HASC, in the Armed Services

Committee, also allowed for the use of hearsay evidence.

So hearsay evidence, I would say to my friends, is not excluded and has not historically been excluded in war crimes trials in Rwanda, in Yugoslavia.

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

Mr. Speaker, first I would make reference to my friend from Indiana (Mr. BUYER), and thank him for his comments. I am sorry that we don't agree on the basis of this. But thank you for your comments a few moments ago.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Missouri for his defense of basic constitutional principles. I would say that the basic premise of military commissions, that the U.S. military should try unlawful enemy combatants using draconian rules, that basic premise is false.

The jury of commissioned military officers are not peers of these detainees. The detainees are accused of crimes against humanity and should be tried like all other such persons. The U.S. should hand over these detainees to the International Criminal Court. The U.S. should offer evidence that would be legal under our Constitution and the Geneva Conventions. This model of justice would set a precedent for other nations where the rule of law remains unfair, unjust, and inhumane.

The wrong approach is to create a court system that has more in common with the nations that torture, jail and hold indefinitely anyone without legitimate evidence.

The second point: H.R. 6166 and S. 3930 cast a wide net in defining unlawful enemy combatants that would include any American supporter of a national liberation movement which is seeking to overthrow a U.S. Government-supported despot.

For instance, with such a loose definition, the thousands of Americans, many of whom are church clergy, who provided support to the armed and unarmed opposition to the disposed dictatorships of El Salvador and Nicaragua, could have been designated as unlawful enemy combatants.

This hypothetical could occur since, one, it would only take a determination by the President or Secretary of Defense that the opposition to a U.S.-favored dictator was engaged in hostilities against the U.S., and that, two, the act of solidarity by the American clergymen supported the opposition group.

This is very dangerous. It is widely known that the U.S. conducted a dirty war throughout Central and South America to uphold repressive regimes there.

The third point I would like to make is that H.R. 6166 and S. 3930 could make similar solidarity actions in the future a crime. Those crimes should not be triable by military commissions. They would be new crimes and expose Americans to prosecution simply for supporting unfortunate people in other countries who are struggling for their freedom.

The other point is that H.R. 6166 and S. 3930 create a large loophole to keep administration officials out of jail for violations of the War Crimes Act of 1996. Section 4 amends the War Crimes Act to immunize from prosecution civilians who subject people to horrific abuse that may fall short of the definition of torture.

It is clear that senior administrative officials signed off on aggressive and illegal techniques and are potentially liable under the War Crimes Act of 1996. Instead, Congress is going to gut the War Crimes Act to protect those who permitted torture of detainees.

If those who think the so-called war on terror is about ideas such as good versus evil and democracy versus thuggery, then H.R. 6166 sends the wrong message about the true values of Americans. Let's stand up for the principles that this country was founded upon. Let's stand up for the Constitution, for the land of the free, for the home of the brave.

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

Mr. Speaker, let me just make a comment about the fact that we enumerate the crimes that might be committed, what we call the grave offenses under article III.

I think that it accrues to the benefit of our soldiers, sailors, airmen and marines and our intelligence agents that they know what the crimes are when they have people in custody, and the fact that those grave crimes, and they are enumerated, are defined, gives clarity to our folks so they know what the offenses are. I think that serves the purpose. It does not disserve the purpose.

But the idea that we have also reserved to the President on nongrave offenses, and again, one of the examples that was given by expert testimony was if you use the term ''degrading,'' you could charge that a female colonel JAG officer interrogating a Muslim male is in and of itself degrading, because it is a female interrogating a male, and in their culture that would be considered to be degrading.

I think it is important not to expose that female JAG officer to liability. And it is important, therefore, when you have what you might consider to be minor infractions to not label that person, that American, a war criminal, but to allow the President as Commander in Chief to put forth regulations.

So I think this is a good fit, and it gives the thing that is most important to personnel, and that is clarity.

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

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

Mr. BUYER. What I would like to share with everyone, having done interrogations, I have interrogated Iraqi high command when I was at the Western Enemy Prisoner of War Camp. I assure you that trying to use any type of method to torture or beat the person you are trying to interrogate, I assure you, you never want to do that as an interrogator, because whatever he is going to say is really not going to be helpful to you. So as an interrogator, it is the last thing. It wouldn't even enter your mind that you want to do this type of thing.

The only time, I won't say the only time, some of the most difficult situations are usually what we find in the field where time is of the essence, where someone has just been killed, you are in a battlefield situation, you have gotten a prisoner and you need to know who they are and where they just went. That is generally where bad things happen. It is not at a garrison, in prison or a detention center.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

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

Mr. WU. Mr. Speaker, this is a sad day in the long history of this Chamber and of this Congress because today we break faith with the basic tenets of Anglo-American law that have come down from the Magna Carta, through the attempts of Charles I to suspend the writ of habeas corpus, to the challenges that American Presidents have faced in every stressful conflict situation in this Nation's history.

□ 1230

Although we should care about the rights of aliens seized in other countries, we should care, what we are debating today are the rights of American citizens here in the United States.

If my wife, a sixth generation Oregonian, were seized up and detained under the law we are considering today, she would disappear into a black hole of detention with no access to article 3 courts. At best, she would get a military tribunal, and that is not what American citizens deserve. The Koramatsu case from World War II is still the law of the land. It has not been overturned. And what it stands for is the proposition that civilians can be held by the military in this country. The Koramatsu case has been called a gun pointed at the heart of our civil liberties, and today this Congress loads that weapon.

This law is unwise as it is unconstitutional, and we should not be enacting this in haste. The great writ is one of our great protections. It applies to all Americans, and Americans should not be tried by a military tribunal.

Mr. SKELTON. Mr. Speaker, I recognize the ranking member of the Judiciary Committee (Mr. CONYERS) for 1 minute.

Mr. CONYERS. I thank the gentleman for yielding. He has done great legal work from the Armed Services Committee.

I just keep going through my mind, and this is getting to be a night and

day job, because I have a Member I respect so much in judiciary, Mr. LUNGREN, who keeps trying to tell us that there are two writs of habeas corpus. A wonderful idea, if it were only true.

The statutory writ of habeas corpus, I say to my colleague from California, is to implement the great writ in the Constitution. So to be telling us repeatedly, repeatedly, and I have got the cases, I have been waiting for this great moment in American judiciary history, that there are two writs and that you have got to know which one you are talking about is absolutely incorrect.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas, SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the distinguished ranking member of the Armed Services for his very insightful, instructive messages on the dilemma we face in Iraq and Afghanistan. Let me also acknowledge that there are individuals who have had firsthand experience in the military courts.

Having gone to a law school that had a very outstanding JAG school, I understand the importance of military law and was one time a member of the U.S. Military Court of Appeals.

But I think it is important that we make this argument understandable, because in a few hours the President will give to my friends on the other side of the aisle an opportunity of bragging rights by having signed a bill that has been rushed through this process and has totally ignored the Supreme Court's decision.

Why are we standing here on this side of the aisle seemingly making arguments that don't promote security and safety in the United States? Well, that interpretation is totally wrong, because not one of us wants to take away the tools that would ensure America's security. But what we are concerned about are the faces here who represent those who have lost their lives on the front lines of Iraq and Afghanistan, and they continue over and over again. We have concerns about the life they sacrifice and the soldiers that they left behind. We know that soldiers don't leave comrades on the battlefield, injured or lost in the line of battle.

Today, this military tribunal commission will leave our soldiers on the battlefield, for what it does is it creates the atmosphere, no matter whether we are in a guerilla war or we are in the confrontational wars that we know of World War I and II. It is to ensure that the treatment of our soldiers, if caught by the enemy, will reflect the lack of treatment that we have given here.

Mr. SKELTON has made it very clear, we could fix this, because he would have provided an expedited Constitution review of the entire matter to give the opportunity for entry into the courts under habeas. It would also require that these military commissions, because they are eliminating rights, we are not saying releasing people, we are saying eliminating rights, that then get translated to the miserable treatment of those who were incarcerated or taken off the battlefield that are our soldiers.

Secondly, it refuses to give reauthorization language to the military commissions. We don't know where we will be in 3 years. We don't know how negatively this will impact our soldiers on the battlefield, which next conflict that, God forbid, we may have to be engaged in.

Also, the language that my friends have go beyond the scope of the Supreme Court's decision in Hamdan to decide whether or not detainees have habeas rights. The court already decided they do. Or whether or not the habeas provisions in the Detainee Treatment Act are constitutionally legal. The habeas provisions in the legislation are contrary to congressional intent in the Detainee Treatment Act. In that act, Congress did not intend to strip the courts of jurisdiction over the pending habeas.

In addition, although my friends say they fixed it, they also deny the rights which I had an amendment to to utilize the Geneva Conventions language to say that you were tortured or not tortured, even if you would put that defense in a classified presentation.

So in concluding, let me say we owe them a debt of gratitude. Let's vote down this tribunal to save future lives.

I rise in strong opposition to S. 3930, the Military Commissions Act. I oppose this bill because I stand strong for our troops. I stand strong for the Constitution. I stand strong for the values that have made our country, the United States of America, the greatest country in the history of the world. I oppose this legislation because it is not becoming a nation that is strong in its values, confident of its future, and proud of its ancient heritage.

Mr. Speaker, let us be crystal clear: All Americans, and Democrats especially, want those responsible for 9/11 and other terrorist acts to be tried fairly and punished accordingly, and we want those convictions to be upheld by our courts.

Democrats want the President to have the best possible intelligence to prevent future terrorist attacks on the United States and its allies.

Democrats agreed with the President when he said "whether the terrorists are brought to justice or justice brought to the terrorists, justice will be done." But Democrats understand that justice requires the Congress to establish a system for trying suspected terrorists that not only is fundamentally fair but also consistent with the Geneva Convention.

We should abide by the Geneva Convention not out of some slavish devotion to international law or desire to coddle terrorists, but because adherence to the Geneva Convention protects American troops and affirms American values.

S. 3930, the compromise before us, includes some improvements that I strongly support. For example, evidence obtained through torture can no longer be used against the accused. Similarly, the compromise bill provides that hearsay evidence can be challenged as unreliable.

Perhaps the most important improvement over the bill passed by the House is that accused terrorists will have the right to rebut all evidence offered by the prosecution. As is the case in the existing military justice system, classified evidence can be summarized, redacted, declassified, or otherwise made available to the accused without compromising sources or methods. This change to the bill goes a long way toward minimizing the chance that an accused may be convicted with secret evidence, a shameful practice favored by dictators and totalitarians but beneath the dignity of a great nation like the United States. As Senator JOHN MCCAIN said:

I think it's important that we stand by 200 years of legal precedents concerning classified information because the defendant should have a right to know what evidence is being used.

However, I am concerned that there is reason to believe that even with this compromise legislation, this system of military commissions may lead to endless litigation and get struck down by the courts. Then we would find ourselves back here again next year, or five years from now, trying to develop a system that can finally bring the likes of Khalid Sheik Mohammed to justice. Why would we want to give terrorist detainees a "get out of jail free" card when we can avoid that by establishing military commissions that work. As currently written, the compromise bill has provisions that could lead to the reversal of a conviction.

Specifically, the bill contains a section that strips the federal courts of jurisdiction over habeas corpus petitions filed prior to the passage of the Detainee Treatment Act last December on behalf of detainees at Guantanamo Bay. Mr. Speaker, nine former federal judges were so alarmed by this prospect that they were compelled go public with their concerns:

Congress would thus be skating on this constitutional ice in depriving the federal courts of their power to hear the cases of Guantanamo detainees. . . . If one goal of the provision is to bring these cases to a speedy conclusion, we can assure from our considerable experience that eliminating habeas would be unconstitutional.

Mr. Speaker, common Article 3 of the Geneva Convention requires that a military commission be a regularly constituted court affording all the necessary "judicial guarantees which are recognized as indispensable by civilized peoples. Notwithstanding the provision in the House bill that the military commissions established therein satisfy this standard, the fact is that other nations will agree. Simply saying so does not make it so. Moreover, they may well be right. Consider this, Mr. Speaker:

The compromise allows statements to be entered into evidence that were obtained through cruel, inhuman and degrading treatment and lesser forms of coercion if the statement was obtained before passage of the Detainee Treatment Act last December.

To provide limited immunity to government agents involved in the CIA detention and interrogation program, the bill amends the War Crimes Act of 1996 to encompass only ''grave breaches'' of the Geneva Conventions. U.S. agents could not be tried under the War Crimes Act of 1996 to encompass only ''grave breaches'' of the Geneva Convention. U.S. agents could not be tried under the

War Crimes Act for past actions that degraded and humiliated detainees. The bill also limits any use of international law such as the Geneva Convention in interpreting the War Crimes Act.

Mr. Speaker, what is sometimes lost sight of in all the tumult and commotion is that the reason we have observed the Geneva Conventions " since their adoption in 1949 is to protect members of our military. But as the Judge Advocate Generals pointed out, the compromise bill could place United States servicemembers at risk by establishing an entirely new international standard that American troops could be subjected to if captured overseas. As Rear Admiral Bruce McDonald testified:

I go back to the reciprocity issue that we raised earlier, that I would be very concerned about other nations looking in on the United States and making a determination that, if it's good enough for the United States, it's good enough for us, and perhaps doing a lot of damage and harm internationally if one of our servicemen or -women were taken and held as a detainee.

What's more, Mr. Speaker, the Geneva Conventions also protect those not in uniform—special forces personnel, diplomatic personnel, CIA agents, contractors, journalists, missionaries, relief workers and all other civilians. Changing our commitment to this treaty could endanger them, as well.

We can fix these deficiencies easily if we only we have the will. What we should do is recommit the bill with instructions to add two important elements: (1) expedited constitutional review of the legislation; and (2) a requirement that these military commissions be reauthorized after three years.

Under expedited review, the constitutionality of the military commission system could be tested and determined quickly and early—before there are trials and convictions. And it would help provide stability and sure-footing for novel legislation that sets up a military commissions system unlike anything in American history.

Such an approach provides no additional rights to alleged terrorists. All it does is give the Supreme Court of the United States the ability to decide whether the military commissions system under this act is legal or not. It simply guarantees rapid judicial review.

REQUIRING REAUTHORIZATION IN THREE YEARS

Second, any system of military commissions to deal with detainees should be required to be reauthorized in three years. There are several good for requiring Congress to reaffirm its judgment that such tribunals are necessary:

The Military Commissions Act of 2006 is a far-reaching measure that implements an entirely new kind of military justice system outside the Uniform Code of Military Justice. It has many complex provisions.

This legislation has been rushed to the floor. It has numerous provisions that are still poorly understood by many in Congress. By requiring a reauthorization in three years, we give Congress the ability to carefully review how this statute is working in the real world.

Providing for a reauthorization in three years is the best way to ensure congressional oversight. This reauthorization requirement will allow Congress to evaluate the effectiveness of the military commission provisions and decide whether they need any modifications in the future.

The reauthorization requirement in the PATRIOT Act has worked well—compelling Congress to review how various provisions in the PATRIOT Act have worked. As a result of congressional review, important modifications in the PATRIOT Act were signed into law in January 2006 when 16 provisions were reauthorized.

Mr. Speaker, even Republicans on the House Judiciary Committee admitted that the only way Congress was able to get information out of the Justice Department about the operation of the PATRIOT Act was that Congress had to reauthorize it—similarly, the only way Congress will be able to perform proper oversight on military commissions is this similar requirement that the program must be reauthorized. The reauthorization requirement is a critical tool in Congress' ability to hold the Administration accountable and review the military commission program's performance.

Mr. Speaker, I cannot recall being asked to render final judgment on a matter of such scope, consequence, and moment in so short a period of time with such a sparsely developed legislative record. Now is not the time to rush blindly forward. Rather, now more than ever, it is important to take our time and make the right decision and establish the right policy. And the right policy is not to jettison the Geneva Convention.

We should not try to redefine the Geneva Convention. We should not do anything to alter our international obligations in an election-year rush. We cannot use international law only when it is convenient and expedient. Our commitment to the Geneva Conventions gives us the moral high ground. This is true in both a long war against radical terrorists and a war for the hearts and minds of people from every religion and every nation. If we compromise our values, the terrorists win. As Senator MCCAIN has said: "This is not about the terrorists are, this is about who we are."

The United States was one of the prime architects of the Geneva Conventions and other international laws. Our goal was to protect prisoners of war in all kinds of armed conflicts and insure that no one would be outside the law of war. Coming shortly after World War II, they knew the horrors of war but they still chose to limit the inhumanity of war by establishing minimum protections of due process and humane treatment, even for those accused of grave breaches of the Conventions.

Mr. Speaker, our nation has the finest military in the world. Our nation also deserves to have the finest military justice system in the world. I oppose S. 3930 because it departs significantly from the tried and true procedures established in the UCMJ.

The United States has long served as the model for the world of a civilized society that effectively blends security and human liberty. When we refuse to observe the very international standards for the treatment of detainees, which we were so instrumental in developing, we provide encouragement for others around the world to do the same. Our British allies have demonstrated that these traditional principles can be adhered to without distinguishing the ability to provide for the security of its citizens. We must do likewise.

Mr. Speaker, the treatment and trials of detainees by the United States is too important not to do it right. In the words of Jonathan Winthrop, often quoted by President Reagan, "for we must consider that we shall be as a City upon a hill. The eyes of all people are upon us." Let us act worthy of ourselves and our nation.

So Mr. Speaker, I stand in opposition to this legislation. But I do not stand alone. I stand with former Secretary of State Colin Powell. I stand with former Chairman of the Joint Chiefs John Vesey. I stand with the 911 Families Opposed to Administration Efforts to Undermine Geneva Conventions. I stand with the retired federal judges and admirals and Judge Advocate Generals.

The bill before us is not the right way to do justice by the American people. I therefore cannot support it and I urge my colleagues to reject it. We have time to come up with a better product and we should. The American people deserve no less. The eyes of the world are upon us. Let us act worthy of ourselves.

Mr. SKELTON. I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill says the term ''unlawful enemy combatant,'' means, one, a person who is engaged in hostilities or who is purposefully and materially supportive of hostilities against the United States; or, two, a person who has been determined to be an unlawful enemy combat status, review tribunal, or another competent tribunal established under the authority of the President.

In other words, you could become an unlawful enemy combatant because you are adjudged by a tribunal; or, one, because the President says so without a tribunal. Otherwise, this language has no meaning. That's page 3 of the bill.

And if you look at page 93 of the bill, you find that no court shall have jurisdiction to hear an application for writ of habeas corpus or for an application relating to any aspect of the detention transfer, treatment, trial, or conditions of confinement of an alien who is an unlawful enemy combatant.

In other words, anyone other than the citizen can be accused by the President or by any bureaucrat of being an unlawful enemy combatant, thrown into jail, and get no benefits.

We have heard repeatedly that we are giving rights to terrorism. No, we are not. We are not trying to give rights to terrorists. We are saying that before someone is accused of rape or murder, you don't string them up; you first give them a trial and then string them up.

And what they are saying, what this bill says is the President or his designee can designate someone as an unlawful enemy combatant, and, with no trial, no hearing, no status review, no nothing, throw them in jail forever. That is un-American. It is worse than what we rebelled against the King of England for in 1776, and we should be ashamed of ourselves.

Mr. HUNTER. I yield myself such time as I may consume, Mr. Speaker. And let me make five points here.

First, there is nothing in this language that directs people to pick up or not pick up people. This is the language. This bill designs and constructs military commissions. On page 8 of the bill it gives the jurisdiction of the commission, and it says: ''A military commission under this chapter shall have

jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.'' That would allow us also to try those folks from the Cole and the Embassy bombings.

With respect to habeas, there is no soldier in the world, no POW in the world from our research who has a habeas right.

And let me go to Mr. WU's point. Mr. WU said, when we pointed out the Detainee Treatment Act provided for review, he said that he thought it expired because it was attached to an appropriations bill and expired annually. That is not so. It is a permanent code. So the Detainee Treatment Act is in place. And if the gentleman can show me where it is expired, we will be happy to entertain that.

Secondly, the gentleman also said that it was procedural only. I am referring to the Detainee Treatment Act that says that the court has the jurisdiction to review relating to any aspect, and I am quoting, any aspect of the detention of the person in question, relating to any aspect. And, of course, that would go as to whether he was a combatant. So it was not as you stated, it is not simply a procedural review.

So I just want to go over those points.

I reserve the balance of my time.

Mr. SKELTON. I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), who is a member of the Armed Services Committee.

Mrs. DAVIS of California. Mr. Speaker, I want to give this administration, any administration, the ability to prosecute, convict, and punish individuals who have committed terrorist acts and who are planning acts against the United States. But we must do this under the guidelines outlined by the Supreme Court in Hamdan v. Rumsfeld.

The Court entrusted this Congress with the duty to reform military tribunals in a matter consistent with the Constitution and international treaty obligations.

While the Senate attempted to respect our obligations under Geneva, concern remains. We have heard that on many occasions that this bill will grant the Executive the power to define certain types of interrogation methods that may be inconsistent with common article 3 of the Geneva Conventions.

Now, Mr. Speaker, in response to Hamdan, the House Armed Services Committee heard from current and former judge advocate generals. Mr. Speaker, I listened to them. Their testimony was compelling. Many spoke out against modifying the Geneva Conventions in any way, in anyway, because of the risk that this provision could put our troops in harm's way and could be found to be inconsistent with Hamdan. Congress must ensure that this doesn't happen.

In this bill, I believe, Mr. Speaker, that we miss an opportunity to be absolutely clear on these points and to show the world that America can be tough on terrorism while staying true to the values we hold so dear.

Ms. JACKSON-LEE of Texas. If the gentlewoman would yield just for a moment. I thank you for your comments. I think it should be clear that the framework for soldiers may not be habeas in civilian language, but there is a procedure that soldiers would have to be able to petition their detention, and it is a military term. And what we are seeing in the military tribunals commission language is that doesn't exist.

□ 1245

Mr. SKELTON. Mr. Speaker, in closing, let me say that being tough on terrorists not only centers about a conviction, a judgment rendered on what they did, whether it be the death penalty, life imprisonment or a term of years but also centers upon the fact that there is certainty after a conviction; and the last thing I want to see coming out of this is for there to be a reversal on appeal which destroys certainty because of what we did in this law.

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

Mr. HUNTER. Mr. Speaker, I yield the balance of my time to the distinguished chairman of our Veterans Committee and former JAG officer, Mr. BUYER, for our closing remarks.

Mr. BUYER. Mr. Speaker, to bring a chill into the debate, the issue of who can be detained is not addressed in this bill. This bill is about trying alien detainees who are unlawful enemy combatants. Nothing in this bill changes the Detainee Treatment Act of 2005.

The SPEAKER pro tempore (Mr. PRICE of Georgia). All time has expired.

The Chair recognizes the gentleman from Wisconsin.

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

Mr. Speaker, I rise in support of S. 3930, the Military Commissions Act of 2006, which is identical to legislation this House passed in a bipartisan manner on Wednesday evening by a vote 253–168. The other body voted 65–34 to approve this bill last night.

Let me say that the only reason we are here today is because the other body has committed a flagrant act of legislative plagiarism, once again. The House passed its version of the bill first. They would not take up a bill with an ''H.R.'' number but instead picked up the work product that this House did, put an ''S.'' number on it, and thus required us to have an hour debate on this issue for a second time.

I regret that, and I think all of the arguments that were made on Wednesday when we fully and thoroughly debated this bill are just as valid today as they were 2 days ago. Because there is not one word changed in the legislation between the time it passed the House and the time the Senate reintroduced it with an ''S.'' number and put us through an hour debate on the rule and an hour debate on the same bill, in my opinion unnecessarily.

Having said that, on the merits of the bill, the way we treat terrorist enemy combatants sends a strong signal to the rest of the world about our commitment to the rule of law. This legislation says we will not subject enemy combatants in our custody to the cruel and brutal treatment they regularly utilize against our soldiers and civilians.

At the same time, this bill makes it clear to the terrorists and their lawyers in America that America will not allow them to subvert our judicial process nor to disrupt the war on terror with unnecessary or frivolous lawsuits. The bill strikes the right balance. It establishes a mechanism that is full and fair but also is orderly and efficient.

Indeed, the bill provides some 26 new rights to terrorist detainees, far more rights than any other system employed in history to try suspected war criminals. Those who have suggested that this legislation will be found unconstitutional are misguided.

In this legislation, we accomplish precisely what a majority of the Supreme Court, and particularly Justice Breyer, invited us to do in the Hamdan case: construct a full set of rules for conducting military commissions that meet the fundamental test of fairness under our Constitution.

On habeas corpus, let me again restate Congress' understanding of the law, because it is against this backdrop that we pass this legislation today.

The Supreme Court has never held that the Constitution's protections, including habeas corpus, extend to noncitizens held outside the United States. To repeat, the Supreme Court has never held that the habeas corpus protections contained in the Constitution apply to noncitizens held outside the United States.

In fact, the Supreme Court rejected such an argument in the 1950 case of Johnson v. Eisentrager. That portion of Eisentrager is still good law. Moreover, in the 1990 Verdugo case, the court reiterated that aliens detained in the United States but with no substantial connection to our country cannot avail themselves of the Constitution's protections.

If the Supreme Court follows its own precedents and takes seriously its invitation to Congress to legislate in this area, the Court should have no problem concluding that this bill passes constitutional muster.

As we consider this legislation, it is important to remember, first and foremost, that this bill is about prosecuting the most dangerous terrorist that America has ever confronted, individuals like Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, or Ahbd Nashiri, who planned the attack on the USS *Cole*. None of their victims was treated with the same kind of respect for human life and the rule of law that is embodied in this legislation.

I urge my colleagues to support this legislation, and let me reiterate for my colleagues the 26 rights for terrorist detainees that are created by this legislation. They include:

The right to be informed of the charges against them as soon as practicable;

The right to service of charges sufficiently in advance of trial to prepare a defense;

The right to reasonable continuances;

The right to preemptory challenge against members of the commission and challenges for cause against members of the commission and the military judge;

Witness must testify under oath, and judges, counsels and members of the military commission must take an oath.

There is a right to enter a plea of not guilty.

There is a right to obtain witnesses in other evidence.

There is a right to exculpatory evidence as soon as possible.

There is a right to be present in court with the exception of certain classified evidence involving national security, preservation of safety or preventing disruption of proceedings;

The right to a public trial except for national security issues or physical safety issues;

The right to have any findings or sentences announced as soon as determined;

The right against compulsory self-incrimination;

The right against double jeopardy;

The defense of lack of mental responsibility;

Voting by members of the military commission by secret written ballot;

Prohibition against unlawful command influence toward members of the commission, counsel or military judges;

Two-thirds vote of members required for conviction and three-quarters vote required for sentence of life or over 10 years, and unanimous verdict required for the death penalty;

Verbatim authenticated record of trial;

Cruel or unusual punishments are prohibited;

Treatment and discipline during confinement the same as afforded to prisoners in U.S. domestic courts;

The right to review the full factual record by the convening authority; and

The right to at least two appeals, including to a Federal Article III appellate court.

I submit, Mr. Speaker, that none of the people who have been beheaded by terrorists had any of those rights.

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

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

Mr. Speaker, I would like to begin by inserting the New York Times editorial of September 28 entitled ''Rushing Off a Cliff.''

[From the New York Times, Sept. 28, 2006]

RUSHING OFF A CLIFF

Here's what happens when this irresponsible Congress railroads a profoundly important bill to serve the mindless politics of a midterm election: The Bush administration uses Republicans' fear of losing their majority to push through ghastly ideas about antiterrorism that will make American troops less safe and do lasting damage to our 217-year-old nation of laws—while actually doing nothing to protect the nation from terrorists. Democrats betray their principles to avoid last-minute attack ads. Our democracy is the big loser.

Republicans say Congress must act right now to create procedures for charging and trying terrorists—because the men accused of plotting the 9/11 attacks are available for trial. That's pure propaganda. Those men could have been tried and convicted long ago, but President Bush chose not to. He held them in illegal detention, had them questioned in ways that will make real trials very hard, and invented a transparently illegal system of kangaroo courts to convict them.

It was only after the Supreme Court issued the inevitable ruling striking down Mr. Bush's shadow penal system that he adopted his tone of urgency. It serves a cynical goal: Republican strategists think they can win this fall, not by passing a good law but by forcing Democrats to vote against a bad one so they could be made to look soft on terrorism.

Last week, the White House and three Republican senators announced a terrible deal on this legislation that gave Mr. Bush most of what he wanted, including a blanket waiver for crimes Americans may have committed in the service of his antiterrorism policies. Then Vice President Dick Cheney and his willing lawmakers rewrote the rest of the measure so that it would give Mr. Bush the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

These are some of the bill's biggest flaws:

Enemy Combatants: A dangerously broad definition of ''illegal enemy combatant'' in the bill could subject legal residents of the United States, as well as foreign citizens living in their own countries, to summary arrest and indefinite detention with no hope of appeal. The president could give the power to apply this label to anyone he wanted.

The Geneva Conventions: The bill would repudiate a half-century of international precedent by allowing Mr. Bush to decide on his own what abusive interrogation methods he considered permissible. And his decision could stay secret—there's no requirement that this list be published.

Habeas Corpus: Detainees in U.S. military prisons would lose the basic right to challenge their imprisonment. These cases do not clog the courts, nor coddle terrorists. They simply give wrongly imprisoned people a chance to prove their innocence.

Judicial Review: The courts would have no power to review any aspect of this new system, except verdicts by military tribunals. The bill would limit appeals and bar legal actions based on the Geneva Conventions, directly or indirectly. All Mr. Bush would have to do to lock anyone up forever is to declare him an illegal combatant and not have a trial.

Coerced Evidence: Coerced evidence would be permissible if a judge considered it reliable—already a contradiction in terms—and relevant. Coercion is defined in a way that exempts anything done before the passage of the 2005 Detainee Treatment Act, and anything else Mr. Bush chooses.

Secret Evidence: American standards of justice prohibit evidence and testimony that is kept secret from the defendant, whether the accused is a corporate executive or a mass murderer. But the bill as redrafted by Mr. Cheney seems to weaken protections against such evidence.

Offenses: The definition of torture is unacceptably narrow, a virtual reprise of the deeply cynical memos the administration produced after 9/11. Rape and sexual assault are defined in a retrograde way that covers only forced or coerced activity, and not other forms of nonconsensual sex. The bill would effectively eliminate the idea of rape as torture.

There is not enough time to fix these bills, especially since the few Republicans who call themselves moderates have been whipped into line, and the Democratic leadership in the Senate seems to have misplaced its spine. If there was ever a moment for a filibuster, this was it.

We don't blame the Democrats for being frightened. The Republicans have made it clear that they'll use any opportunity to brand anyone who votes against this bill as a terrorist enabler. But Americans of the future won't remember the pragmatic arguments for caving in to the administration.

They'll know that in 2006, Congress passed a tyrannical law that will be ranked with the low points in American democracy, our generation's version of the Alien and Sedition Acts.

Mr. Speaker, the New York Times editorial summarizes the simple fact that what we are doing is giving the President the power to jail, and I am quoting from the editorial, pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

I want to repeat that, because I could have taken a lot of time to say the same thing.

The President in this measure would be given the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

Is there anybody that would really want to implement a piece of legislation on this last day before recess that would do that?

Well, maybe there is innocent error. I have talked about the very esteemed Attorney General from California who has up until today been arguing that there are two writs of habeas corpus.

But then I come to the gentleman from Indiana who says that there is nothing in this bill that relates to who can be detained. He says absolutely nothing.

The first page of the bill starts off with ''unlawful enemy combatant.'' The term ''unlawful enemy combatant'' means a person who has engaged in hostilities or who has purposefully or materially supported hostilities against the United States, and they go

on to tell you that he can be subjected to a combatant status review tribunal or any other tribunal established under the authority of the President or the Secretary of Defense. That's the first page.

Then I get to my esteemed chairman of the committee that the United States has never held that people can be detained outside of the U.S. and have habeas rights. Well, as my colleague, the gentleman from New York (Mr. NADLER), points out, we are talking about being picked up and held indefinitely from Chicago. You don't have to be outside of the U.S. That's the problem. This is the most drastic piece of legislation that has ever come before the House of Representatives dealing with the writ of habeas corpus.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, the radical nature of this bill is that, as the gentleman from Michigan said, anybody picked up in Chicago can be subject to this bill. The President can determine unilaterally, look at paragraph 1 on page 3, that someone is an unlawful enemy combatant, or they can put the person before a tribunal, paragraph 2 on page 3, to decide if he is an enemy combatant. But you don't have to have a tribunal.

A little later it says that military tribunals are not subject to the speedy trial rule. So someone can be determined by the executive branch to be an unlawful enemy combatant, someone in America, never have a trial, never go before a combat status review tribunal, never go before a military commission, have none of the rights everybody is talking about, and be held in jail forever. That is wrong.

Secondly, the gentleman who was debating me before said soldiers have never had rights to habeas corpus. Certainly, if you pick up someone on the battlefield with a rifle in his arms, he shouldn't have habeas corpus. But if you pick up somebody in Chicago or New York or Los Angeles, who is to say that person is an unlawful enemy combatant? If you pick up somebody in Chicago or New York and say he is a murderer or a rapist and you want to hold him in jail until you can have a trial, you go before a judge and say, here is our evidence. There is some evidence that he is, in fact, a murderer or rapist to justify keeping him in jail.

□ 1300

Under this, though, you say he is an unlawful enemy combatant and that's that. You never hear from him again. That is against all our traditions. It makes the President a dictator because someone who claims the power to put someone in jail forever, with no hearing, no evidence, and no recourse, is a dictator. And on page 93 of the bill it says that no court shall have jurisdiction to entertain habeas corpus, which is simply a request to say show me why you are holding me in jail, or to entertain any action saying, Hey, you are torturing me, about the condition of confinement. So you can take this person because the President says so, put him in jail, subject him to any torture or whatever, and whatever you write in the law doesn't matter because no court can hear the case. There is no one to bring the complaint before it. That is wrong and it is insupportable.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from California, Mr. LUNGREN, was so moved by the last speech that I yield him 2 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, let me make clear, first of all, the distinguished ranking member of the full committee referred to the first page of the bill, but he needs to go on further, to section 948b subsection (a), which defines the purpose of the military tribunals, where it says: ''This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants.'' So where initially he referred to the definition of unlawful enemy combatants, this bill refers to ''alien'' unlawful enemy combatants engaged in hostilities against the U.S. So you can't pick up just anybody in the United States.

Section 948a(3) defines an alien as a person who is not a citizen of the United States. Therefore, the language of the bill before us precludes the use of military commissions to try citizens of the U.S.

Second, the limitations on habeas corpus also only apply to alien enemy combatants. By its very terms, section 7 says that ''no court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained . . . '' Therefore, under the expressed terms of the bill, an American citizen will have the unencumbered ability to challenge his or her detention as they have under the Constitution.

So let's not confuse it. Let's read all sections of the bill. We are dealing with, as the bill says, ''alien unlawful enemy combatants,'' those people who are not in uniform, those people who are not following the rules of international law with respect to war, those people who hide behind women and children, those people who use the very fact that they are not identified as ''legal combatants'' to try to kill and maim Americans around the world.

That is what this tribunal is set up for, and to give them more rights than they would have virtually anywhere else and in any other system, as articulated by the chairman of the full committee. So let's not confuse the facts.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a superlative member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. He has waged a powerful argument.

My good friend from California is arguing, if we had taken the time to clarify this bill. Let me tell you what is really in the bill.

First of all, as I continue to acknowledge the existence of the lost lives of our soldiers, the bill does not clarify this whole definition. We have 11,000 non-U.S. citizens serving in the United States Army. We have individuals who are U.S. legal aliens, United States citizens. There is no clarification that they could not be defined as an unlawful enemy combatant. The definition of ''alien'' is unclear. In some places it is defined; in some places it is not.

In addition, the Geneva Conventions is not respected. We have taken this away from the McCain-Warner compromise, and we have destroyed it because what we have done is given the President, not this President, any President, the ability to adjudge what the Geneva Conventions, how to interpret it, how to utilize it.

This is a wrong way to ago. This should have more time. This is not a political opportunity. This is not a campaign speech. These are the lives of our soldiers.

Mr. Speaker, at this time I will insert into the RECORD a letter from admirals and, as well, the 9/11 families opposing the military tribunal commission.

SEPTEMBER 12, 2006.

Senator JOHN WARNER,
Chairman, U.S. Senate Committee on Armed Services, Russell Office Building, U.S. Senate, Washington, DC.

Senator CARL LEVIN,
Ranking Member, U.S. Senate Committee on Armed Services, Russell Office Building, U.S. Senate, Washington, DC.

We find it necessary yet again to communicate with you about issues arising out of our policies concerning detainees held at Guantanamo Bay. It would appear that each time the U.S. Supreme Court speaks, efforts are taken to reverse by legislation the decision of the Court. We refer, of course, to the Supreme Court's Rasul and Hamdan decisions and to the provision in the Administration's proposed Military Comissions Act of 2006 that would strip the federal courts of jurisdiction over even the pending habeas cases that have been brought by the detainees at Guantanamo to challenge the basis for their detention. We urge you to reject any such habeas-stripping provision.

As we have argued and agreed since 9/11, it is necessary for Congress to enact legislation to create military commissions that recognize both the basic notions of due process and the need for specialized rules and procedures to deal with the new paradigm we call the war on terror. This effort must cover those already charged with violating the laws of war and those newly transferred to Guantanamo Bay.

But the military commissions we are now fashioning will have no application to the vast majority of the detainees who have never been charged, and most likely never will be charged. These detainees will not go before any commissions, but will continue to be held as ''enemy combatants.'' It is critical to these detainees, who have not been charged with any crime, that Congress not

strip the courts of jurisdiction to hear their pending habeas cases. The habeas cases are the only avenue open for them to challenge the bases for their detention—potentially life imprisonment—as ''enemy combatants.''

We strongly agree with those who have argued that we must arrive at a position worthy of American values, i.e., that we will not allow military commissions to rely on secret evidence, hearsay, and evidence obtained by torture. But it would be utterly inconsistent, and unworthy of American values, to include language in the draft bill that would, at the same time, strip the courts of habeas jurisdiction and allow detainees to be held, potentially for life, based on CSRT determinations that relied on just such evidence. The effect would be to give greater protections to the likes of Khalid Sheikh Mohammed than to the vast majority of the Guantanamo detainees, who claim that they had nothing to do with al Qaeda or the Taliban.

We are on a course that should have been plotted and navigated years ago, and we might be close to consensus. We ask that, in the closing moments of your consideration of this vital bill, you restore the faith of those who long have been a voice for simple commitment to our longstanding basic principles, to our integrity as a nation, and to the rule of law. We urge you to oppose any further erosion of the proper authority of our courts and to reject any provision that would strip the courts of habeas jurisdiction.

As Alexander Hamilton and James Madison emphasized in the Federalist Papers, the writ of habeas corpus embodies principles fundamental to our nation. It is the essence of the rule of law, ensuring that neither king nor executive may deprive a person of liberty without some independent review to ensure that the detention has a reasonable basis in law and fact. That right must be preserved. Fair hearings do not jeopardize our security. They are what our country stands for.

Sincerely,

JOHN D. HUTSON,
Rear Admiral, JAGC, USN (Ret.).
DONALD J. GUTER,
Rear Admiral JAGC, USN (Ret.).
DAVID M. BRAHMS,
Brigadier General, USMC (Ret.).

9/11 FAMILIES OPPOSE ADMINISTRATION EFFORTS TO UNDERMINE GENEVA CONVENTIONS

WASHINGTON, D.C.—Today 9/11 family members sent a letter to the Senate strongly opposing the Bush Administration's proposals to undermine the Geneva Conventions, decriminalize brutal interrogations and create military commissions lacking fundamental due process guarantees.

The letter challenges the Administration's claim that the Military Commissions Act of 2006 is needed to make America safer. ''There are those who would like to portray the legislation as a choice between supporting the rights of terrorists and keeping the United States safe. We reject this argument. We believe that adopting policies against terrorism which honor our values and our international commitments makes us safer and is the smarter strategy.''

The letter urges members of Congress to reject any legislation which is at all ambiguous on the criminality of brutal interrogation techniques and to oppose supporting military trials that lack due process and judicial accountability.

The letter was signed by the parents of a FDNY fireman killed in the World Trade Center collapse, the mother of a NYPD policeman, along with relatives of victims from all four of the attacks, including a passenger on Flight 93 that crashed in Pennsylvania.

The letter closes by urging members of Congress to ''reject the Administration's ill-conceived proposals which will make us both less safe and less proud as a nation.''

SEPTEMBER 14, 2006.

DEAR SENATOR: As members of families who lost loved ones in the 9/11 attacks, we are writing to express our deep concern over the provisions of the Administration's proposed Military Commissions Act of 2006.

There are those who would like to portray the legislation as a choice between supporting the rights of terrorists and keeping the United States safe. We reject this argument. We believe that adopting policies against terrorism which honor our values and our international commitments makes us safer and is the smarter strategy.

We do not believe that the United States should decriminalize cruel and inhuman interrogations. The Geneva Convention rules against brutal interrogations have long had the strong support of the U.S. because they protect our citizens. We should not be sending a message to the world that we now believe that torture and cruel treatment is sometimes acceptable. Moreover, the Administration's own representatives at the Pentagon have strongly affirmed in just the last few days that torture and abuse do not produce reliable information. No legislation should have your support if it is at all ambiguous on this issue.

Nor do we believe that it is in the interest of the United States to create a system of military courts that violate basic notions of due process and lack truly independent judicial oversight. Not only does this violate our most cherished values and send the wrong message to the world, it also runs the risk that the system will again be struck down resulting in even more delay.

We believe that we must have policies that reflect what is best in the United States rather than compromising our values out of fear. As John McCain has said, ''This is not about who the terrorists are, this is about who we are.'' We urge you to reject the Administration's ill-conceived proposals which will make us both less safe and less proud as a nation.

Sincerely,

Marilynn Rosenthal, Nicholas H. Ruth, Adele Welty, Nissa Youngren, Terry Greene, John LeBlanc, Andrea LeBlanc, Ryan Amundson, Barry Amundson, Colleen Kelly, Terry Kay Rockefeller, John William Harris.

David Potorti, Donna Marsh O' Connor, Kjell Youngren, Blake Allison, Tia Kminek, Jennifer Glick, Lorie Van Auken, Mindy Kleinberg, Anthony Aversano, Paula Shapiro, Valerie Lucznikowska, Lloyd Glick.

James and Patricia Perry, Anne M. Mulderry, Marion Kminek, Alissa Rosenberg-Torres, Kelly Campbell, Bruce Wallace, John M. Leinung, Kristen Breitweiser, Patricia Casazza, Michael A. Casazza, Loretta J. Filipov, Joan Glick.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I rise to talk about briefly coddling terrorists.

There is no one in this body, no one in this country who wants to coddle terrorists. But let me remind my friends that Saddam Hussein was taken out of a hole and captured. And we did not torture him, and we have accorded him legal rights to hear the evidence, to address the court, and be represented by counsel. Why did we do that? Because we wanted to coddle Saddam Hussein? Did this administration want to coddle Saddam Hussein? Absolutely not. But because our values and the values of the international community suggested that.

And the ''Butcher of Belgrade,'' Milosevic, who murdered tens of thousands of people and ethnically cleansed 2 million people, we accorded him legal rights because we wanted to coddle him? No. Because that was our value system.

And, yes, even the butchers of Berlin, those who murdered millions of people in the Second World War, at Nuremburg were given their rights to see the evidence, to confront their accusers, and to have the proof adduced at trial. Why did we do that? Because we wanted to coddle the butchers of Berlin? Absolutely not. It was because those are our values, the values of the international community, and the values of our Founding Fathers.

Let us not rush to judgment in this instance. Let us recognize and honor our values. That does not mean that we coddle the murderer, the rapist, or the terrorist. It means that we want a civilized society in which to live in this country and, yes, around the world.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to my colleague from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, we do a grave injustice today because this statute applies to American citizens as well as everybody else.

Fred Korematsu was a U.S. citizen. He was picked up on a U.S. street. And we issued an apology years later.

If we pass this bill today, some future Congress, long after we are out of office, long after we are dead, some future Congress will be issuing an apology.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been an exceedingly interesting discussion here today. I only close by reminding the distinguished member of the Judiciary Committee from California that in the opening parts of this law, this bill, there is no word ''alien'' anywhere in it. It is referring to an unlawful enemy combatant. An unlawful enemy combatant could be an American.

And so I oppose this legislation, finally, because it endangers our troops because we are lowering the standards set forth in the Geneva Conventions by allowing the President to unilaterally interpret the conventions and that can be operative against our own troops. Don't endanger our own troops.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there is one issue that really has not come up in this debate, and that is the immunity that is given in this bill to the people who are interrogating the enemy combatants.

We need to pass this bill so that interrogations can start up again because without the immunity, anybody who is hired by the United States Government to try to find out whom they are planning on blowing up next would be subject to a lawsuit that would be filed by some attorney that would claim that he was representing the public interest.

This is a protection bill for the interrogators. It is something that is needed, and that is another reason why it ought to pass.

Mr. MCGOVERN. Mr. Speaker, I will not take up any more time speaking about why I oppose this bill. I spoke at length during the House debate, and nothing has changed over the past 48 hours to make me believe that undermining our history, values and constitutional commitment to human rights, civil rights, the rule of law, due process and judicial review is the right thing to do.

Instead, I would like to submit for the RECORD the views of others in the face of this monumental mistake this Congress is making in submitting to the demands of an imperial White House.

I ask unanimous consent to submit into the RECORD the following materials:

1. Resolution Condemning Torture by the Conference of Major Superiors of Men;

2. A September 22, 2006 letter from human rights organizations to the U.S. Senate regarding the Military Commissions Act of 2006;

3. September 28, 2006 New York Times editorial, ''Rushing Off a Cliff;'' and

4. ''Questions for the Interrogators,'' Commentary by Fareed Zakaria, September 25, 2006, Newsweek

RESOLUTION CONDEMNING TORTURE

CMSM condemns torture in all its forms regardless of putative justification, and encourages support and help for victims of torture throughout the world, but especially in areas under the control of the United States Government.

Rationale: Jesus' death and resurrection revealed the infinite value of each human being in God's eyes. [Cf. Mt 5:44–48; 10:29–31] Torture is a denial of that value. The Catechism of the Catholic Church condemns torture as ''contrary to respect for the person and for human dignity,'' and Gaudium et Spes of the Second Vatican Council [#27] characterizes as criminal ''all violations of the integrity of the human person, such as mutilation, physical and mental torture, undue psychological pressures,'' including them in a list that also contains ''all offenses against life itself, such as murder, genocide, abortion, euthanasia and willful suicide.''

Resolution: Given the universal condemnation of torture in both International Law and religious documents, the Conference of Major Superiors of Men resolves:

To condemn unequivocally any use of torture by agents of any government for any reason;

To encourage its constituencies to use their resources of education, preaching and advocacy to eliminate use of torture as contrary to both natural law and human dignity, and in fundamental opposition to God's salvific love for humanity:

To join with others to work in advocacy for the abolition of torture, and to offer help and support to victims of torture.

The Justice and Peace office will be responsible for implementation.

Additional Facts/Related Circumstances: Background: ''The torturer has become like the pirate and slave trader before him hostis humani generis, an enemy of all mankind.'' So proclaimed the US Court of Appeals for the Second Circuit in 1980 [Filartiga v. Pena-Irala, 630 F.2d 876 (2nd Cir.(N.Y.) Jun 30, 1980)]. In his 1958 Chicago address to the Radio and Television News Directors Association, Edward R. Murrow said, ''Not every story has two sides.''

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [1984] defines torture as follows:

For the purposes of this Convention, the term ''torture'' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. [A listing of other international documents that condemn torture is available at www.apt.ch/un/Torture%20Definition.doc.]

Recent actions brought to light about the involvement of the U.S. military and other branches of the government in the application of torture to prisoners demand a faith-based response. The USCCB has spoken as follows on the issue:

The United States has a long history of leadership and strong support for human rights around the world. Ratifications of the Convention on Civil and Political Rights and the Convention Against Torture embody our nation's commitment to establishing standards of conduct and prohibiting torture and other acts of inhumane treatment of persons in U.S. custody. Tragically, our nation's record has been marred by reported instances of abusive treatment of enemy combatants held in military prisons in Iraq, Afghanistan and Guantanamo Bay, Cuba. [The complete document is available at www.usccb.org/sdwp/international/senateletterretorture100405.pdf.]

The CMSM Executive Committee issued a statement in May of 2004 that included the following:

The Executive Committee of the Conference of Major Superiors of Men is greatly disturbed by the revelations of torture and abuse by U.S. military personnel. We have consistently called for U.S. troops to abide by international standards and laws that govern the treatment of detainees and have questioned the lack of access that international monitoring organizations such as the Red Cross, the Red Crescent, Amnesty International have had at detention centers in Iraq, Afghanistan, and Guantanamo Bay. Reports by independent organizations and military personnel, combined with the photographs and the admission by Administration officials of the abuses indicate that the U.S. military personnel and others contracted by the U.S. to work in the detention centers must be monitored to protect the rights and dignity of detainees.

As people of faith and as leaders of the Catholic congregations of the nearly 23,000 brothers and priests in the United States we believe that we must address this issue. Each human being is created with God-given dignity and each life is precious. This dignity must always be upheld and protected but especially so when an individual is being detained and his or her rights are already limited. They deserved to be treated with dignity and protected from violence and humiliation. As Christians we are deeply troubled that much of the humiliation and abuse violates the beliefs and practices of Islam. As U.S. citizens we are ashamed that those who represent our nation are perpetrating these abuses. We believe that as a nation we stand for the protection of human rights and uphold the dignity of all peoples regardless of their ethnic or religious background and we hold our national and military leaders responsible for the conditions that made these abuses not only possible, but who refused to acknowledge them even after they knew of the abuses.

George Hunsinger of the National Religious Campaign against Torture adapted these words from Dr. Martin Luther King, Jr., delivered at Riverside Church in New York in 1967:

A time comes when silence is betrayal. [People] do not easily assume the task of opposing their government's policy, especially in time of war. We must speak with all the humility that is appropriate to our limited vision, but we must speak. For we are deeply in need of a new way beyond the darkness so close around us. We are called upon to speak for the weak, for the voiceless, for the victims of our nation, for those it calls ''enemy,'' for no document from human hands can make these humans any less our brothers and sisters.

Resources: A powerful article by Gary Haugen titled ''Silence on Suffering: Where are the voices from the Christian community on cruel and degrading treatment of detainees?'' appeared in Christianity Today in October of 2005.

Other useful links: The National Religious Campaign against Torture; Torture Abolition and Survivors Network International; Amnesty International; and Center for the Victims of Torture.

Origin of Proposal: CMSM Justice and Peace Committee.

Budget: none.

Contact Person: T. Michael McNulty, SJ, Justice and Peace Director.

SEPTEMBER 22, 2006.

Hon. JOHN WARNER,
Hon. JOHN MCCAIN,
Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATORS WARNER, MCCAIN AND GRAHAM: We write to express our grave concerns over the reported agreement reached with the White House on the text of the Military Commissions Act of 2006.

While the agreement rejects the Administration's proposal to define and narrow the scope of US obligations under Common Article Three of the Geneva Conventions, its language concerning the War Crimes Act contains potentially dangerous ambiguities. These ambiguities create serious risks for American servicemembers as well as detainees in US custody. We believe that a good faith interpretation of U.S. law, including the Detainee Treatment Act, and U.S. international obligations make it absolutely clear that practices such as waterboarding, cold cell, prolonged standing, sleep deprivation, threats and assaults on prisoners are illegal. These and similar abusive techniques manifestly cause serious mental and physical suffering and constitute grave breaches of Common Article 3. Nonetheless, for several years there have been persistent reports that such techniques have been used on detainees. Moreover, troubling legal justifications for them have been devised and provided to U.S. interrogators. Some of those spurious legal justifications, such as the Bybee Memorandum, have now been abandoned; but there are continuing reports that

other legal justifications have been provided for conduct we consider to be indisputably illegal under both U.S. and international law.

Against this background of repeated legal contortions used to justify and permit torture and abuse—some abandoned, some apparently still in effect—it is absolutely essential that the Congress be clear that these kinds of abusive interrogation techniques are illegal and covered by the War Crimes Act. We urge you to leave no shred of doubt on these crucial issues by naming specific techniques which amount to per se violations of the War Crimes Act or, at a minimum, creating a legislative record that these techniques are prohibited.

We also oppose the provisions in the bill that strip individuals who are detained by the United States of the ability to challenge the factual and legal basis of their detention. Habeas corpus is necessary to avoid wrongful deprivations of liberty and to ensure that executive detentions are not grounded in torture or other abuse. Likewise, we are deeply concerned about the provisions that permit the use of evidence obtained through coercion.

This letter is not intended to offer a comprehensive catalogue of the provisions in the proposed compromise legislation which are of great concern. We appreciate the efforts you have made to insure that abusive interrogations cannot take place and to provide fair judicial procedures for detainees. However, we do not believe that the proposed compromise can be said to have satisfied those important goals and feel strongly that these issues must be resolved.

Sincerely,

Center for Victims of Torture; Brennan Center for Justice at NYU Law School; Center for American Progress Action Fund; Physicians for Human Rights; Washington Office on Latin America; Open Society Policy Center; Amnesty International USA; Human Rights Watch; Center for National Security Studies; Human Rights First; American Civil Liberties Union; Robert F. Kennedy Memorial Center for Human Rights; Center for Human Rights and Global Justice, NYU School of Law.

[From the New York Times, Sept. 28, 2006]

RUSHING OFF A CLIFF

Here's what happens when this irresponsible Congress railroads a profoundly important bill to serve the mindless politics of a midterm election: The Bush administration uses Republicans' fear of losing their majority to push through ghastly ideas about antiterrorism that will make American troops less safe and do lasting damage to our 217-year-old nation of laws—while actually doing nothing to protect the nation from terrorists. Democrats betray their principles to avoid last-minute attack ads. Our democracy is the big loser.

Republicans say Congress must act right now to create procedures for charging and trying terrorists—because the men accused of plotting the 9/11 attacks are available for trial. That's pure propaganda. Those men could have been tried and convicted long ago, but President Bush chose not to. He held them in illegal detention, had them questioned in ways that will make real trials very hard, and invented a transparently illegal system of kangaroo courts to convict them.

It was only after the Supreme Court issued the inevitable ruling striking down Mr. Bush's shadow penal system that he adopted his tone of urgency. It serves a cynical goal: Republican strategists think they can win this fall, not by passing a good law but by forcing Democrats to vote against a bad one so they could be made to look soft on terrorism.

Last week, the White House and three Republican senators announced a terrible deal on this legislation that gave Mr. Bush most of what he wanted, including a blanket waiver for crimes Americans may have committed in the service of his antiterrorism policies. Then Vice President Dick Cheney and his willing lawmakers rewrote the rest of the measure so that it would give Mr. Bush the power to jail pretty much anyone he wants for as long as he wants without charging them, to unilaterally reinterpret the Geneva Conventions, to authorize what normal people consider torture, and to deny justice to hundreds of men captured in error.

These are some of the bill's biggest flaws:

Enemy Combatants: A dangerously broad definition of ''illegal enemy combatant'' in the bill could subject legal residents of the United States, as well as foreign citizens living in their own countries, to summary arrest and indefinite detention with no hope of appeal. The president could give the power to apply this label to anyone he wanted.

The Geneva Conventions: 'The bill would repudiate a half-century of international precedent by allowing Mr. Bush to decide on his own what abusive interrogation methods he considered permissible. And his decision could stay secret—there's no requirement that this list be published.

Habeas Corpus: Detainees in U.S. military prisons would lose the basic right to challenge their imprisonment. These cases do not clog the courts, nor coddle terrorists. They simply give wrongly imprisoned people a chance to prove their innocence.

Judicial Review: The courts would have no power to review any aspect of this new system, except verdicts by military tribunals. The bill would limit appeals and bar legal actions based on the Geneva Conventions, directly or indirectly. All Mr. Bush would have to do to lock anyone up forever is to declare him an illegal combatant and not have a trial.

Coerced Evidence: Coerced evidence would be permissible if a judge considered it reliable—already a contradiction in terms—and relevant. Coercion is defined in a way that exempts anything done before the passage of the 2005 Detainee Treatment Act, and anything else Mr. Bush chooses.

Secret Evidence: American standards of justice prohibit evidence and testimony that is kept secret from the defendant, whether the accused is a corporate executive or a mass murderer. But the bill as redrafted by Mr. Cheney seems to weaken protections against such evidence.

Offenses: The definition of torture is unacceptably narrow, a virtual reprise of the deeply cynical memos the administration produced after 9/11. Rape and sexual assault are defined in a retrograde way that covers only forced or coerced activity, and not other forms of nonconsensual sex. The bill would effectively eliminate the idea of rape as torture.

There is not enough time to fix these bills, especially since the few Republicans who call themselves moderates have been whipped into line, and the Democratic leadership in the Senate seems to have misplaced its spine. If there was ever a moment for a filibuster, this was it.

We don't blame the Democrats for being frightened. The Republicans have made it clear that they'll use any opportunity to brand anyone who votes against this bill as a terrorist enabler. But Americans of the future won't remember the pragmatic arguments for caving in to the administration.

They'll know that in 2006, Congress passed a tyrannical law that will be ranked with the low points in American democracy, our generation's version of the Alien and Sedition Acts.

[From Newsweek, Sept. 25, 2006]

QUESTIONS FOR THE INTERROGATORS

(By Fareed Zakaria]

A fierce debate over military tribunals has erupted in Washington. This is great news. The American constitutional system is finally working. The idea that the war on terror should be fought unilaterally by the executive branch—a theory the Bush administration promulgated for its entire first term—has died. The secret prisons have come out of the dark. Guantánamo will have to be closed or transformed.

The president and the legislative branch are negotiating a new system to determine the guilt or innocence of terrorism suspects, and it will have to pass muster with the courts. It is heartening as well that some of the key senators challenging the president's position are senior Republicans. Principle is triumphing over partisanship. Let's hope the debate will end with the United States' embracing a position that will allow America to reclaim the moral high ground.

The administration's policy has undergone a sea change. The executive branch has abandoned the idea that ''enemy combatants''—that is, anyone so defined by the White House or Defense Department—may be locked up indefinitely without ever being charged, that secret prisons can be maintained, that congressional input or oversight is unnecessary and that international laws and treaties are irrelevant. The Geneva Conventions, in particular, were dismissed during the administration's first term by the then White House counsel Alberto Gonzales for their ''quaint'' protections of prisoners and ''obsolete'' limitations on interrogations. Donald Rumsfeld publicly announced that the Conventions no longer applied. The Bush administration's basic legal argument, formulated by officials like the Justice Department's John Yoo, was that this was a new kind of war, that the executive branch needed complete freedom and flexibility, with no checks or balances.

''There has been a paradigm shift on this whole issue,' a senior administration official told me last week. ''The whole legal framework that underpinned the administration's approach in the first term is gone. John Yoo's arguments are simply no longer applicable. You may disagree with where we draw the lines, but we're now using concepts, principles and approaches that are familiar, within the American legal tradition and that of other civilized nations.''

The administration was forced to do much of this by the Supreme Court's recent Hamdan decision and by the bold opposition of senators like John McCain and Lindsey Graham. But several officials, wishing to remain anonymous because of the sensitivity of the matter, said Secretary of State Condoleezza Rice and national security adviser Stephen Hadley had been urging movement in this direction for some time. ''We concluded that this whole structure of prisoners, interrogations, trials and tribunals had to be placed on a sustainable basis,'' said one official. ''That meant Congress had to be involved and the president had to explain the programs and procedures publicly.''

The crucial issue, on which former Secretary of State Colin Powell and other distinguished military figures have stood up to Bush, is the treatment of prisoners under the Geneva Conventions. Powell explained to me his deep concerns about safeguarding American troops if ''we start monkeying around with the common understanding of the Conventions.'' The administration claims that it merely wants to provide specific guidelines,

but the real aim appears to be to let CIA employees engage in ''rough'' interrogations without fear of legal sanctions.

Powell and the senators argue that the guidelines are better left as they are—with a kind of calculated ambiguity that deters U.S. interrogators from testing the limits. ''Clarifying' our treaty obligations will be seen as 'withdrawing' from them,'' warns Senator Graham, a former staff judge advocate in the Air National Guard. He's right. No other nation has sought to narrow the Geneva Conventions' scope by ''clarifying'' them. Does the United States want to be the first? Why not retain the status quo and then consult with other countries that are also grappling with terror suspects and arrive at a genuinely ''common'' clarification of the Conventions? If we ''clarify'' the Conventions to allow, say, waterboarding and other ''rough'' procedures, what happens to a CIA operative who is captured in a foreign country? Can that country ''clarify'' the Conventions and torture him? If it does, would the United States have any basis to condemn it and take action under international law?

Powell made another argument to me. ''Part of the war on terror is an ideological and political struggle,'' he said. ''Our moral posture is one of our best weapons. We're not doing so well on the public-diplomacy front. This would be the wrong signal to send the world.'' The administration seems blind to this political reality. After Guantánamo, Abu Ghraib, Haditha and more, America desperately needs a symbol that showcases its basic decency. Quibbling with the Geneva Conventions is the wrong signal, by the wrong administration, at the wrong time.

Mr. UDALL of Colorado. Mr. Speaker, the Senate-passed bill before us today is identical to H.R. 6166. I could not support that bill when the House considered it earlier this week, and nothing that has happened since then has caused me to change my view that it should not be enacted. So, I must continue to oppose it.

As I said earlier, I agree that Congress should establish clear statutory authority for detaining unlawful enemy combatants and using military tribunals to try them. In fact, I thought this should have been done long age because I took seriously the warnings of legal experts who said the system established by President Bush's unilateral Executive Order lacked departed too far from America's fundamental legal traditions to be immune from serious legal challenges.

That is why for several years I have cosponsored bills to replace that Executive Order with a sound statute that would allow prosecutions to proceed without the same vulnerability to challenge.

Unfortunately, until recently neither the president nor the Republican leadership thought there was a need for Congress to act—the president preferred to insist on unilateral assertions of executive authority, and the leadership was content with an indolent abdication of Congressional authority and responsibility.

Then, earlier this year, the Supreme Court put an end to that approach with its decision in the case of Hamdan v. Rumsfeld, which struck down the system established by the Executive Order—just what many of us had seen coming, and which we had sought to avoid through legislation.

So, we are voting on this bill only because the Supreme Court has forced the Administration to do what it should have done much sooner—come to Congress for legislation. And the voting is occurring this week, under rushed procedures that do not permit consideration of any changes, because, above all, the Republicans have decided they need to claim a legislative victory when they go home to campaign, to help take voters' minds off the Administration's missteps and their own failures.

But I think it is less important to get the job done before the election than to do it right. And, regrettably, I remain convinced that this bill fails that test.

I remain concerned about the bill's specific provisions. But just as serious are my concerns about what the bill does not say. In particular, I am concerned about the lack of any provisions to prevent indefinite detentions of American citizens who have never left the United States.

I cannot support any legislation intended to give the president—any president, of any party authority to throw an American citizen into prison without what the Supreme Court has described as ''a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker.''

As I said when the House first debated this legislation, I prefer to err on the side of caution when I must vote on a measure that is not more clear on this point. And since that earlier debate, my concern—and my unwillingness to vote for this legislation—has been heightened by analyses of experts such as Professor Bruce Akerman of the Yale Law School.

In an analysis published after the earlier vote here in the House—which I am attaching for the benefit of our colleagues—Professor Akerman says: ''The legislation . . . authorizes the president to seize American citizens as enemy combatants, even if they have never left the United States. And once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights. . . . This grants the president enormous power over citizens and legal residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison. . . . What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials.''

And, as Professor Akerman notes: ''We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an ''enemy combatant'' upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent. . . .

''But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the Supreme Court would consider in assessing the limits of presidential authority.''

I do not have the legal expertise to say that Professor Akerman is completely right in this analysis. But I cannot in good conscience vote for this bill on the mere hope that he is wrong.

And, as I said when the House first considered this bill, it is clear that several of its provisions raise enough legal questions that military lawyers say there is a good chance the Supreme Court will rule it unconstitutional.

They may or may not be right about that, but their views deserve to be taken seriously—not only because we in Congress have sworn to uphold the Constitution but also because if our goal truly is to avoid unnecessary delays in bringing terrorists to justice, we need to take care to craft legislation that can and will operate soon, not only after prolonged legal challenges.

Finally, I remain concerned that the bill gives the president the authority to ''interpret the meaning and application'' of U.S. obligations under the Geneva Conventions. Instead of clearly banning abuse and torture, the bill leaves in question whether or not we are authorizing the Executive Branch to carry out some of the very things the Geneva Conventions seek to ban.

I cannot forget or discount the words of RADM Bruce MacDonald, the Navy's Judge Advocate General, who told the Armed Services Committee ''I go back to the reciprocity issue that we raised earlier, that I would be very concerned about other nations looking in on the United States and making a determination that, if it's good enough for the United States, it's good enough for us, and perhaps doing a lot of damage and harm internationally if one of our service men or women were taken and held as a detainee.''

I share that concern, and could not in good conscience support legislation that could put our men and women in uniform at risk.

Mr. Speaker, as I said earlier, establishing a system of military tribunals to bring to trial some of the worst terrorists in the world shouldn't be a partisan matter. It also should not be handled in a rush, without adequate care to get it right. Unfortunately, that has been the process used to develop this legislation and the result is a measure that I think has too many flaws to deserve enactment as it stands.

So, as I said earlier, I cannot support it.

[From the Los Angeles Times, Sept. 28, 2006]

THE WHITE HOUSE WARDEN

(By Bruce Ackerman)

Buried in the complex Senate compromise on detainee treatment is a real shocker, reaching far beyond the legal struggles about foreign terrorist suspects in the Guantanamo Bay fortress. The compromise legislation, which is racing toward the White House, authorizes the president to seize American citizens as enemy combatants, even if they have never left the United States. And once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights.

This dangerous compromise not only authorizes the president to seize and hold terrorists who have fought against our troops ''during an armed conflict,'' it also allows him to seize anybody who has ''purposefully and materially supported hostilities against the United States.'' This grants the president enormous power over citizens and legal

residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison.

Not to worry, say the bill's defenders. The president can't detain somebody who has given money innocently, just those who contributed to terrorists on purpose.

But other provisions of the bill call even this limitation into question. What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials.

Legal residents who aren't citizens are treated even more harshly. The bill entirely cuts off their access to federal habeas corpus, leaving them at the mercy of the president's suspicions.

We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an ''enemy combatant'' upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent.

The new bill, if passed, would further entrench presidential power. At the very least, it would encourage the Supreme Court to draw an invidious distinction between citizens and legal residents. There are tens of millions of legal immigrants living among us, and the bill encourages the justices to uphold mass detentions without the semblance of judicial review.

But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the Supreme Court would consider in assessing the limits of presidential authority.

This is no time to play politics with our fundamental freedoms. Even without this massive congressional expansion of the class of enemy combatants, it is by no means clear that the present Supreme Court will protect the Bill of Rights. The Korematsu case—upholding the military detention of tens of thousands of Japanese Americans during World War II—has never been explicitly overruled. It will be tough for the high court to condemn this notorious decision, especially if passions are inflamed by another terrorist incident. But congressional support of presidential power will make it much easier to extend the Korematsu decision to future mass seizures.

Though it may not feel that way, we are living at a moment of relative calm. It would be tragic if the Republican leadership rammed through an election-year measure that would haunt all of us on the morning after the next terrorist attack.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to S. 3930, the Military Commission Act of 2006 because it is too broad, overly inclusive and potentially unconstitutional. While I also vividly remember the horrors of the 9/11 terrorist attacks, I believe that Congress should carefully and constitutionally craft a bill which effectively punishes all terrorists and potential terrorists while at the same time maintaining the safety and security of our citizens from future terrorist attacks.

The definition of an ''unlawful combatant'' in Section 948(a.) of this bill is indicative of its over-inclusiveness. It creates legal loopholes and in my view, leaves even U.S. Citizens vulnerable to being classified as unlawful combatants. This definition does not exclude nor does it seek to exclude U.S. Citizens from being indefinitely detained. The President or one of his designees can simply determine that a fellow U.S. Citizen is an ''unlawful enemy combatant'' and this would suffice as sufficient evidence to detain this citizen indefinitely without any access to his family, an attorney or any form of judicial review.

Furthermore, the term ''purposefully and materially supported hostilities'' is overly broad and would lead to many innocent acts being transformed into terrorist activities.

In an article, Aziz Huq astutely demonstrates the broadness of the term by showing how a fictional character that owns a bodega and allowed Lebanese immigrants to use its services to send money to ''West Beqaa'', an area within the Hezbollah controlled area of Lebanon protectorate is found to have ''purposefully and materially supported hostilities. This scenario is not very farfetched, this piece of legislation has the potential to impact the very foundation of civil liberties and fundamental freedoms on which this country is built. It will impact the American Citizen's freedom of speech, freedom of association and the list could go on.

The bill also further undermines U.S. credibility in the eyes of the international community by granting the President the authority to interpret Art. III of the Geneva Convention an international treaty to which the U.S. is a signatory. This language sets a bad precedence in the international community and only frustrates the goals of established international laws, norms and customs.

If the U.S. President is allowed to reinterpret and apply an international treaty, what would stop other nations from doing the same? Additionally, as noted in his letter to Senator MCCAIN, former U.S. Secretary of State Colin Powell, posited that allowing the President to interpret the Geneva Convention would expose U.S. soldiers to more dangers. Colin Powell emphatically opposed this provision.

S. 3930 also violates separation of powers and the constitutional protection this provides, by stripping the federal court of its habeas review. The independence of the judiciary is one of the fundamental principles on which this democracy is built. Under this bill, the normal appeals process would not be available to the detained ''unlawful enemy combatant.'' Instead the detainee who wishes to appeal an adverse decision has to appeal to a newly established ''Court of Military Commission Review''.

Terrorists must be brought to justice and we must act accordingly to secure our country and our citizens. However, these same goals can be achieved in a constitutional manner. I urge my colleagues to oppose this unworthy bill.

Mr. MICHAUD. Mr. Speaker, the final language for the bill was brought to the floor quickly and without thorough review by the House. I believe that it is important to have a system to try accused terrorists for their war crimes in a quick and fair way. In my original review of the bill, I believed that it took steps to protect fundamental human rights, prevent torture and provide for a fair legal process.

As I have heard from more and more legal experts and from my constituents, it is clear that this bill does not create a system that meets our high American standards for a fair trial and human rights.

Make no mistake; I believe that convicted terrorists must be punished for their war crimes. But it must be done in such a way that the American people are confident that our values are upheld. I do not believe that this bill makes this clear to the American people or to the international community that looks to us as a place of human rights and fairness.

Some people may question me for changing my vote. I believe that elected officials must have the strength to recognize new information and to take it into account to make the right decision. I wish President Bush would do the same thing with our policies in Iraq.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1054, the Senate bill is considered read and the previous question is ordered.

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, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER of California (during consideration of H. Res. 1053) submitted the following conference report and statement on the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes:

[Conference Report will appear in Book II of CONGRESSIONAL RECORD dated September 29, 2006.]

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1053

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 29, 2006.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

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, 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, on Thursday night the Rules Committee met and reported a rule for consideration of resolutions reported by the Rules Committee on the same day. The rule waives clause 6(a) of rule XIII and applies a special waiver to any resolutions reported this legislative day.

Mr. Speaker, it is of the utmost importance for the House to pass this rule and move the debate along so that important legislation may be considered before the House adjourns. Legislation that may be considered under this same-day rule may include the fiscal year 2007 National Defense Authorization Act and the Port Security Act and other measures brought to the floor through a special rule reported by the committee. This rule will provide the House the flexibility and ability to move the remaining legislation in a timely and efficient manner so that we can adjourn this legislative day.

To that end, Mr. Speaker, I urge support of the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this martial law rule.

It is not unusual for a rush of bills, especially conference reports, to come to the House floor in the final hours before a recess or a final adjournment no matter who holds the majority. We are used to seeing that. But the manner in which this House has conducted business over the past week should be a matter of grave concern to all Members no matter what side of the aisle they sit on.

Closed rules have become a norm in this Chamber. Bills that have not gone through committee hearings, markup, or open debate or with a chance for Members to offer and debate thoughtful amendments, bills that magically appear out of thin air with the Republican leadership asking Members to vote ''yes'' on far-reaching legislation that nobody has actually read.

Mr. Speaker, we cannot continue to operate the United States House of Representatives in such a fashion.

□ 1315

It demeans our democracy. It is bad enough that this House is passing bills that will be signed into law that undermine our system of justice and due process both here at home and internationally. But the very way in which this House has carried out legislative business this week is an affront to the Democratic process.

I know that we all want to return home to our districts to meet with our constituents and prepare for the upcoming elections, but I genuinely worry about how we are living up to our oaths of office when I look at how the Republican leadership has shut down debate on some of the most significant issues facing our country.

Mr. Speaker, there are only a few hours left before Congress adjourns to go home. After the most do-nothing Congress in the history of the country, Republican leadership continues to ignore critical issues that are absolutely important to the American people in a rush to get out of Washington.

Some of us, Mr. Speaker, have spoken in the past about the culture of corruption that exists in this institution; and it is more than just about the antics of Mr. DeLay and Mr. Cunningham and Mr. Abramoff. This culture of corruption that we talk about is also about a corruption of the process that allows for this Congress to become a place where trivial issues get debated passionately and important ones not at all. It is a process where rank and file Members of both parties, not just Democrats but Republicans, routinely get locked out of the ability to offer amendments and to be heard on the floor of the people's House.

Now, Mr. Speaker, when gas prices went sky high, President Bush and the Republican-controlled Congress gave tax breaks to the oil companies. They did not give us an opportunity to debate and to vote on a real energy bill that would provide funding for alternative sources of renewable energy. But that is how they responded to that crisis.

When our troops in Iraq and Afghanistan needed body armor, we got ''mission accomplished''. Mr. Speaker, the headlines of the last week alone should show not only how messed up things are in Iraq but how this administration has deceived the American people and deceived this Congress.

And what has been the response of Congress over these many months? Has it been to hold the administration accountable? Has it been to conduct proper oversight?

No. It has been a rubber stamp. Just let things go on as they are. Stay the course, which has become code for stay forever. With American workers crying out for an increase in the minimum wage, President Bush and the Republican-controlled Congress forced through an estate tax cut benefiting only the wealthiest people in this country.

Mr. Speaker, the Federal minimum wage is at $5.15 an hour. $5.15 an hour. It has been frozen that way for 9 years. Now, during those same 9 years, this Congress has given itself pay increases of $31,600. I mean, we have the time. We have the time to give ourselves a pay raise in this body, but we do not have the time to give the American workers a pay raise? $5.15 an hour is what the current Federal minimum wage is.

And would you not think that there would be a sense of urgency in this House of Representatives to not adjourn until we have a clean up or down vote on the minimum wage? No, that is not part of why we are having a martial law rule here today. They are not doing this so they can bring up the Federal minimum wage, an increase in the Federal minimum wage. That is not what this is about.

Mr. Speaker, with the cost of college tuition skyrocketing and student aid not meeting the need, President Bush and the Republican-controlled Congress instead give us a bill congratulating Little League teams. We have done nothing in this Congress to address the real concern and the real need out there by so many American families to help pay for the cost of a college education.

And as thousands of our senior citizens fall into the doughnut hole of the Medicare Prescription Drug Plan, President Bush and the Republican-controlled Congress answered their pleas for help by naming more post offices. We were not given the opportunity to fix the doughnut hole in that prescription drug bill.

We have not been given the opportunity to do what Democrats have been demanding for a long time, and that is to give the Federal Government the ability to negotiate lower drug prices for our senior citizens. That is how the Veterans Administration does it. The VA negotiates on behalf of all of our veterans, thereby getting a better price so that our veterans do not have to pay as much for prescription drugs.

Why cannot we do the same thing for Medicare beneficiaries? We are not doing it because the prescription drug industry and the pharmaceuticals do not want it, and they have contributed mightily to the majority party's campaign for reelection.

Mr. Speaker, it is time for a new direction; and I hope that my colleagues will indicate their frustration with the

way this House has been run and demonstrate their dismay at the lack of accomplishment of this Congress by voting ''no'' on this martial law rule.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just disagree with my good friend from Massachusetts on his characterization of the accomplishments of this Congress. As a matter of fact, if you start ticking off the record, it is pretty impressive: bankruptcy reform, class action lawsuit reform, a transportation bill that put more money into our infrastructure than any transportation bill in American history, significant energy legislation passed last year, dealing with the entitlement spending problem, an across-the-board budget cut.

All of those are genuine accomplishments. Pension reform, bill after bill after bill. Some of them bipartisan, some of them, frankly, passed without the cooperation of our friends.

And, frankly, to criticize us for minimum wage, when in this House we have voted on and passed the minimum wage increase and passed, along with it, a reform of the death tax and tax extender bills that are important, I think is somewhat disingenuous.

That legislation passed with a majority vote on this floor; and, frankly, a majority of the other body favored that legislation. Our friends on the other side of the aisle used their friends on the other side of the rotunda to routinely block progress. Even when the majority of the United States Senate agrees with the will of this House, as was the case with the minimum wage, with ANWR, and another piece of legislation with the tax extenders, with reform of the death tax, an obstructionist minority of Democrats on the other side keep a bipartisan majority from actually reaching the magic 60 vote level that is required in moving legislation forward.

We are not responsible for that. Frankly, I am proud of what we have moved through the floor here.

I also want to disagree with my good friend on the Medicare measure that he discussed in his remarks. Quite frankly, it is something that I think our good friends on the other side of the aisle are embarrassed that they did not support. It was the largest expansion of spending for senior citizens and entitlement spending since 1965. Since 1965.

Now the argument that the Democrats advanced that night, and I was here, was it is not enough. They were not willing to vote for something that was the largest increase in almost 40 years. It simply was not enough. And I think now that tens of thousands of seniors are getting health care that in the past they were not able to get, and that our friends on the other side had nothing to do with that accomplishment puts them in the position where they feel like they have to take away from the achievement that they could have been part of but rejected the opportunity to participate in.

Finally, let me just conclude my observation that there are only two times when we get criticized from the other side of the aisle. That is when we do something and when we do not.

Day after day, and particularly morning after morning this week, we have heard demands from the floor or from the well of this body on the floor that we have up or down votes on issue after issue after issue. Now when we are bringing important issues for up or down votes, issues that in many cases have been dealt with for months through the committee process, we are dealing with conference reports or providing an up or down opportunity, we are criticized for that. So I suspect we are going to be criticized regardless of what we do.

What I am pleased with is the record of accomplishment that this Congress has to offer to the American people in issue after issue. My only regret is that, frankly, our friends on the other side of the aisle have so often chosen to obstruct rather than participate, in my opinion, constructively in this process.

I hope that that changes ahead. Frankly, there have been times when it has been different on this floor. I would hold the pension reform bill out as an example of that. I would also point out on things like the PATRIOT Act, where we had 40 odd of our friends from the other side participating; tort reform, where 70 odd of our friends participated on the other side; there have been many instances of bipartisan reform cooperation. Unfortunately, in my opinion, it has diminished as we have moved forward in the Congress and moved closer to November.

I hope on the other side of November that will change. But I, for one, am very proud of this Congress and what it has accomplished; and I look forward to working with our friends on the other side of the aisle so we can accomplish more in the months that remain in this Congress and, frankly, in the next one.

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

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

Mr. Speaker, I appreciate my friend saying he looks forward to working with us. I look forward to the day that the majority decides to work with those of us in the minority in this Congress.

You know, one of the frustrations that we have, and, again, we have not been given an answer to this question, is why on some of the most important pieces of legislation that have come before this Congress, issues involving wire tapping, issues involving torture, would these bills be brought to the floor under a closed process when there were Democrats and Republicans both coming before the Rules Committee who wanted to have input, who wanted to make their amendments in order, who had some good ideas.

You may not agree with everything. You do not have a monopoly on good ideas. But the fact of the matter is, to shut people down, to just shut everybody out, that not only diminishes this institution, it diminishes this democracy. It is why we believe that there is a culture of corruption that exists in this Congress. You have corrupted this process.

You know, my friend likes to say he is very proud of the record of the Republican Congress. Well, the fact of the matter is, he and a handful of others may be the only people who think that this Congress has done a good job. There is a reason why only 25 percent of the American people approve of the job that this Congress is doing. They are disgusted with the lack of accomplishment on issues that make a difference in their lives.

I do not know about my colleague from Oklahoma, but when I go home, you know, I have a lot of seniors telling me that they have hit that doughnut hole in the prescription drug bill. They do not know what to do about it. I have a lot of my senior citizens say to me, why in the world will you not give the Federal Government the ability to negotiate lower drug prices for our senior citizens? What is so radical about that?

I mean, that is one of those best-business type practices. Why cannot you allow our Government to negotiate lower drug prices for our senior citizens? The reason why is because the people who have funded the Republican National Committee and the campaigns, the pharmaceutical industries, do not want that.

There are people asking me all of the time, you know, why has this Congress not implemented the 9/11 Commission recommendations to make our country safer? You know, a nonpartisan commission that has set forth an agenda that I think almost everybody agrees with, and yet we cannot implement those recommendations.

On the minimum wage, you play politics with the minimum wage. If you cared about the workers of this country who are earning a minimum wage, then you would bring up a minimum wage that would pass. But, no, in order to help low-income workers, you have got to help the richest people in this country. You want to play politics with that issue.

The minimum wage has been stuck at $5.15 an hour for 9 years. You do not have the time to give these workers an increase, but yet we can all give ourselves a pay increase. No wonder why the American people are so fed up with this Congress.

On student aid, students returning to college continue to confront skyrocketing tuition costs; and yet the Republican Congress made it harder to pay for college by cutting $12 billion in student aid. Congress needs to pass and approve the Labor-HHS appropriations bill that restores the massive cuts in college tuition and expands the size and availability of Pell Grants.

You know, why cannot we focus on that? Pass an energy plan that decreases our dependence on foreign oil. Your energy law, you know, written in secret by the Cheney task force and Big Oil and energy lobbyists, gives billions of special interest giveaways to oil and gas companies that are enjoying record profits.

I mean, yeah, you passed some things but things that really do not make a difference to the average working person out there. So you can be proud of your record in this Congress. But I want to tell you, there is a reason why only 25 percent of the American people approve of the way that this Congress has handled its job.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield to the gentleman from California (Mr. HUNTER) to file a conference report.

Mr. HUNTER. Mr. Speaker, I am going to ask to submit a conference report. I just wanted to say that this conference report is largely the product of Mr. Bob Cover, who after many, many years is leaving the Office of Legislative Counsel. We appreciate his great service to our country.

□ 1330

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to take a moment to respond to my good friend from Massachusetts. We simply, I guess, see the world differently. The reality is most of the legislation that comes to this floor that passes is bipartisan, passes with at least a bipartisan vote. It is my friends on the other side who so often find themselves in lonely partisan isolation, less frequent on this side of the aisle.

Again, I could go issue after issue, whether it is tort reform, the PATRIOT Act, bankruptcy reform, the transportation bill, defense bills, there are overwhelming bipartisan votes.

Frankly, I think our friends at this point are more interested in problems than solutions. They simply do not want to run on them. They want to create the impression that the Congress has been neither productive and is overly partisan. That is something we are going to have to agree to disagree on.

I also want to again remind my friend, on the Medicare bill, it is this side of the aisle that provided tens of millions of seniors with prescription drug coverage for the first time ever, and I think if my friend checked the polling reports or checked the rates of satisfaction he would find that it is very, very high. I personally think our friends are disappointed in themselves for not having participated, not having worked with us.

Many times our friends want to negotiate, but they also tell us what is nonnegotiable before we sit down to negotiate. They certainly did that during the Medicare situation. They certainly did that when the administration wanted to discuss Social Security earlier last year: these are the things we will not talk about; now, let us sit down and talk. That is not a negotiation in my opinion.

Finally, I want to remind my friends, when they move on education spending, I would be delighted to debate the record of this Congress and frankly this administration in the area of funding education. The largest increase in spending for education at all levels has occurred during the Bush administration, over 50 percent since 2001. It is this party that has delivered time and time and time again when it came to funding.

Finally, last point, my friend made the point that the minimum wage would pass quote ''if.'' It did pass. This is the point. It came to this floor and passed. It went to the United States Senate. Over half, 57 of our Senators out of a body of 100 of the other body, were in favor of that legislation. It was a minority that blocked the passage of the minimum wage and a minority in the United States Senate. I regret that. We still have time before the Congress is finished to deal with that, and I hope that we do after the election.

I think there are some that would rather have election issues than have a solution. I think when you offer a compromise solution, we had many Members in this body who did not want to raise the minimum wage. We had many Members in this body that did want to raise it. We had also Members that wanted to reform the death tax, those that did not. Most of us on both sides of the aisle were in favor of the extenders. That was actually a very finely crafted compromise that had something for everybody. Our good friends wanted everything for themselves, but nothing for anybody else in terms of the compromise.

I think we have put on this floor a fair bill, a bill we can be proud of. I am very proud to be able to go home and say I voted for a minimum wage increase; when it came to the floor of the House, I voted to reform the death tax; and I voted to extend some important economic tax incentives and a reduction. I wish more of the Congress could, but the majority of us actually can go home and say that.

The majority in the United States Senate can say it. It is the obstructionist minority in the other body that chose not to participate in the compromise with us, but again, there is still time left in the Congress. We will be back here in all likelihood in November and December. I hope that opportunity on the other side of the election will lead us to be able to pass significant compromise legislation. Frankly, I trust that it will.

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

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

I would just again remind those who may be listening that the Republicans control the White House, they control the House of Representatives, and they control the United States Senate. So if they really wanted to increase the minimum wage, they would be able to do it, but they do not; and if anybody believes that it is in their heart to try to increase the minimum wage somehow after the elections are all over with, I think you are in for a rude awakening.

For 9 years, Republicans in Congress proudly refused to raise the minimum wage for hardworking Americans, even as their own pay increased by $31,600. This year the Republicans are playing politics with a pay raise for millions of Americans, killing a minimum wage by attaching it to tax cuts for the wealthiest people in this country. This is how they chose to kill it this year, and they have been killing it every year for 9 years. I mean, that is their legacy and we need to change that, and hopefully come November that will change.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), a champion for increasing the minimum wage.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to thank you for your leadership on this matter.

The people on the other side of the aisle, Republicans, always want to talk about the Bible, and you know, the Bible said the poor will always be with us. But our jobs as Members of Congress is to help raise the standard.

A few months ago, I voted against raising the minimum wage. Well, why would I vote against raising the minimum wage? Because I do not think there is anybody in this body supports raising the minimum wage more than I do.

Well, it was a poison pill. It was a kiss of death because what the Republicans did, they tied raising the minimum wage to passing an estate tax. I mean, that would have taken trillions of dollars out of the budget just to help what I call their rich friends.

The Republicans have practiced over and over again what I call reverse Robin Hood, robbing from the poor and working people to give tax breaks to their friends.

So now they put the minimum wage on the floor, but tied it to an estate tax that would have taken thousands and thousands of dollars out of the budget. Yes, we have not dealt with the agenda of the American people.

In closing, the Bible says the poor will always be with us, but our job is to help raise the standard. Give us a clean bill on this floor on minimum wage, and let us vote to help the American people.

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

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

I want to associate myself with the comments of the gentlewoman from Florida who just spoke. Again, the leadership in this Congress, the majority in this Congress, gave themselves a

pay raise, but they cannot bring themselves to giving hardworking American families a pay raise, those who earn the minimum wage. There is something wrong with that equation.

The bottom line is we work for the people of this country, and the Federal minimum wage has been stuck at $5.15 for 9 years. It is disgraceful; and for 9 years this leadership, this majority has proudly stood to fight against increasing the minimum wage. They should be ashamed of themselves. We give ourselves a pay raise, but we cannot give hardworking American families a pay raise.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Massachusetts, and I certainly appreciate his leadership in this matter.

Mr. Speaker, as I hear this discussion today, it is a heartbreaking thing to see this body completely engaged in partisan politics because it does not matter to the American people when they cannot afford their medicine, when they cannot afford health insurance anymore.

Health insurance, the cost has doubled under the Bush administration. They come and pretend and posture and try to give the impression that they care about what happens to the American people.

When America fails, we all share in that failure. We all suffer. We all get part of the pain. When we cannot afford to fill our automobiles up with gasoline, we all suffer. When Social Security is threatened, we all suffer. When the minimum wage is not raised to a reasonable level, we all pay the price.

It is very distressing to know that under the Bush administration and the majority Republican Party leadership in this Congress that we have failed on every count. Not only can we not afford our gasoline or our health care or to educate our children because they have raised the cost of student loans, we know what a mess we have in Iraq. We know what a failure our borders have been under the direction of the Bush administration and the Republican majority in this Congress.

It makes me very distressed to know that we are going to leave here this week very likely without doing anything substantive on any of these issues.

The good news is this: we can go in a new direction. We know how to provide health care to the American people. We know how to provide gasoline they can afford. Is it not a sad state of affairs when we think $2.15 gas is a good deal? We know how to provide prescription medicine to our people at a fair and reasonable price that they can afford and they will not need any government help to purchase it.

One of the great Arkansas companies just came out with a new plan this week that demonstrates the power of massive buying. That is Wal-Mart, and they have a new prescription drug plan that they are going to present to America.

All of these are good things.

We know how to get the job done, and the Democrats cannot wait to get started to see that our people do not have to go to bed wondering if they are going to be able to afford their medicine or their gasoline or their light bill, thinking that they are going to work tomorrow and still be working for $5.15 an hour, wondering if Social Security is going to be there for them. That should be something that there is no question about.

As I said, the Democrats cannot wait to get started in the right direction. We know how to do these things. We are excited about being part of it, and to continue to play these political games on the floor of this great institution is a sad commentary on the corruption of absolute power.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I want to just note for the record I am delighted to finally hear something good about Wal-Mart coming from the other side because generally that is not what we hear, but I agree with my good friend. It is a great company and not just a great Arkansas company, but a great American company.

I also want to say, Mr. Speaker, that I am very proud when I had the opportunity to vote to give tens of millions of seniors drug coverage for the first time in the history, I did.

I am very happy and very proud that when I had the opportunity on this floor to vote for an increase in the minimum wage, I did.

I am very happy when I had the opportunity to vote for, first, the elimination and then the reform of the death tax so small business people and farmers can keep their properties, I did.

I am very glad when the PATRIOT Act came up for reauthorization I had the opportunity to vote to make our country safer and stronger, and I did.

I am very glad I had the opportunity to vote for liability reform for medical cases, and when the opportunity came to vote on the floor, I was pleased to do so.

Finally, when I have had on a number of occasions the opportunity to vote for measures that would increase the energy independence of this country and hold down the escalation of gasoline prices, I have done that. I am very pleased that I had an opportunity to do so.

I think what we are hearing today is unfortunately regret that so many of our friends on the other side of the aisle did not vote for those things when they had the opportunity; and rather than simply express their disagreement, they are simply trying to denigrate the work of the Congress, which has been productive and good for the American people.

So I am pleased with the record of Congress and look forward to going home to talk about it and look forward, again, to the balance of the Congress after the election.

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

Mr. MCGOVERN. Mr. Speaker, could I inquire from the gentleman from Oklahoma how many more speakers he has on his side.

Mr. COLE of Oklahoma. I am prepared to close when the gentleman is.

Mr. MCGOVERN. I thank my friend. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from Oklahoma has 18 minutes remaining.

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

Mr. Speaker, I once again want to express my deep disappointment in the lack of accomplishment of this Congress. I mean, this really is a do-nothing Congress, and there are issues that one would have thought we could have come together in a bipartisan way on, for example, allowing the Federal Government to negotiate cheaper drug prices for our senior citizens that the majority in this House chose not to want to reach out and work with us.

□ 1345

There are issues of energy independence that we could have worked together on that they did not want to work with us on. In fact, as I said in the very beginning, every time we have an idea, every time we want to express a different opinion or want to present a different alternative, we go to the Rules Committee and we are told, no, you are not welcome; no, you are not allowed; no, we are going to shut you out.

That has been the hallmark of this Congress. This is probably the most closed Congress in the history of the country. I don't remember a time when we have had more closed rules, more restrictive rules than we have in this Congress. I am going to tell you, that is something maybe my friend from Oklahoma wants to take some pride in, but I find that shameful. My expectation is that if the Democrats have the privilege of taking over this Congress, Leader PELOSI has already indicated we will have a whole different tone here, and all ideas, not just Democrat ideas but Republican ideas, will be welcome as well.

That is what the American people expect. Every one of us represents the same amount of people in our congressional districts, yet you would never know that when you go to the Rules Committee and people routinely get shut out.

We debated a bill on torture, we debated a bill on wiretaps dealing with people's civil liberties, dealing with the values of this country, and people had some strong opinions, not just Democrats but Republicans, and they were told no, no, no, no, no, you have no

right to come to the floor and offer your opinion.

That is not a democracy. That is not the way this place is supposed to run. This is supposed to be a deliberative body, and we are routinely shut out. I think people are sick of that. People don't want politics as usual. People want a change. They want a new direction. And a new direction is not just in terms of policies but also in terms of tone.

My friends on the other side of the aisle run everything. They run the White House, they run the House of Representatives, and they run the Senate. Yet they cannot get things done. They can't even work with their own Members in the other body. So I think it is time for a change to get people put in places of power who are going to actually be not only advocates for working families in this country but who will deliver and who are going to reach out a hand and try to work in a bipartisan way. That doesn't exist here. There is no bipartisanship here at all. There is none.

So this talk about we want to work together in the future on this issue or that issue, it has not happened in the past, so why should it happen in the future?

Mr. Speaker, before I talk about the previous question, I want to urge Members of this House to vote against this martial law rule. This rule allows the Republican leadership to bring up virtually any piece of legislation with only a few minutes notice to this House. That is just plain wrong. We have no idea what may be coming our way. I mean, they could bring anything up with a few minutes notice. I do not think that is the right way to do business here. I do not think that is the way we should conduct ourselves in the House.

Mr. Speaker, before I get into my previous question speech, my good friend from Virginia (Mr. MORAN) just came to the floor, and I want to yield him 3½ minutes.

Mr. MORAN of Virginia. I thank my very good friend from Massachusetts, who has done such a fine job in succeeding Mr. Moakley on the Rules Committee.

Mr. Speaker, we are about to adjourn, and yet we are going to leave the American people without the resources and the legislation they need to provide the kind of security that the bipartisan 9/11 Commission said was necessary. Five F's and 14 D's on the Commission's scorecard, yet we can't act on the 9/11 Commission's recommendations.

Mr. Speaker, we have the greatest gap in compensation between the rich and the poor that we have ever had since the days of the Great Depression in this country, and yet we can't even see our way through to raising the minimum wage from $5.15 to $7.25 an hour. Shame on this Congress.

Mr. Speaker, there are hundreds of thousands of senior citizens who are being dumped into the doughnut hole as we speak, who are going to have to pay 100 percent of the cost of their prescription drugs. And do you know that there are hundreds of thousands of additional senior citizens, Mr. Speaker, who are going to be stuck with a penalty of paying an extra 7 percent premium for the rest of their lives because we couldn't fix the Medicare prescription drug program to eliminate the monthly penalty and the prohibition on the government's ability to negotiate lower prices? It was written for and passed for the benefit of the drug companies, not the senior citizens of America.

Mr. Speaker, the average college student is graduating from college with a $20,000 debt. They can't afford to go into public service because they have to go into a job that is going to give them the maximum compensation so that they can spend the first few years after graduation in order to pay back their debt.

We have thousands of students who have worked so hard to become eligible for a college education, to become all that their parents want them to be, all that we need them to be, but they can't afford college. Yet we have seen massive cuts in college tuition assistance imposed by this Congress, a Congress that has refused to provide the kind of size and availability of Pell Grants that would have enabled these young people to get to college and to afford college.

Mr. Speaker, not to provide the resources for our students when we will spend over $400 billion on a misguided mission in Iraq is unbelievable, and yet we are ready to recess.

Mr. Speaker, I will conclude with this. I mentioned four reasons why this Congress shouldn't even think of recessing, but there is another one. There is billions of dollars that the large oil companies are getting in tax breaks. They have had more revenue than at any time, more than they could have ever imagined. In fact, in the last quarter, they showed $47 billion of profit, all coming out of the pockets of hard-working Americans, and yet we continue to give them tax breaks. Unbelievable.

Mr. Speaker, this Congress has no business recessing, and this martial law rule certainly should be defeated.

Mr. MCGOVERN. Mr. Speaker, once again, I will be asking Members to vote ''no'' on the previous question so that I can amend this rule and allow for the immediate consideration of the five bills that we on this side of the aisle believe will really make a difference to our Nation's working families.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, these bills are the same ones I talked about yesterday; the same ones I have talked about today. Every Member of this House of Representatives should support the goal of these important legislative initiatives. My amendment would allow each of them to be considered immediately.

The first bill will implement the long-overdue recommendations of the highly respected bipartisan 9/11 Commission. My friends on the other side like to talk about their great record on national security, yet the 9/11 Commission has given them D's and F's for the implementation of their recommendations to better protect our homeland. This would allow that bill to come up immediately.

The second bill would allow us to bring the minimum wage up to $7.25 per hour. It has been stuck at $5.15 an hour for 9 years. You have given yourselves pay raise after pay raise after pay raise. How about giving the American worker a pay raise?

The third bill would let the Secretary of Health and Human Services negotiate for lower prescription drug prices for senior citizens and people with disabilities. Why not? What is wrong with free enterprise? What is wrong with doing what the Veterans Administration has done so effectively? Let us get those prices down lower and keep them low.

The fourth bill would repeal the massive cuts in college tuition assistance opposed by the Congress, and it will expand the size and availability of Pell Grants. People can't afford to go to college any more, and you have made it more difficult. We say we want a 21st century workforce, that we need to make sure our young people get the education they need, and that means they have to be able to afford to go to college.

And, lastly, the fifth bill will roll back the tax breaks for big oil and invest those savings in alternative fuels to achieve energy independence. We are tired of tax break after tax break after tax break and subsidy after subsidy after subsidy for big oil. It is time to be on the side of working families.

Mr. Speaker, each of these bills has enormous potential to help the quality of life for tens of millions of deserving hard-working Americans and their families. We have one more day before we adjourn for more than a month. Let's use this opportunity not for suspension bills but for something that will really make a difference in people's lives, to provide people these opportunities by passing this important legislation that will truly help so many.

So vote ''no'' on the previous question so we can bring up these measures.

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

Mr. COLE of Oklahoma. Mr. Speaker, I know we are not at Halloween yet, but we must be getting close, because we have to scare the American people on issue after issue after issue.

Frankly, most of the measures that my good friend talked about, if they were brought up, would have to be brought up under the very same closed rules he so often voices his concern about.

We are told this Congress somehow operates differently than the others. I simply want to provide for the information of our body some information provided to me by the Congressional Research Service. Same day rules during the last week of session during the final three Democratic Congresses, the Hundred First, the Hundred Second and the Hundred Third, totaled six. Same day rules under the last three Republican Congresses, the Hundred Seventh, the Hundred Eighth and the Hundred Ninth, totaled five. Basically, the body operates about the same way procedurally that it has operated throughout most of its history and certainly throughout its recent history.

I also want to remind my friends who talk about the minimum wage that they had the opportunity to vote for a minimum wage increase. I voted for it. I certainly am happy that I did. I wish more of my friends had. A majority of this body did. Indeed, a bipartisan majority. A bipartisan majority of the United States Senate favored it.

It was my friends' friends on the other side of the rotunda that decided not to enter in and allow that increase to take place because they wanted a perfect bill from their perspective. They didn't want to compromise. They didn't want to give and take. They didn't want to have some discussion. Frankly, what they wanted is what they got, or what they believe they got, which is a political issue for the November elections.

I am hopeful that after the elections are over we can come back here and actually have a discussion and come to a compromise solution, such as was crafted on the floor in this body.

Our friends talk to us a lot about education. I think they should. They probably ought to thank President Bush for being the best friend education ever had. It is President Bush who came up with No Child Left Behind, and it was President Bush who has recommended throughout his tenure over a 50 percent increase in Federal funding of education.

My friends are concerned about the cost of tuition. So am I. I just had a son who graduated. I am very grateful. But, quite frankly, most of that problem is at the State level, where we have State government after State government running enormous surpluses, yet not passing some of that surplus on to higher education institutions and to their own students.

The reality is that after coming in with a recession beginning in 2001, followed by September 11, something that all of us on both sides of the aisle recognize as a dastardly and disastrous event, this administration and this Republican Congress has gotten the economy moving again and has accomplishment after accomplishment to run on. I am not surprised that our friends on the other side see it differently or want to obscure it, but I have profound faith in the good judgment of the American people to understand fiction and understand fact and know the difference between the two.

Mr. Speaker, today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward, pass the necessary legislation, and to do the business of the American people. It is interesting how we have heard complaints by the other side of the aisle that this is a do-nothing Congress, yet at the same time the other side wants to slow down the process today to prevent important bipartisan legislation from being passed. It wants, in effect, to do less, not more.

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.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 1053, BLANKET MARTIAL LAW RULE WAIVING CLAUSE 6(a), RULE XIII

At the end of the resolution add the following new Sections:

Sec. 3. Notwithstanding any other provisions in this resolution and without intervention of any point of order it shall be in order immediately upon adoption of this resolution for the House to consider the bills listed in Sec. 4:

Sec. 4. The bills referred to in Sec. 3. are as follows:

(1) a bill to implement the recommendations of the 9/11 Commission.

(2) a bill to increase the minimum wage to $7.25 per hour.

(3) a bill to provide authority to the Secretary of Health and Human Services to negotiate for lower prescription drug prices for senior citizens and people with disabilities.

(4) a bill to repeal the massive cuts in college tuition assistance imposed by the Congress and to expand the size and availability of Pell Grants.

(5) a bill to roll back tax breaks for large petroleum companies and to invest those savings in alternative fuels to achieve energy independence.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1053, if ordered; and passage of S. 3930.

The vote was taken by electronic device, and there were—yeas 215, nays 197, not voting 20, as follows:

[Roll No. 506]

YEAS—215

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
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
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
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
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
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
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
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
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
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
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Blunt
Boehner
Burgess
Cantor
Case
Castle
Chocola
Evans
Fattah
Foley
Gallegly
Hastings (FL)
Lewis (GA)
Meehan
Ney
Otter
Pence
Strickland
Thompson (MS)
Wilson (SC)

□ 1424

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 193, not voting 12, as follows:

[Roll No. 507]

AYES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
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
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
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)
Linder
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
Oxley
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
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud

Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1432

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.

MILITARY COMMISSIONS ACT OF 2006

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the vote on passage of the Senate bill, S. 3930, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 170, not voting 12, as follows:

[Roll No. 508]

YEAS—250

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
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
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
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
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
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)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
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)
Wolf
Young (AK)
Young (FL)

NAYS—170

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

NOT VOTING—12

Burgess
Case
Castle
Evans
Fattah
Foley
Lewis (GA)
Meehan
Ney
Strickland
Thompson (MS)
Wilson (SC)

□ 1447

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.

Stated for:

Mr. MELANCON. Mr. Speaker, during rollcall vote No. 508 on S. 3930, I mistakenly recorded my vote as "nay" when I should have voted "yea". I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 508.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–703) on the resolution (H. Res. 1062) waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. ROGERS of Kentucky. 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. 5441.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution

1054, I call up the conference report to accompany the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1054, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am pleased to be here today for the consideration of the fiscal 2007 conference agreement for the Department of Homeland Security.

Mr. Speaker, I bring good news for all Americans who want to see our borders are secure from those who are crashing those borders. We are ending the age-old catch-and-release program that has allowed millions of illegal aliens to flood our country. You will hear more about that during this debate today, I hope.

The recent anniversaries of the 9/11 attacks and the 2005 hurricane disasters keep us focused on why we are here today: to protect our citizens and our homeland from any threat to our society and our economy, be it terrorism or natural catastrophe. The funding in this conference agreement ensures the Department of Homeland Security can address the perils that face our communities and reduce our vulnerability to them.

The fiscal 2007 conference agreement provides a total of $34.8 billion for the Department, including an additional $1.8 billion in emergency funds devoted to border security. The total provided is $2.3 billion above the current year and $2.7 billion above what the President asked us for, when you exclude disaster relief funding for Katrina.

This includes more than $21.3 billion for border security and immigration enforcement; $4.34 billion for port, container, and cargo security; $3.4 billion for first responders across the country; $6.4 billion for transportation security; $1.4 billion for research, development, and deployment of innovative technologies; and $1.8 billion to protect national and critical infrastructure.

Five years ago our Nation suffered its most devastating terrorist attack. Since that tragic day, a vigorous national debate over our vulnerabilities, fueled by historic levels of illegal immigration, has resulted in one very clear conclusion: we must do all we can to gain control over our borders and our coastlines to preserve the sovereignty and integrity of our immigration and preserve the strength of our economy.

This conference agreement will provide the resources and direction to build upon the Department's progress and transform our approach to border security from a fragmented, uncoordinated effort into a truly integrated system capable of producing results.

This includes a staggering $1.2 billion to secure the borders with a system of fencing, a system of infrastructure, a system of technology, 1,500 new Border Patrol agents, 6,700 new additional detention bed space for those caught, 650 additional CBP officers, and over $1.7 billion for the procurement of aircraft and vessels to patrol those borders. This massive infusion of moneys will accelerate the Department's goal of obtaining operational control of these borders in less than 5 years, a goal that has become an unquestioned necessity since 9/11.

I want to emphasize that with all these resources we are pouring into this effort will come accountability. We are requiring bi-monthly status reports on the Department's performance and their expenditure of funds on border security. We want to know what is happening every 2 weeks. We are withholding $950 million until the Department provides a detailed border security expenditure plan. They won't get the money until we see the plan. I believe in planning your work and working your plan.

And we are requiring, in bill language, strategic plans for the Secure Border Initiative and port and cargo security. We are absolutely committed to holding the Department accountable and providing the American people with the results that they are demanding of us.

In addition to border security and immigration enforcement, the conference report balances resources across other critical areas of homeland security including:

One, almost $900 million to prevent weapons of mass destruction from entering the country. These funds will enable DHS to speed the deployment of radiation detectors and significantly enhance screening for vehicles and cargo.

Two, $2.5 billion to fund and reform FEMA. The funding and direction contained in the conference agreement will ensure that we do not repeat the errors of 2005, by putting in place the planning, assessment, training, logistics, and communications to enable DHS to prepare for and respond to acts of terrorism and natural disasters.

Three, $6.4 billion for transportation security. The recent disruption of the terrorist plot in London reminds us that transportation security remains a top priority. This report includes critical resources for new cutting-edge technologies to strengthen protection from all modes of travel as well as to increase the capabilities of the Federal air marshals. While we are much safer than 5 years ago, we must sustain that effort to anticipate and defeat threats to our transportation system.

In addition to these significant levels of funding, the conference agreement includes several legislative provisions that will fortify our homeland security, including legislation to criminalize for the first time the construction or financing of a tunnel across or under the U.S. border; two, legislation that significantly strengthens and improves FEMA, a whole new authorizing law; and, thirdly, breakthrough legislation requiring the Department of Homeland Security to regulate security at chemical facilities across the land.

Our homeland security needs are both numerous and they are complex, but I believe this conference report will make a major contribution towards those needs. So I urge my colleagues to support the agreement.

Before I sit down this time, Mr. Speaker, I want to pay special tribute to our staff on both sides of the aisle who have worked long, hard, and laboriously over these last several months. I want to especially thank Michelle Mrdeza, who could not be with us in these final days because of an illness in her family which required her to be absent. But she is retiring from this body. She has been a great servant of the public on this committee for a number of years. Her service has been invaluable and expert, and we will miss her terribly. I want to thank Stephanie Gupta too and the staff of the subcommittee and staff on both sides of the aisle for the great work that they have done.

And, finally, I want to say a word about MARTY SABO, ranking member of this subcommittee, who will be finishing 27 years of service in this body and to the Nation when he leaves office in January seeking greener pastures. This man is a personal friend of mine and all of ours, but he is also an expert on budgetary matters and has become an expert on the homeland security efforts of the country. A huge void will exist on the horizon of this body when MARTY SABO leaves this body.

□ 1500

I cannot say enough in tribute to this man. He has been a helpmate to me and the subcommittee and the country on this bill for a number of years now, as well as before that we served in the same capacities on the Transportation Subcommittee; and of course, as you know, he was chairman of the Budget Committee for a number of years sometime past.

A great public servant whose work is now soon to be finished in this body, but I am confident that his record will stand for the ages. Very few Members of Congress can retire from this body with a greater sense of accomplishment of greatness than our friend, MARTY SABO. The gentleman will be missed in this body.

TRIBUTE TO BRETT DREYER

Mr. Speaker, the Homeland Security Appropriations Subcommittee will soon take leave from our Congressional Fellow, Brett Dreyer,

who, after having served the Committee with great distinction over the past 2 years, will assume new responsibilities as a senior Special Agent for U.S. Immigration and Customs Enforcement (ICE).

Special Agent Dreyer's professional career mirrors some of the transitions of the young Department of Homeland Security. He began his Federal service in Newark, New Jersey as an immigration enforcement agent with the Immigration and Naturalization Service; moved up to become a Criminal Investigator at INS; and then transferred to the U.S. Customs Service. On 9/11, Agent Dreyer helped secure airports as the security situation was resolved, and was at Ground Zero in New York, searching the rubble for remains of victims of that terrible attack. After DHS was established he found himself an ICE Special Agent, where he witnessed the trials and tribulations of the agency merger that was repeated throughout the Department.

Brett came to the Subcommittee in January 2005, and at once proved himself a key member of the professional staff. His critical judgment, familiarity with agency matters, and expertise on Customs and Immigration law and regulation made him integral to the operations of the Committee during the extraordinary developments over the past 2 years, in particular the response to the 2005 hurricanes and the intensified effort to secure our borders and strengthen administration of immigration law. His strong understanding of organizational dynamics, of operational issues and real-world, real-time considerations for building a successful new department contributed significantly to the success of this subcommittee. Brett brought to the appropriations process the clear, thoughtful analysis and mature judgment developed in his successful career in criminal investigation. Throughout his service here, Brett's unqualified professionalism, perceptiveness, great sense of humor and cool head have helped this Subcommittee and the Congress move forward on a wide range of policy and budgetary issues. His assistance in planning and coordinating complicated subcommittee oversight trips were of particular benefit, and in coordinating the many classified briefings our oversight requires.

Special Agent Dreyer has served me, this Subcommittee, and the House well: We are sorry to see him leave, and will miss him as a colleague and as a friend. Each of us on the Homeland Security Subcommittee wish Brett all the best as he resumes his ICE career, where we look forward to seeing him accomplish great things.

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

Mr. SABO. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply like to follow up on the remarks of the gentleman from Kentucky about the gentleman from Minnesota.

I remember when MARTIN SABO first walked into this institution in 1978. He and his wife, Sylvia, epitomize more than any people I know what are regarded as midwestern values, most especially the value of modesty. You will never find MARTIN SABO bragging much on himself. In that sense, he is a true Norwegian. I also think that he exemplifies the thoughtfulness and the caring for one's neighbor that people in the Midwest have come to take as being the natural course of things.

He is probably the closest friend I have in this body. I very much regret to see him leave. I question his judgment profoundly on that.

As the gentleman from Kentucky has said, while today the gentleman from Minnesota deals with homeland security issues and is certainly an expert on those, in the past he has dealt with transportation issues most ably. As a matter of fact, there is no one in this body who has made a greater contribution to the cause of responsible budgeting and deficit reduction over the years than has the gentleman from Minnesota. He chaired the Budget Committee when we took the action under President Clinton that finally began to get the budget deficit under control.

I just want to profoundly express my appreciation to him, not just for his accomplishments but for the way he has achieved those accomplishments, for the way he has dealt with the needs of this body as an institution, for the respect that he has shown for the values and the traditions of this institution and the respect that he has shown for persons on both sides of the aisle.

He is truly a gentleman. He is a great legislator. I hate to see him go. I hope he is back to visit us often. I thank the gentleman profoundly for the quality of his service.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, I want to join the chairman and our ranking member in paying tribute to MARTIN SABO, whom I also consider a dear friend and one of this institution's finest Members.

MARTIN has served here for 28 years. He was the chairman of the Budget Committee when Congress passed the largest deficit reduction package in its history. He served as our ranking member on Transportation Appropriations and on Homeland Security Appropriations ever since that subcommittee was formed.

MARTIN is an exemplary Member of this body in every way. He is a skilled legislator who is more interested in achieving results than in claiming credit. He is a gifted politician with a knack for finding common ground. He is a man who understands and loves this institution. He is a congenial colleague and he is a good friend, displaying qualities of character that in the end matter above all.

So we will miss MARTIN SABO. We salute him for his service to Minnesota and to this country, service that is indeed exemplary and has inspired and encouraged us all.

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

Mr. Speaker, well, I am not sure I should say anything. But thank you to my chairman, Mr. ROGERS, for his kind comments. We have been together, I think, 6 years now, 4 years on homeland security, 2 years on transportation.

As I said last night in front of the Rules Committee, the ultimate compliment I can give to somebody is to call them a pro; and Hal Rogers is a pro. It has been a pleasure to serve with him. He is on the majority party. He has a responsibility to the President of his own party.

At the time, he is someone who has asked many a tough question and asked for discipline and, as he said in his opening comments, that he expects to continue to do oversight of the operations of this agency which has had many, many growing pains. It has not been an easy committee to chair as we merged all of these 22 agencies into one, with an incredible amount of chaos; and he has shown, I think, an intellect and toughness and fairness in trying to steer this agency in the right direction. It has been a privilege to work with Chairman ROGERS.

My friend, DAVE OBEY, who I have known, and known him for many years before I came to the Congress, neighbor across the border in Wisconsin, I have served with him on Appropriations for 28 years, both a personal friend and somebody who has an absolute passion for public policy and for making this institution work.

It has been a real honor, DAVE, to get to know you and Joan and to work with you. You are just a great human being.

And to DAVE PRICE who served with me on the Budget Committee, I am often asked, why do you leave? And, you know, particularly if the partisan nature changes and the opportunity to chair a subcommittee. And I always say, I have no reluctance in doing that because I know the next person in line is DAVE PRICE, who is a person who has great skill as a legislator and great understanding of public policy. And I think he will do a great job, as he has done in many other roles, whatever the role might be, as either a Chair or ranking member of the subcommittee in 2 years. So it is an honor to have your kind words today.

And to the staff, to all of the majority staff, Michelle, who is not here because of a family crisis and who is leaving the House and has done an incredible job, but all of the majority staff have been great to work with.

I suppose a special word to Stephanie. She followed us from Transportation to Homeland Security. So I have had an opportunity to work with her in both roles.

To our own personal staff on this committee, to Chris, who has worked with us, and Bev Pheto, who sits right here next to me, who has worked with us, me personally on this committee, over the last 6 years, 2 years in Transportation, 4 years in Homeland Security, who I am constantly amazed at her knowledge and her energy. She has

to compete with all of you on the majority side and has remarkable knowledge and ability. It utterly amazes me. And she is a remarkable person.

Marjorie Duske from my staff, who originally was an intern in our office and has now been in our office for many years working with me on Homeland Security, has worked transportation, defense, housing, you name it, from simple issues to the most complicated of issues, just been an incredible person, dedicated to public policy and doing what is right, but, at the same time, tough, hard-nosed to work with agencies to make sure that the Government does what it is supposed to do.

Just incredible people who make this institution work. I simply say thank you.

A couple of words about the bill, if I might. It is a good bill, and it does lots of good things. It has got additional funding.

Some of the other issues we worked on, we have had a concern over how sensitive security information is handled by the Department. There are provisions here for handling that information, which I think is good. I think the changes made to FEMA strengthens the role of FEMA.

I was one, along with Mr. OBEY, who a year ago thought we were making a mistake as we created a new Department or agency on preparedness and how it was structured. This basically goes back to strengthening the role of FEMA within the Department. I think it is a significant improvement.

Frankly, if I had my choice, I still would make FEMA a separate agency outside of this Department. I would prefer that. That is not going to happen. I think the changes in this bill represent substantial improvement.

I have to say that I am concerned over how we add the money in this bill for the Department. We do it on an energy basis. I think $1.8 billion is desperately needed and will be well spent. But, at some point, we have to come back to passing budget resolutions in this body that are real.

The need for additional expenditure for homeland security are not emergencies. They are going to be there on an ongoing basis in the years ahead; and, in 2005, we added $450 million as an emergency; 2006, $1.2; and $1.8 in 2007.

At some point, this institution has got to get back to having budget resolutions that are real, where real choices are made, not pretending that we are not going to spend any money initially and then getting around to it by having emergency designations. That simply undermines the process.

I am probably in the minority on this issue. I still remain very concerned to the degree we have given the Department discretion in distributing some of our formula funds. I do not think that they have the capacity to do it. So I hope this institution keeps an eye on how the agency does distribute formula grants or simply grants in the future. Clearly, their ability to do it on a discretionary basis, I think, needs to be examined; and I think they need much better information to do that than they have had in the past.

But it is a good bill. It has been a pleasure working with Mr. ROGERS and all of the other members of our subcommittee. We have a good subcommittee. I think this committee has made a great contribution.

Mr. Chairman, I do have to ask one question. I understand we have a variety of other bills relating to homeland security that are authorizing bills, that seem to be hanging up the adjournment or our recess. Am I wrong that everything that is in this bill is currently authorized? All of our money can be spent that is in this bill? It is not subject to any authorization?

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. That is correct, except for the new authorizing languages that are in the bill. You are correct, except for the newly authorized items that are in this bill.

Mr. SABO. Mr. Speaker, reclaiming my time.

All of the money that is needed for borders, for ports, all of the money we have appropriated can be spent?

Mr. ROGERS of Kentucky. That is correct.

Mr. SABO. I thank the gentleman. And I thank the gentleman for his good work.

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

Mr. ROGERS of Kentucky. I thank the gentleman for his very, very kind remarks; and I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Appropriations Committee, who has been extremely helpful on this bill, as all of the others.

Mr. LEWIS of California. Mr. Speaker, I rise in support of the fiscal year 2007 Homeland Security Appropriations Conference Report. This is the second of 11 individual conference reports I hope to bring to the House floor for consideration this year.

The conference report funds the Department of Homeland Security at $34.8 billion for fiscal year 2007, an increase of $2.3 billion over the fiscal year before.

□ 1515

The conference agreement aggressively addresses our most critical homeland security needs including border and immigration security; port, cargo and container security; transportation security; natural disaster preparedness and response; and support to State and local first responders.

I would really like to praise Chairman ROGERS and Ranking Member SABO for their very fine bipartisan work; but to my colleague MARTIN SABO, let me say not just a colleague and congressional classmate, MARTIN SABO is one of the finest people I have known since I have been in Congress. I would say to MARTIN, a job well done, my friend, not just for, of course, this piece of work, but most important, for a lifetime of work on behalf of your country.

Chairman ROGERS has spoken to the specifics of the conference report so I will again direct my attention to the need to complete our appropriations work this year.

As the body knows, the Appropriations Committee has made tremendous strides over the last 2 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. I hope to replicate that success again this year.

To underscore this point, Chairman COCHRAN and I sent a letter to both Speaker HASTERT and Majority Leader FRIST this week reiterating our support for completing each of our bills in regular order and not resorting to an end-of-session omnibus spending bill. I would like to submit for the RECORD that letter at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 25, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.
Hon. WILLIAM H. FRIST,
Senate Majority Leader,
Washington, DC.

DEAR MR. SPEAKER AND MAJORITY LEADER FRIST: As we approach the end of the pre-election legislative session, the Appropriations Committees are preparing to present to our chambers the conference reports for funding the Department of Defense and the Department of Homeland Security. While progress is being made with these two major bills, we want to reiterate our commitment to moving each of the individual appropriations subcommittee conference reports at the earliest possible date this year. We know that you, too, share this goal.

Thanks to your leadership last year, we were able to complete each of the appropriations bills individually within the established budgetary constraints and avoid a massive, year-end ''omnibus'' spending bill. This represented a remarkable victory for taxpayers and demonstrated that Congress was capable of completing its constitutional responsibilities on time and on budget. Upon our selection as Chairmen, we committed to you and our colleagues that we would work to restore regular order to the appropriations process. We remain committed to passing conference reports individually again this year.

Maintaining regular order and passing individual conference reports within the parameters of the budget resolution is an important part of controlling spending. It is our belief that omnibus legislation that bypasses the regular order is not in the best interest of the Congress, or ultimately the taxpayer. Whether we work through the holidays or pass long-term continuing resolutions, we are committed to completing the FY 2007 appropriations process in an open and orderly manner, without resorting to an omnibus strategy.

Our Committees remain committed to completing our work at the earliest possible

date. We thank you for your assistance in this endeavor and we look forward to working with you as we together accomplish our legislative goals this year.

Sincerely,

JERRY LEWIS,
Chairman, House Committee on Appropriations.
THAD COCHRAN,
Chairman, Senate Committee on Appropriations.

Mr. Speaker, early in the process I made it very clear to our leadership and to our Members that the Appropriations Committee would not entertain the prospect of an omnibus spending bill. This committee is doing everything in its power to ensure that this does not happen.

The Appropriations Committee passed each of the 11 spending bills through the full committee by June 20 of this year, and passed 10 of 11 bills off the House floor by June 30. We remain committed 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. The Appropriations Committee has kept its word.

Moving our spending bills individually is the only way to maintain fiscal discipline. The pursuit of an omnibus strategy is a budget-buster and an invitation to unrestrained spending. If history is any guide, an omnibus spending bill would become a vehicle for other forms of legislative mischief.

Again, Chairman COCHRAN and I would ask our colleagues to avoid that approach and move forward in passing individual conference reports. Together, we remain committed to completing our work at the earliest possible date.

I also urge the adoption of this conference report in a vote later today.

As I close these comments, let me say one more time, Mr. ROGERS and Mr. SABO have a reflection in this bill of the finest of bipartisan efforts, exactly the kind of effort that will cause the Congress to rise in the respect of the American people.

Mr. SABO. Mr. Speaker, I yield 10 minutes to my friend from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I simply want to say that I am pleased to be able to support this bill. I very much regret the fact that we will only have completed two out of the 11 appropriation bills by the end of the fiscal year. That, in my view, is not the fault of the Appropriations Committee on either side of the aisle. It is very much the fault of the fact that this institution chose to adopt a budget resolution which did not accurately reflect the political center of gravity in the Republican Party, much less the Democratic Party when you take a look at the positions of each House.

Having said that, I want to take this opportunity to comment on something the President said yesterday because the President told the country that those of us on this side of the aisle were, in effect, soft on security and soft on defending this country.

I regret very much that the President has chosen to govern this country by dividing it rather than uniting it. I took a great deal of pleasure in working with the President's father in working out many a legislative compromise. We did the same thing with President Clinton. We did the same thing with President Carter. We even on many occasions did the same thing with President Reagan and President Nixon. But this is the first President I have known who has seemed to purposely divide the country in order to govern, and I just want to trace what the facts are with respect to defending the homeland.

I remember, in August of 2001 when I was at home in Wisconsin, receiving a call from my staff director telling me he had just been briefed by the CIA and that they were extremely concerned about the traffic that they were intercepting around the world, and they thought something big was up, did not know if it was domestic or international, but the intelligence community was very worried that something was coming. That was in August, just before 9/11.

The day before 9/11, Attorney General Ashcroft met with his staff to set out their priorities for the year, and in that meeting, he was presented a spreadsheet with various boxes indicating which would be his preferred activities and activities of focus for the coming year. He declined to check any of the boxes that had anything to do with antiterrorism. He was, in fact, urged by his staff to reconsider and rejected that advice and told the staff, ''No, I want to focus on drugs.'' The Attorney General denied that in a hearing of our committee, but in fact, my office had been leaked the documents by his own agency that showed exactly what he had done in that meeting.

Then, after we were hit by anthrax, I called BILL YOUNG, who was then the chairman of the full committee, and suggested that since we could not get into our offices, we talk to the security agencies to see what they felt they needed in order to respond to the threat represented by 9/11.

We talked to the FBI, the NSA, CIA, you name it, all of the security agencies. On a bipartisan basis, we put together a listing of action items, and then we cut it and we cut it and then requested to see the President.

We went down to see the President. He came into the room. Before we could say a word, he said, ''Well, I understand some of you want to spend more money than I have requested for homeland security.'' He said, ''My good friend Mitch Daniels here from OMB tells us that we have got enough money in our budget, and so I want you to know, if you appropriate a dollar more than I have asked for, I will veto the bill. I have got time for four or five comments and I am out of here.''

Senator STEVENS said, ''Mr. President, I do not think you understand, we have already agreed. We will knock off any item you do not want. We are not trying to have an argument. We just want something done.''

Senator BYRD made the same point, and then I asked the President, I said, ''Mr. President, I have been coming down here for 30 years, this is the first time any President has ever told me his mind was closed before the subject was even open.'' I said, ''I want to ask you four questions about Federal installations, which we have been told by your own people, your own security people, are gravely at risk of terrorist attack, their words, not mine.'' I asked him about them. It was clear he had not been briefed on them. I did not expect him to. He is a busy man.

But we walked out of there after being told by the President that he would veto any additional efforts to provide funds for homeland security. Despite that fact, we went back up to Capitol Hill and eventually added more than $2 billion to the President's request, and he signed the bill.

The following year, the President held a press conference bragging about the fact that the Customs agency had this new port security arrangement, new inspection of cargo coming into this country, and he had a press conference bragging about it, and then pocket vetoed the money to make it happen. I felt that that was enough to give hypocrisy a bad name.

So that is very basically the early history of what the President's record is in terms of resisting bipartisan efforts to strengthen homeland security funding.

I remember going out to the CIA and watching in real-time as we could see what the Predators flying over in Afghanistan were seeing when they were looking for bin Laden, and I know what the CIA people thought about the President's decision to divert a significant portion of our resources from the job of nailing bin Laden to preparing for the war in Iraq. They were not very happy about it, and we were not either.

Since that time, on seven different occasions on this side of the aisle, we have tried to add funding to the President's budget for homeland security and to the committee budget.

I want to make clear I think the subcommittee has done the best it could, given the allocation that it was given under the Republican budget; but that does not mean that the allocation was adequate. The record is clear that the President on numerous occasions offered inadequate budgets which had to be augmented by this committee on a bipartisan basis.

So I think it comes with considerable ill grace and with considerable reinventing of history for the President to suggest that there is any difference of opinion between the two parties with respect to our dedication to protecting the homeland. He knows it is not so, but campaign rhetoric is getting in the

way of the facts as far as he is concerned.

So I just want to make the point that I do not question the President's patriotism because he chose to put tax cuts as a higher priority than even additional funding for homeland security. That is a judgment he made, and that is a judgment he will have to defend. I do not question his patriotism. I question his judgment. I think that it comes with considerably ill grace from a man who has the track record of refusing efforts of this Congress to strengthen homeland security on various occasions, to have that man question anybody else's dedication to this country, question anybody else's dedication to defending this country.

The record does not bear out his claims, and I think if you check the record, you will find out that every statement I have made today is fully true and accurate.

With that, I thank the gentleman for the time.

The SPEAKER pro tempore. The Chair would advise the gentleman from Minnesota has 8 minutes remaining, and the gentleman from Kentucky has 16 minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), the very distinguished chairman of the authorizing Committee on Homeland Security in the House, whose cooperation on this bill has been fabulous, for the purpose of a colloquy.

Mr. KING of New York. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS and Chairman SENSENBRENNER. I would like to address the meaning of section 546 of the fiscal year 2007 Department of Homeland Security appropriations conference report regarding the Western Hemisphere Traveling Initiative, also known as WHTI.

I would like to establish the fact that the language proposed in the conference report does not require a delay in implementation; in fact, the date change does not prohibit the administration from complying with its original deadline of January 1, 2008.

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

Mr. KING of New York. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I agree it is important to recognize that paragraph 1(a) requires that the Secretary of Homeland Security develop and implement a plan for appropriate passports or other documents as expeditiously as possible. It then instructs the Secretary to complete implementation of WHTI by no later than the earlier of June 1, 2009, or 3 months from the date the conditions of paragraph 1(b) are met.

Thus, the Secretary may and, indeed must, begin the implementation process earlier than the June 1, 2009, deadline to ensure that he meets this mandate.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, both gentlemen are correct. WHTI is vital to our homeland security, and I am absolutely committed to ensuring it is put in place.

The conference report requires the Departments of Homeland Security and State to implement WHTI no later than 3 months after the security requirements are met or by June 1, 2009, whichever is earlier.

□ 1530

We urge DHS and State to quickly develop the PASS card technology, card readers, and procedures to enable the earliest possible deployment of the system at our sea and land ports of entry.

Again, let me make this clear. The conference report does not force a delay upon WHTI. It is up to DHS and State to make sure the program works securely and is implemented as soon as possible, which can and should be in accordance with the original WHTI deadline of January 1, 2008.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of this subcommittee, hardworking, and a conferee on the bill.

Mr. WAMP. Mr. Speaker, I thank the chairman for the outstanding job he does.

This $34.8 billion brings the total that we have spent on this Department since September 11, 2001, to $151.7 billion, a significant investment in this new Department.

I want to hail the service of MARTY SABO over the years but specifically on this subcommittee and because of his cooperation specifically in one area where he and Chairman ROGERS have been brilliant. They have used the power of the purse to force this Department to move towards efficiency and accountability, something that was really missing for a long period of time. We have withheld money from them pending reports and accountability over and over again.

I want to report on two areas today where we are making great progress because of our work on this subcommittee. Science and technology was woefully inadequate. It is now moving rapidly. Admiral Cohen has come in, and he is outstanding. We are deploying new technologies, and we are really spending the money much more wisely. Great progress has been made.

Another area is where we created and helped the administration form the DNDO, the Defense Nuclear Detection Organization. Nuclear problems in homeland security are our greatest threats. Mr. EDWARDS, on the Democratic side, and myself and others have really been active here to make sure this new agency is effectively detecting the nuclear threat and advancing those technologies. This funding is $481 million. We forced it up above the administration's request to that figure. It still is not enough. I would rather have had the Senate number of $500 million, but we are making great strides there now as well.

Also, the border is much more secure today than it was a year ago. The gentleman from Minnesota is exactly right. This subcommittee has been securing the border each and every year but dramatically in the last year. We now are sending 99 percent of them back.

Finally, Mr. Speaker, I want to wish happy birthday to Michelle. Thank you for your service.

Mr. SABO. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman has 8 minutes remaining.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good luck to you, Martin, and thank you for your service and the great job you have done for America. Both sides working together on this legislation speaks for itself.

The conference report I support. There is real good in this legislation. As the author of the FIRE Act, I am glad to see that the Congress has restored the President's draconian cuts to this successful program. $662 million for FIRE grants, including $115 million for the SAFER Act will allow us to continue to provide for the critical equipment and staffing needs of fire departments nationwide.

I am also heartened by the fact that we kept FEMA in Homeland Security. I think that is very, very important, rather than make it a separate organization. Combining many of the Department's preparedness functions with FEMA and keeping it in DHS is wise and, I think, sound policy.

But there is some missed opportunities here. I cannot let this go by without projecting this and asking everyone in this room to think about it. We have done everything to try to put before the American people and the Congress the necessity for interoperability dollars. We had it in the budget, we came to agreement on both sides, but it is not there anymore.

We said that this was the most difficult task facing our police and our fire, yet we take $3.1 billion out in dedicated interoperability funding. We have had hearings on this in Washington State and hearings in New Jersey, and this is not the way to treat our law enforcement. It is not the way.

Five years after 9/11, the Department still does not have a dedicated interoperability grant program; and, as a result, State and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding.

I am also concerned that the chemical security provisions within this bill will not facilitate adequate security to an industry that needs it.

Again, I want to thank those who put this legislation, this conference report together.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a very valuable member of the subcommittee and of the conference.

Mr. LATHAM. Mr. Speaker, I thank the chairman, and I rise in support of this conference agreement and urge my colleagues to also support it. I also want to commend Chairman ROGERS, Mr. SABO, and the subcommittee staffs on both sides for their great work on this bill.

I also want to take note that this is the last time that Congressman MARTY SABO will be on the floor with the Homeland Security appropriations bill. He has been a key member of the subcommittee and a valued member of the full committee, and on behalf of Kathy and myself, we wish you and Sylvia the very, very best for the future. You are great people, and it has been an honor to get to know you. I appreciate your great career here.

The process of putting together this appropriations bill to address the operational needs of the Homeland Security Department has once again been a very difficult one. As I participated in the process on this bill, I have come to the conclusion that our approach to funding homeland security has been well thought out in the face of having to make difficult choices. This year, as in the past, we have worked hard to balance the priorities. While I am not fully satisfied with some of the choices, overall I am pleased with many of the components of this bill.

For example, I am very happy that we put extra funding into enhancement of border security. We added funds for new border patrol personnel and capital infrastructure. This is one more significant step toward the best combination of assets to protect our borders. This is a must, in my view.

I am also pleased that we have included a structural overhaul of FEMA, an issue that had to be addressed. The components of the overall bill set FEMA on a path to better carrying out its mission.

At the end of the day, there are no perfect answers to our homeland security problems, and there is no perfect dollar resource level for any of these homeland functions. We are not going to reach a 100 percent security umbrella no matter what level of funding we allocate to the homeland function. Since we cannot reach security perfection and because our resources are limited, we simply have to allocate resources wisely, and we have done that again this year.

I would ask all Members to support this conference report.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to thank the distinguished gentleman and pay him a great debt of gratitude for his service and for his fight. MARTIN SABO knows his business, and he gets the job done, and I simply want to thank him very much.

I wish as we proceed in this bill that there were elements of it that really could answer the questions that the American people ask about homeland security. I am disappointed we could not work out the right kind of approach to chemical security, primarily because I live in a region that has a sizable number of chemical plants and, most recently, we have experienced a number of incidents that have impacted the surrounding neighborhoods. So I would have hoped we would have been able to implement a plan that had a great deal more teeth to it than what we now have in this bill.

Also, I would like to mention that, although the Homeland Security Committee looked at and does agree with FEMA remaining in the Homeland Security Department at this time, I am disappointed that the monies, which we really do need to reconstruct FEMA and to make it work, one, are missing; and, two, that the question of the FEMA staffing is a question that has not been answered.

Also, as my good friend from New Jersey indicated, we are still fighting the battle of interoperability, and that is a key element, as reflected in the 9/11 Commission report.

We also determined that the local law enforcement is very, very unhappy with the presence of the UASI grants in FEMA. I wish we had had more time for consultation to work with the Nation's chiefs of police to be able to ensure them that these grants would be distributed fairly.

Much can be said about the improvement of this bill, but, Mr. Speaker, I would hope that we would have the opportunity to ensure that there is full funding for homeland security and full staffing. Without that, it cannot work.

I rise in support of the Conference Report to the Homeland Security Appropriations Act of 2007 to H.R. 5441. Although the compromise is far from perfect, on balance it contains enough good things to warrant my support.

I am pleased that the legislation includes all of the recommendations that the Democrats on the Homeland Security Committee released in February, entitled "Directing FEMA Towards Success: A Democratic Report and Legislative Solution." The legislation combines some of the Department's preparedness functions (Grants and Training, U.S. Fire Administration, and the National Capital Region office) with FEMA and keeps the new entity within the Department. It requires that the Administrator of FEMA possess a demonstrated ability in and knowledge of emergency management and homeland security and have no less than 5 years of executive leadership and management experience. Finally, the legislation designates the Administrator as the principal advisor to the President for all matters pertaining to emergency management and authorizes the President to designate the Administrator to serve as a member of the Cabinet during emergencies.

INTEROPERABILITY FUNDING TO MEET THE NEEDS OF LOCAL RESPONDERS

It is unfortunate that Republicans opposed the inclusion of $3.1 billion dedicated interoperability funding for state and local first responders. Five years after the 9/11 attacks and one year after Hurricane Katrina, the Department still does not have a dedicated interoperability grant program. As a result, states and localities are still robbing Peter to pay Paul by using a huge amount of their homeland security grant funding—in some instances 80%—to purchase communications equipment. States and localities are forced to shortchange first responder training, local terrorism prevention activities and securing the nation's critical infrastructure.

Although the bill shortchanges interoperability, the legislation does include increased authorizations in FY 2008 for a variety of programs that Democrats have championed throughout the process. These include:

A $20 million increase for the Urban Search and Rescue Teams;

A $30 million increase for the Metropolitan Medical Response System;

A $175 million increase in FY 2008 for the Emergency Management Performance Grant program; and

$4 million in grants for the administration of the Emergency Management Assistance Compact, which is used to coordinate assistance between the states during disasters.

FEMA

With respect to the new FEMA's overall funding, the legislation also authorizes a 10% annual increase over the next three years for administration and operations. It remains to be seen whether the Administration will include this crucial funding in their 2008 budget request.

My Democratic colleagues on the Homeland Security Committee, including Ranking Member BENNIE THOMPSON (MS), Representatives JANE HARMAN (CA), NITA LOWEY (NY), BILL PASCRELL (NJ), and I have been outspoken leaders in the effort to solve the problem of interoperability for our Nation's first responders. Although the majority blocked our attempts to provide dedicated funding to address the issue, the legislation does adopt many Democratic provisions related to emergency communications.

The legislation creates an Office of Emergency Communications to support, promote, monitor, and promulgate operable and interoperable communication capabilities, consolidating various offices across the Federal government. Additionally, it requires the development of a National Emergency Communications Plan that would identify ways to expedite the adoption of consensus standards for emergency communications equipment and recommend both short and long-term solutions to overcoming obstacles to achieving nationwide interoperability and operability.

It also mandates the completion of a national baseline study assessing the state of operability and interoperability among Federal, state, tribal, and local governments. Finally, it ensures that recipients of homeland security grants are coordinating and operating consistent with the goals and recommendations of the National Emergency Communications Plan.

Unfortunately, and for no apparent policy reason, this legislation fails to place this new Office of Emergency Communications where it most logically belongs—FEMA. Instead, it is an outlier—grouped in with the office that oversees cybersecurity. By failing to do this, Republicans have perpetuated—and written into law—the very fragmentation of the preparedness and response functions that led to

the Administration's failed response to Hurricane Katrina.

While the bill authorizes the existing Chief Medical Officer and gives him primary responsibility for medical preparedness issues in the Department, Republicans rebuffed efforts by Homeland Security Democrats to locate this office where it most logically belongs—within FEMA. In addition, provisions to establish a program to assess, monitor, and study the health and safety of first responders involved in disasters was stripped by the Republicans, as was language to direct the Chief Medical Officer to provide guidance for the Metropolitan Medical Response System and to develop and update guidelines for State, local, and tribal governments for medical response plans for WMD attacks.

Additionally, the legislation authorizes a national training and exercise program for first responders, as well as a comprehensive assessment system and a remedial action program to identify and disseminate lessons learned. However, Republicans stripped out a Democratic proposal—accepted by the Majority in the Homeland Security Committee bill—to authorize an exercise to prepare for pandemic influenza.

Finally, the bill stripped a Democratic provision to create an Office of Public and Community Preparedness, which was proposed to address a lesson learned from Hurricane Katrina—that citizens need to be prepared to protect themselves and their families and cannot rely on assistance for the first few days of a disaster. The office would have consolidated various programs at the Department of Homeland Security into one office with the primary responsibility within the Department for assisting the efforts of State, local, and tribal governments in preparing citizens and communities in the United States for acts of terrorism, natural disasters, and other emergencies.

Notwithstanding these weaknesses, I will support the Conference Report because on balance the weaknesses, which I will work to eliminate next year, are outweighed by the following good provisions:

Prohibits the Secretary from allocating, reallocating, establishing, consolidating, altering, or discontinuing organizational units within FEMA under the authority of section 872 of the Homeland Security Act of 2002.

Creates a national and 10 regional advisory councils (one in each FEMA region) made of up local officials, emergency managers, first responders and the private sector, to advise the Administrator and each of the regional Administrators and ensure coordination.

Creates a Disability Coordinator, a position advocated by Rep. JAMES LANGEVIN (D–RI), to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

Directs the Administrator, in coordination with the heads of other appropriate agencies, to provide evacuation preparedness technical assistance to state local and tribal governments. Democrats on the Committee had introduced legislation on this issue over a year ago.

Directs the Administrator to collaborate with local and state officials and first responder groups to develop standards for the credentialing of first responders and the typing of resources needed to respond to disasters.

Codifies the national preparedness goal, target capabilities list, national planning scenarios, and creates a national preparedness system to prepare the nation for all hazards. Many of these activities are currently being undertaken by the Department.

Directs the Administrator to develop a "transparent and flexible" logistics system for procurement and delivery of goods and services necessary for an effective and timely response to disasters.

Directs the Administer to develop and submit a strategic human capital plan to shape and improve the agency workforce and authorizes the Administrator to pay a bonus to recruit and retain individuals in positions otherwise hard to fill.

Creates a National Child Reunification Center within the Center for Missing and Exploited Children as well as a National Emergency Family Registry and Locator System.

For these reasons, I will support the Conference Report and I urge my colleagues to join me.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), another very important member of this subcommittee who has helped us enormously.

Mr. SWEENEY. Mr. Speaker, I have been on this committee since its inception 4 years ago. It is probably my most challenging duty here in Congress. It is one of my greatest honors, and I have to tell you, every year this appropriation measure is probably the steepest climb that we have because we know now that the threats we face, the challenges we face are enormous, and any arbitrary amount of money can't bring us to a place of perfection.

I want to salute the chairman for his great work. This is probably one of the best bills that you have been able to produce, Chairman, and they have all been pretty darn good, and so I really appreciate your leadership.

To Mr. SABO, I wish you well. You have had a great career. It has been an honor, especially in these past 4 years, to serve with you and watch your leadership.

What I would like both of you to know is that our staffs here are some of the unsung heroes and I think the real patriots. They do incredible work. They listen, they study, and then they enact, and they enable us to do some of the good things we are doing here, and they have enabled us to make this Nation more secure.

The American people need to know this committee has served respectfully and greatly in a bipartisan fashion. For example, since 9/11, we have been able to provide almost $40 billion for first responders. In this report is an example: $662 million for the assistance of firefighter grant programs, $7 million more than the 2006 number was and $370 million more than what the President asked for.

We also found that balance by finding minimal security levels throughout the Nation that are satisfactory and, as well, made sure we had targeted money, $770 million, for the Urban Area Security Initiative. We do substantial work on ports, $4.34 billion; and $21 billion on the borders.

Mr. Chairman, I think you have really identified what those priorities are, and we have balanced them very well.

Finally, on WHTI, I just want to say that I think we have worked out a flexible compromise that will allow us to provide security and maintain our economic interests.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO), chairman of the Coast Guard Subcommittee in the House.

Mr. LOBIONDO. Mr. Speaker, I rise for the purpose of engaging in a colloquy with Chairman ROGERS.

Mr. Speaker, I recognize concerns expressed about the Coast Guard's C4ISR program. This is a critically important program providing a deployable preemptive capability to prevent or stop the movement of terrorists and their weapons before they reach the homeland. I would hope that the Chair would agree that if the C4ISR program is able to adequately address the concerns contained in the conference report that you would look favorably upon this program in the future.

□ 1545

Mr. ROGERS of Kentucky. If the gentleman will yield, I agree with the gentleman from New Jersey that this is an important program; and I can assure him that, should we receive information that the Coast Guard has addressed our concerns, we will give the program favorable consideration in the future.

Mr. LOBIONDO. Thank you very much, and thank you for your hard work.

Mr. ROGERS of Kentucky. I yield 3 minutes to the gentleman from New York (Mr. KING), the chairman of the authorizing committee.

Mr. KING of New York. Mr. Speaker, I thank the chairman for yielding.

Let me at the outset thank Chairman ROGERS for the extraordinary work he has done and the extraordinary cooperation he has exhibited toward the Homeland Security Committee.

There are two key components of this appropriations bill which are in fact legislation passed by our committee and which Mr. ROGERS has so generously moved forward for us: certainly FEMA reform, and chemical plant security.

On the issue of FEMA reform, let me also commend Chairman REICHERT for the extraordinary work he did at the subcommittee and committee level; and on the chemical plant security legislation, let me commend Chairman LUNGREN for his work.

As someone coming from New York, let me point out the fact that this legislation includes a $30 million increase for the Urban Area Security Initiative, UASI, a grant program particularly important for the New York City and the metropolitan area.

On FEMA reform, this is real reform. This gives FEMA the leverage and the

power and the autonomy it needs within the overall perspective of homeland security.

As far as chemical plant security, this is extraordinary legislation because for the first time it gives the Department of Homeland Security rulemaking power over the chemical plant industry.

I could go on for great length about this legislation, but I would like to yield to Sheriff REICHERT.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 5441, the fiscal year 2007 Homeland Security Appropriations Conference Report. I would like to discuss the Post-Katrina Emergency Management Reform Act of 2006, which is included as title VI.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology and as one of title VI's principal authors, I proudly announce today both Chambers and both parties have come together and reached a landmark agreement in reforming FEMA.

Mr. Speaker, when you Google the term ''FEMA,'' over 2 million hits pop up. Fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. Some said it couldn't be done.

Mr. Speaker, we have done it. The important reforms of FEMA are based in large part on H.R. 5351, which I introduced on May 11, 2006, and which passed the Committee on Homeland Security less than 1 week later.

Finally, this legislation addresses emergency communications. Congress has already appropriated billions of dollars for interoperability. However, standards are still not established. Many States do not have plans statewide and are still working on it.

Before spending billions more, there are less expensive but integral reforms that must be implemented. Once these reforms occur, then and only then should we create an additional grant program. I look forward to working in a bipartisan way to create that new grant program.

The American public demanded that Congress fix FEMA. This agreement does that.

Mr. Speaker, I rise today in strong support of H.R. 5441, the ''Fiscal Year 2007 Homeland Security Appropriations Conference Report.'' In particular, I'd like to take a few moments to discuss the ''Post-Katrina Emergency Management Reform Act of 2006,'' which is included in Title VI of H.R. 5441.

As Chairman of the Subcommittee on Emergency Preparedness, Science, and Technology, and as one of Title VI's principal authors, I am especially proud to announce that both Chambers and both parties have reached this landmark agreement to overhaul the Federal Emergency Management Agency (FEMA).

Mr. Speaker, if you Google the term ''FEMA Reform,'' over 2 million hits will pop up. The idea of fixing FEMA has been on the forefront of the American consciousness since Hurricanes Katrina and Rita last year. And some said it couldn't be done—that Congress could not come together in a bipartisan, bicameral way to fix this problem. There were too many obstacles and too much politics. That the problem itself was simply too massive and no one knew where to begin. But Mr. Speaker, we have overcome those obstacles in the interests of the American people. And, to do so, we began by listening to those who know best what the problems are and what the solutions must be—our Nation's first responders and emergency managers.

This landmark agreement will, among other things, reform FEMA by:

Elevating the standing of FEMA within the Department of Homeland Security by promoting the Administrator of FEMA to the level of Deputy Secretary;

Requiring that the Administrator possess a demonstrated ability in executive leadership and management experience;

Directing the Administrator to serve as the principal advisor to the President and others for all matters relating to emergency management;

Restoring the nexus between emergency preparedness and response; and

Elevating the importance of emergency communications within the Department by establishing an Office of Emergency Communications and requiring that Office to draft a National Emergency Communications Plan and conduct a baseline operability and interoperability assessment.

These and the other important reforms of FEMA in Title VI are based, in large part, on H.R. 5351, the ''National Emergency Management Reform and Enhancement Act of 2006,'' which I introduced on May 11, 2006 and which passed the Committee on Homeland Security less than one week later.

As a former law enforcement officer for more than 33 years, I can assure my friends in blue that nothing in this agreement would in any way undermine the terrorism-specific focus of the Department's terrorism preparedness grants and other prevention and protection programs. In fact, my colleagues and I drafted the base text of this legislation with the direct input of our Nation's first responders.

Finally, some have recently brought up the need to immediately create a new multi-billion grant program for interoperability. However, before spending additional billions of Federal dollars on interoperable communications, there are less expensive but integral reforms that must first be implemented. This agreement contains an entire subtitle of such reforms. As a former Cop and Sheriff, I know that first responders need standards in place and that States need to adopt Statewide Interoperable Communication Plans to ensure that Federal money is well spent. It is then, and only then, that we should create an additional interoperability grant program. However, once these reforms have been implemented, I look forward to working in a bipartisan way to create that new grant program.

However, to be clear, Congress has already appropriated billions of dollars for emergency communications. From FY 2003 through FY 2005, recipients of DHS' terrorism preparedness grants have obligated and spent more than $2 billion on interoperability projects—the single largest use of such grant funding. Moreover, the Department of Justice's COPS program has allocated more than $300 million for interoperability to law enforcement agencies during that same period of time. Finally, in the Budget Reconciliation Act of 2005, Congress established a $1 billion interoperability grant program to be administered by the Commerce Department.

Following Hurricanes Katrina and Rita, the American public demanded that Congress fix our Nation's broken emergency management system. This agreement does that and more. It is for that reason that I urge my colleagues to support this landmark, bipartisan legislation.

Mr. SABO. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have read the chemical bill language, and I do not understand whether that language preempts the ability of a State to adopt more stringent requirements than the Federal standards.

Mr. KING of New York. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, it is our understanding, and we had the opinion of committee counsel on this, that it does not preempt States.

Mr. SABO. The intention is not to preempt the ability of the States.

Mr. KING of New York. That is not the intention.

Mr. Speaker, let me just commend the gentleman for his many years of service to this House and wish him the very best in the years to come.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), who is Chairman of the Emergency Management Subcommittee of the Committee on Transportation and Infrastructure.

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

Mr. SHUSTER. Mr. Speaker, I thank Chairman ROGERS for yielding.

Mr. Speaker, I rise today in strong support of this legislation, in particular the FEMA reforms. It was a tremendous effort by many, and I want to extend my personal thanks to Chairman ROGERS, Chairman DON YOUNG, Chairman DAVIS, Chairman KING and Chairman REICHERT. This was truly a collaborative effort, and I think we have some important reforms for FEMA here today.

FEMA was once one of the most well-respected organizations in the Federal Government, but Hurricane Katrina demonstrated how badly FEMA declined in just 3 years at DHS.

I had the privilege to serve on the Katrina Committee that did the investigation and we laid out five principles for reforming FEMA: The President has to be involved in big disasters; there must be a clear chain of command; preparedness must be put back into FEMA; FEMA's capabilities must be restored and enhanced; and, finally, we need an all-hazard approach to disasters.

While I believe that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These principles served as a foundation for the compromise we consider today.

This bill fixes and improves FEMA. With the leadership, authority and resources necessary to respond effectively to the next disaster. FEMA can once again be a model Federal agency. The American people deserve nothing less.

Before I close, I would like to thank the Emergency Management Subcommittee staff who worked very long hours on this important legislation: Dan Matthews, Jennifer Hall and Hugh Carroll, and also Liz Megginson from the full committee. They did a great job, and I want to thank them.

Mr. Speaker. I rise today to support this legislation.

Prior to the creation of the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) was one of the most well respected organizations in the Federal government. Hurricane Katrina illustrated how badly FEMA had declined in less than three short years.

I want to thank Chairman YOUNG for his leadership and his oversight efforts over the years to ensure that FEMA would remain a model Federal agency. Through his leadership on this bill, I believe FEMA will not only return to its former status, but out perform the FEMA we used to know.

I had the honor of serving on the House Katrina Committee under Chairman DAVIS. He deserves tremendous credit for leading the investigation. He made a commitment to follow the facts wherever they took us, and he uncovered a surprising record of actions and neglect that undermined our Nation's disaster preparedness. Without his leadership, we would not be here today.

There have been a lot of complaints that the House has not consolidated jurisdiction over the DHS into one committee. Today, I can tell you that it is a good thing that jurisdiction over DHS does not reside with one committee.

This bill balances the need to prepare for a terrorist attack with all of the other hazards we face. The Transportation Committee has decades of experience with emergency management. The Homeland Security Committee brings real expertise on terrorism matters. Between these two committees, we came up with a good product.

I would like to thank Chairman KING and Chairman REICHERT. This comprehensive reform could not have been possible without their support, vast knowledge of preparedness issues, and strong desire for reform.

After the Katrina Committee Investigation, we laid out 5 principles for reforming FEMA.

First, Presidential involvement and professional disaster advice are essential.

Second, effective response requires a clear chain of command.

Third, the four elements of emergency management need to be closely integrated and managed, particularly preparedness and response functions.

Fourth, FEMA's essential response capabilities must be restored and enhanced.

And fifth, the tension between the nation's all-hazards emergency management system and terrorism preparedness must be resolved.

While my personal opinion is that pulling FEMA out of DHS is the best way to embrace these principles, I recognize that it is not the only way. These five principles served as a foundation for this compromise, which helped us achieve comprehensive reform.

This legislation elevates the Administrator to the Deputy Secretary level and provides that the Administrator will report directly to the Secretary. It directs the Administrator to serve as the principal advisor to the President, the Homeland Security Council, and the Secretary of Homeland Security for all matters relating to emergency management and permits the President to designate the Administrator as a member of the Cabinet in the event of natural disasters, acts of terrorism, and other man-made disasters. Additionally, the Administrator is given explicit responsibility for managing all disasters.

Furthermore, I am proud that this bill clarifies the chain of command during the Federal response to natural disasters, acts of terrorism, and other man-made disasters by providing that the Federal Coordinating Officer (FCO) is in charge. The bill also prohibits the Principal Federal Official (PFO) from directing or replacing the incident command structure at an incident and limits the PFO's authority over Federal and State officials, including the FCO.

Additionally, this legislation returns all grants, training, and preparedness programs to FEMA, restoring the nexus between emergency preparedness and response. These grants and programs include the emergency management performance grant program, fire grants, terrorism preparedness grants, the radiological emergency preparedness program, the chemical stockpile emergency preparedness program, and the metropolitan medical response system.

This bill increases FEMA's response capabilities through a variety of tools. Through this legislation FEMA will establish robust Regional Offices, Regional Advisory Councils, and multi-agency Regional Strike Teams to ensure effective coordination and integration of regional preparedness, protection, response, mitigation, and recovery activities with State, local, and tribal governments, emergency response providers, emergency managers, and other stakeholders. Additionally, the Administrator is provided a number of tools for rebuilding FEMA's professional and reserve workforces through the use of a strategic human capital plan, recruitment and retention bonuses, and professional development and education.

Finally, this bill establishes an all hazard national preparedness goal and system for bringing direction, professional expertise, and accountability to federal, state, and local preparedness activities.

This bill puts FEMA back together again and gives FEMA the tools and authority to do its job. With the leadership, authority, and resources necessary to respond effectively to the next disaster, FEMA can once again be a model agency within the Federal Government.

Mr. SABO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before I yield back my time, let me simply say to my friend from Minnesota (Mr. GUTKNECHT), thank you for presiding today in a very fair and efficient manner. It is a pleasure working with the gentleman. And on Twins.

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

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this year has been a difficult year for this bill, as they all are. We did not have all of the allocation that we could have used. However, I think we judiciously have spent the moneys that were allocated to us.

There is no more important chore that the Congress has, in my judgment, than to protect the country as best we can from its enemies and from natural disasters. That is what this bill is all about. It is such a huge undertaking. We have got 7,500 miles of borders with our neighbors, we have 12,000 miles of coastline, including the Great Lakes, 440 commercial airports with 600 million passengers a year internally and many millions more from outside the country, rail and subways and tunnels and bridges and cyber structures, and the financial system. Everything we have is subject to attack, and it is a very, very difficult chore for the government, both the executive branch and certainly the legislative branch, to try to get our arms around the mission and to try to find the moneys there to try to finance the effort to defend the country against its enemies.

But I think we have done that within this bill as best we can. We have covered practically every angle that you can think of with plenty of funding. I am especially pleased that we found huge new sums to spend on border security. We can't exist as a country if we can't protect that border, and that is what this bill is all about in its main emphasis.

Again, I want to thank MARTY SABO for his years of service and friendship, he and Sylvia. MARTY, you and Sylvia, we wish you Godspeed.

Mr. BARTON of Texas. Mr. Speaker, today, the House debated the Conference Report for Homeland Security Appropriations Act for Fiscal Year 2007. Section 535 of the conference report included a provision that will allow individuals to import into the U.S. from Canada a 90-day supply of a prescription drug, on their person, for their personal use. The provision specifically exempts controlled substances and biological products.

As the Chairman of the authorizing Committee with jurisdiction over the regulation of drugs and biological products, it is important for me to clarify what the language in this section means in regards to biologic products. The exemption applies to biological products, as that term is defined in Section 351 of the Public Health Service Act. The legislation does not confine the exception of only to those products licensed under Section 351 of the PHSA. This is an important distinction. To be clear, the language exempts biologic products licensed under the Public Health Service Act and those approved under the Federal Food, Drug and Cosmetic Act.

Members have also asked questions and offered various wishful opinions as to whether the chemical security section of the 2007 Homeland Security Appropriations bill preempts state or local law. Perhaps a review of the evolution of this provision would shed some light for Members. The House Committee on Homeland Security considered a bill in July that carried an amendment to explicitly state that the bill would not preempt state law. Why? Because Members recognized correctly that State or local laws that conflict with or

frustrate the purpose of Federal laws are preempted by the Federal law in the absence of explicit Federal language to the contrary, and the amendment's proponents wanted to ensure that States would not be so constrained. However, that bill was never considered by either body of Congress. When Senator BYRD initiated the process of using the 2007 Homeland Security Appropriations bill as a vehicle for legislating a Federal chemical security program, and then other Members began to venture suggestions to amend Senator BYRD's language in conference, the Chairmen of the three authorizing Committees, one in the other body and two in this body, were consulted.

During negotiations it was discussed and consciously decided among the authorizing committee negotiators to not include a provision exempting this section from Federal preemption because we do not want a patchwork of chemical security programs, and we do not want chemical facilities that are trying to secure themselves against threats of terrorism caught in a bind of wondering whether their site security complies with all law. It was only upon the agreement of the three authorizing Committee Chairmen that the Appropriations Conferees included the chemical security provision in the Appropriations Conference Report.

During Appropriations Conference deliberations, some Members argued and voted against including the chemical security section, in part because it was silent on preemption. However, they were outvoted. We are fully confident that courts of law, if ever faced with such a question, will examine the State or local provision and decide for themselves whether it conflicts with or frustrates the purpose of Federal law, including the chemical security section of the 2007 Homeland Security Appropriations bill and Section 101(b)(1)(F) of the Homeland Security Act of 2002 which states explicitly that the mission of the Department of Homeland Security includes ensuring ''that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.''

Mr. MARKEY. Mr. Speaker, the conference report we are considering today on the House floor fails to close dangerous homeland security loopholes that continue to put Americans at risk more than 5 years after the 9/11 attacks.

This bill fails to include strong chemical security language that had been agreed to, on a bipartisan basis, in the Homeland Security Committee.

But Republicans have caved to the wishes of their allies in the chemical industry by crafting weak provisions that do not provide the security safeguards that are urgently needed to protect Americans.

The fact is, there are nightclubs in New York City that are harder to get into than some of our chemical plants. This bill fails to fix the problem.

This bill also does not contain a mandate that all of the cargo on passenger planes be screened before it is placed onboard.

An amendment I offered to require 100 percent cargo screening on passenger planes passed the House overwhelmingly three years ago as part of the Department of Homeland Security's spending bill. But the Bush administration ensured that the provision was deleted from the final version of the bill, and Republicans have blocked it ever since.

In addition, this bill fails to provide the resources needed to ensure that our airports have the equipment needed to detect explosives that may be hidden in bags bound for airliners.

Earlier this month, a nonpartisan report developed by experts from air carriers, airport operators, the Federal Government and contractors recommended that Congress should ''continue Federal appropriations of at least $435 million for purchase and installation of Explosive Detection Systems, escalating annually.''

And what have Republicans in Congress decided is the appropriate funding level for the purchase and installation of explosive detection equipment at airports? About $150 million, or roughly one-third the amount recommended by the experts.

This is another example of Republicans nickel-and-diming homeland security while writing a blank check for the War in Iraq.

The foiled London bombing plot last month shined a light on the Bush administration's bungling of the research, development and deployment of systems that can detect liquid explosives at airports.

In its final report card, the 9/11 Commission gave the Federal Government's checked bag screening capabilities a ''D'' and directed that ''The TSA should expedite the installation of advanced (in-line) baggage screening equipment.'' But almost a year later, we're still far behind where we need to be.

This bill also does not address another aviation security weakness that leaves us vulnerable to a terrorist attack.

Specifically, the bill keeps in place an artificial cap that Republicans have placed on the number of airport screeners that can be hired. This is creating security challenges at our airports, as passenger traffic increases, and workers are expected to be on guard for a growing array of threats.

According to the bipartisan report released earlier this month ''without adequate capital investment, screener staffing levels would have to increase significantly to maintain 100% electronic screening.''

But we currently have the worst of both worlds: Republicans refuse to invest the needed funds in explosive detection equipment while they also cap the number of screeners regardless of security needs. This is a dangerous, wrong-headed policy that puts Americans at risk.

This bill also fails to sufficiently fund the Metropolitan Medical Response System, a vital program designed to limit casualties in the event of a major emergency, such as a nuclear attack or avian flu outbreak.

Clearly, our country needs a New Direction to ensure that security loopholes are closed and Americans are protected from terrorists determined to inflict another devastating attack on our country.

Republicans continue to ignore glaring loopholes such as porous security safeguards at chemical plants, failure to scan all the cargo on passenger planes, flawed checkpoint screening equipment, and the lack of enough TSA screeners.

As a result, Republicans are providing our nation with homeland insecurity, rather than the real security that Americans deserve.

I urge a ''no'' vote on this bill.

Mrs. LOWEY. Mr. Speaker, I rise in support of the Fiscal Year 2007 Homeland Security Appropriations Conference Report. It includes several provisions that I authored in the Homeland Security and Appropriations Committees, including much-needed provisions to help first responders communicate.

More than two years ago, I proposed legislation to require the Department of Homeland Security to create a national interoperability strategy. It is time that we give our first responders the tools they need to adequately communicate with one another without having to use many of the same tactics as Paul Revere.

This strategy is long overdue. Ten years ago, the Public Safety Wireless Advisory Committee recommended that ''unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient, and cost effective manner.'' Because of inadequate radios, 343 firefighters died while heroically rescuing thousands of workers at the World Trade Center on September 11th. Last year, communications failures exacerbated the poor response to Hurricane Katrina.

Amazingly, the Department has no real plan to solve the communications crisis and has not made the issue a priority. This bill will require it to complete a baseline study to assess current capabilities; create a resource plan; expedite voluntary consensus standards; set goals and time frames; identify obstacles; coordinate planning with other federal as well as state, local, and private sector partners; design backup systems in the event that primary systems fail; and verify manufacturers' claims that equipment meets certain standards.

Unfortunately, the conference report does not include my dedicated communications grant program. While it is imperative that we have a workable strategy, it can only be executed when local public safety agencies have funding to plan, design, implement, and maintain interoperable networks. In addition, the bill cuts funding for the major first responder grant programs, further delaying the progress that state and local governments should be making to increase communications capabilities.

Although the conference report is not perfect, I am pleased that conferees took the first step in adopting my interoperability strategy.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in support of the pending Conference Report, and thank the Chairman of the Homeland Security Appropriations Subcommittee, Mr. HAL ROGERS, for his work on this legislation.

I appreciate the fact that this bill includes important provisions that consolidate the Noble Training Center with the Center for Domestic Preparedness; establish a Homeland Security Education Program; and ensure financial accountability of the Secure Border Initiative, which is similar to a provision of my bill—H.R. 6162—that the House passed yesterday.

In addition, this bill includes funding to add 1,500 new Border Patrol agents. In 2004, Congress authorized 2,000 new agents be added each year. To date, the Border Patrol has added fewer than 2,000 new agents.

In May, the President announced that the Border Patrol will increase its ranks by 6,000 new agents by FY 2009. At the current pace, we will not meet this goal.

I look forward to working with Members of the Homeland Security Appropriations Subcommittee to ensure that the Border Patrol will be able to make the President's goal a reality.

While I support the overall Conference Report, I am deeply concerned with one provision included by the other body.

This provision would require that all instructors at the Federal Law Enforcement Training Center—referred to as FLET–C—be Federal employees.

This is a terrible provision that could prevent Federal law enforcement agencies—not just DHS—from being able to quickly and cost-effectively train their officers and agents. Particularly in emergency circumstances; like we experienced immediately after the 9–11 terrorist attack.

OMB Director Rob Portman wrote to Congress on September 6th regarding DHS Appropriations and expressed his serious concern that this provision is too restrictive.

He wrote that by preventing public-private competition, the provision—quote: ''deprives the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to support other priorities.''

I have reviewed FLETC's course list and find it indefensible that anyone would advocate that only a Federal employee can efficiently and effectively teach some of these courses.

For example why is it that only a Federal employee can teach ''7 Habits of Highly Effective People,'' or ''Archeological Resources Protection,'' or ''Self Leadership Through Understanding Human Behavior?''

All of these are courses taught at FLETC facilities. All of these courses could very easily be taught by a State or local government official, a college professor, or a professional from the private sector.

Since the terrorist attacks of September 11th, the need for FLETC training has increased dramatically, and FLETC is under significant strain to meet these needs.

Should an emergency arise tomorrow, I am certain that this provision will make it impossible for the Department to be able to meet any surge in demand for training that might arise.

I urge my colleagues to consider the serious ramifications of this provision, and join me in working to lift this ban in the future to ensure our Federal law enforcement agencies can meet all their training needs.

Mr. SOUDER. Mr. Speaker, I rise today in support of the conference report to H.R. 5441, the fiscal year 2007 Department of Homeland Security Appropriations Act. With this bill, the federal government takes important steps forward on securing our border and reforming the Federal Emergency Management Agency (FEMA).

It is heartening to see that Congress is beginning to wake up to the critical importance of a secure border. Indeed, this bill provides $21.3 billion for border protection and immigration enforcement—nearly an 11 percent increase over last year—including $5.2 billion for the department's Secure Border Initiative, the government's comprehensive multi-year plan to secure America's borders and reduce illegal migration through enhanced technology, infrastructure, and personnel. $2.25 billion is provided for the addition of 1,500 new Border Patrol agents, bringing the total to 14,800, and $1.2 billion for border fencing, vehicle barriers, technology, and other infrastructure improvements.

H.R. 5441 also takes important steps to protect against the growing threat of border tunneling. Penalties for individuals who assist in the construction or financing on border tunnels will be subject to much harsher penalties—fines and imprisonment of up to 20 years. Anyone using a border tunnel to smuggle aliens, weapons, or other goods will be subject to a maximum term of imprisonment that is twice the punishment that would have applied had a tunnel not been used.

In addition, I am extremely pleased that the conference committee provided more than-expected funds to assist in the transfer of the Shadow Wolves from the Bureau of Customs and Border Protection (CBP) back to their logical home in Immigration and Customs Enforcement (ICE). The Shadow Wolves officers are Native Americans who combine modem technology with ancient tracking techniques to play a critical role in our government's counter-narcotics efforts along the 76 miles of border and 2.8 million acres within the Tohono O'odham Nation. When the Department of Homeland Security was originally created, the Shadow Wolves were placed under the control of the CBP. Unfortunately, however, the CBP's mission and methods were found to be notably unsuited to the ways of the Shadow Wolves, whose methods employ tracking smugglers more than merely defending a border line. This bureaucratic misjudgment has significantly hurt the Shadow Wolves' morale, causing their numbers to dwindle. Because of this situation, I appreciate the conferees' decision to provide $3.1 million—a million more than in the House bill—for ICE to pay for the newly-transferred Shadow Wolves' salaries and other needs.

It is also important to note for our friends in Canada and Mexico that nothing in this bill should be misrepresented as changing our commitment to requiring a secure border ID.

As we require more secure IDs to get a driver's license, to vote, and to get a job within the U.S., you can be assured that we certainly will require one at the borders. Working together, we can maintain our important trade and tourism relationships while maintaining the security or our Nation.

Last, I am pleased that this conference report will enact important reforms to FEMA to help ward off some of the blatant examples of mismanagement seen in the aftermath of Hurricane Katrina. For example, this bill creates a smarter FEMA management structure by establishing 10 FEMA regional offices and regional directors with the ability to coordinate and direct the federal response in times of crisis, so that FEMA is not trying to manage future disasters from Washington. By putting FEMA on the ground where the crisis is occurring, regional directors will be able to coordinate more effective and timely responses. Also, each regional office will maintain a multi-agency regional strike team, with the ability to quickly respond to emergencies, and three national emergency response teams will be created in case rapid supplements to the regional teams are needed. Finally, while codifying the FEMA director's status as the principal advisor to the President and Secretary of Homeland Security, this bill refrains from establishing FEMA as an independent, cabinet-level agency—a misguided notion designed more to placate the media than institute meaningful reform.

Mr. Speaker, I commend Chairman ROGERS and the rest of the conferees for their hard work on this bill, and urge my colleagues to support it.

Mr. STARK. Mr. Speaker, I rise in opposition to the Department of Homeland Security (DHS) Appropriations Act (H.R. 5441) because $35 billion is too high a price for failure. Hurricane Katrina provided a vivid and massive example of DHS' incompetence, but additional instances of incompetence are on almost daily display. Just this week, Secretary Chertoff announced with great fanfare a new risk-based port security program. Perhaps he knows something about the terrorists that we don't, because apparently they are more likely to target the ports in Burns Harbor, IN and Duluth, MN than Oakland, CA. Those ports received new funding while Oakland got nothing. The fourth-busiest port in the nation, the gateway to Asia, in the heart of a major metropolitan center and the high-technology headquarters of the country is apparently at no risk of a terrorist attack.

Another recent round of urban security grants cut funding by 40 percent for New York and Washington, DC, but increased it for Louisville and Omaha. The American people might also be interested to know that DHS' ''National Asset Database,'' which is used to determine how to allocate preparedness funding, lists Indiana as the state with the most potential terrorist targets. Supposedly, the Hoosier state has 8,591 targets compared to California's 3,212. The Amish Country Popcorn Factory in Berne, IN is on the list, but the Empire State Building is not. I couldn't make this stuff up.

The more DHS promises to improve and stop wasting money, the worse things get. Last year, more than half of contracts were awarded without a full competitive bidding process, compared to 19 percent in 2003. If it seems to you like the Katrina recovery is going awfully slow for how much money has been spent, perhaps you aren't considering the 2,000 sets of dog booties costing $68,442; three portable shower units for $71,170; 54 iPods worth $7,000; 37 designer rain jackets for a Customs and Border Protection firing range that isn't used when it is raining; and a beer brewing kit for $1,000 purchased by DHS staff.

This Homeland Security Appropriations bill does nothing to require stronger oversight or to stop the hemorrhaging of money to our least-vulnerable areas. The popcorn factory and petting zoo lobby will be happy, but I am disgusted, and I urge my colleagues to join me in voting no.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the conference report and the provisions dealing with chemical plant security.

I truly regret this issue is being debated in the context of an appropriations bill. As Chairman of one of this Body's two Committees of jurisdiction, I am committed to engaging the policy debate in the future on chemical plant security legislation.

Mr. Speaker, I have been astounded by the lack of real knowledge by some professed experts about the way that chemical plants are already regulated under existing Federal laws. When Congress resumes this debate in the next couple of years, it is essential that all interested persons know what their government

and the private sector are already doing before heaping an array of well-intentioned mandates on government and the private sector.

America does not become more secure by piling on more laws, it just become more regulated.

These provisions on chemical plant security are a step forward in making America more secure—and this is the only criterion by which I find myself supporting them. The legislation is far from perfect. However, it does establish, for the first time, an actual, and enforceable chemical plant security program for the whole Nation.

Let me highlight some key provisions:

First, this legislation requires chemical plants to conduct vulnerability assessments and site security plans. Similar steps have been required of other facilities by Congress and have passed without a dissenting vote.

Second, this legislation requires the Department of Homeland Security to develop risk-based, performance-based regulations for securing high risk chemical plants within the next six months. This provision includes a much wider scope of plant coverage than what the Senate spending bill contained and it also makes the critical distinction that not every chemical plant is created or operates equally, has the same risks, or is similarly vulnerable.

Third, this legislation allows the Department to approve chemical plant regimes that other public or private interests develop that meet the criteria in the Department's regulations. This is crucial because it allows parties that have already invested in protecting chemical plants from terrorist attacks to avoid having those costs stranded simply because they had the foresight and initiative to act before this legislation became law.

Fourth, this is legislation protects sensitive information. We must never make security-sensitive information about chemical plants' available to anyone for the asking, including terrorists. Information protections have been included in every homeland security related bill since 9–11 and there is no good policy reason to end that practice right now.

This provision does not shield any chemical plant from FOIA requests for emissions data under existing Federal environmental statutes; it merely covers vulnerability and security information. I hope we all support this necessary protection.

Fifth, this legislation keeps the Department focused on chemical plant security. Some people want to have the Department's mission diluted with extraneous tasks such as regulating chemical plant pollution, chemical plant manufacturing processes, or chemical plant workplace relations.

We must not dismiss the volumes of environmental and manufacturing laws and enforcement expertise at both the Environmental Protection Agency and the Occupational Safety and Health Administration, not to mention their state counterparts, so another Agency of the Federal government can get into the act.

Sixth, under the catch-phrase ''inherently safer technologies'' some want to vest in the Department of Homeland Security the power to regulate chemical feedstocks, processes, and products. One environmental protection agency is enough, Mr. Speaker. EPA has the authority and expertise it needs under the Safe Drinking Water Act, Toxic Substances Control Act, Clean Air Act, and other laws to protect our environment from harmful chemical exposure.

Let's let the Department of Homeland Security focus on protecting us from the threat of chemical terrorism so that our plants and communities are secure, and manufacturing facilities can continue to meet the needs of the American consumer, the American worker, and the American economy.

Seventh, this legislation distinguishes facilities that are already regulated by Federal law to prevent terrorism consequences. This includes drinking water and Maritime Transportation Security Act (MTSA) facilities. Some misread this distinction as meaning drinking water and maritime transportation facilities do not get protection. On the contrary, the protection from terrorism we've already given them is so good we don't want conflicting regulatory programs to interfere.

We don't want DHS, which is not an environmental or public health agency, setting de facto drinking water standards under the guise of security regulations. Both the Public Health Security and Bioterrorism Preparedness and Response Acts and presidential directives on homeland security place EPA in charge of drinking water facilities. Let's keep it there.

Eighth, this legislation requires DHS to audit and inspect chemical facilities to ensure compliance. Further, any facility not in compliance faces civil penalties and those facilities who do not obey an order to take corrective action face the prospect of being forced to cease operation. Considering its consequences for dedicated workers and its downstream impacts on interstate commerce, I trust this power would be used, if ever, only as a last resort.

Last, this legislation prevents private rights of action against the chemical facility solely as a means of private parties enforcing the security provisions in this section. This bar against third-party suits does not extend to any presently existing right a person might have under any other law. Simply, this provision prevents self-deputized persons from using the courts to enact national security policy.

Mr. Speaker, imperfect as the chemical security section is, it is better than current law and should make us a more secure nation. I urge all my colleagues to support its inclusion in this bill and adoption of the conference report.

Ms. LEE. Mr. Speaker, two years after the bipartisan 9/11 Commission gave the Republican led Congress and this Administration failing grades for their efforts to secure our nation, they are still failing the American public.

Take the issue of port security for example.

The Coast Guard has identified over $7.3 billion in port security needs over the next decade, yet since 2002 we have barely provided $900 million.

Four days ago the Homeland Security Department announced its latest round of port security grants and not one single penny was given to the Port of Oakland in my district, even though it is the fourth busiest container port in the country.

Instead of spending money to secure the Port of Oakland and all our nation's ports, we are spending nearly $2 billion a week—over $321 billion so far—to fight this unnecessary war in Iraq.

A war which our intelligence services are now telling us is spawning a whole new generation of terrorists and making us less safe.

Mr. Speaker, we should be spending taxpayer dollars to secure our nation, not to create new terrorists.

While I support the funding in this bill, I believe we need much more.

Democrats have proposed a new direction for America that delivers on our homeland security needs. It's time for a change, Mr. Speaker.

Mr. ORTIZ. Mr. Speaker, while this bill provides important funding that is very late in coming for our border security, there are still holes in the funding Congress has passed . . . and what the 9–11 Commission said was the least the Congress should do to combat the terrorist threat.

Let us use the Intelligence Reform bill that became law in December, 2004, as a benchmark of what this nation must do to try and control the security of our borders: the bill mandated 10,000 Border Patrol agents over 5 years (2,000 annually) and 40,000 detention beds over 5 years (8,000 annually).

Here is a compilation of all the funding bills the Congress has passed that have become law—including the bill passed today, laying out how many Border Patrol agents and how many detention beds we have actually funded: Emergency Supplemental in 2005 (Passed May 2005), 500 Border Patrol Agents, 1,950 Detention Beds; FY06 Homeland Security Conference Report (Passed October 2005), 1,000 Border Patrol Agents, 1,800 Detention Beds; Emergency Supplemental in 2006 (Passed June 2006), 1,000 Border Patrol Agents, 4,000 Detention Beds;

Add in what we are passing today:

FY07 Homeland Security Appropriations Bill, 1,500 Border Patrol Agents, 4,870 Detention Beds;

Our grand total of what we should have done according to the 9–11 Commission to date is: 4,000 Border Patrol Agents and 16,000 detention beds. While we are finally caught up on paying for the least the 9–11 Commission said we should do for Border Patrol agents, we are still 1,550 short on detention beds.

Never let it be said that we did the least we could do—this Congress is paying for less than what the 9–11 Commission said was the least we should do. And let me add that it took a national guilt trip and backlash to get this Congress to pay for the least amount of Border Patrol agents the 9–11 Commission demanded.

What has appalled so many of us is that DHS is releasing thousands of illegal immigrants into the general population of the U.S. because they simply do not have the detention space to hold them. These illegal immigrants—also referred to as OTMs (other than Mexicans)—are given what they call ''walking papers'' and are released on their own recognizance with an order to appear at a deportation hearing weeks after their release.

In fact, they are asked where they are traveling to in order to give them a hearing near their final destination. Of course, they rarely return. This is hurting the morale of our U.S. Border Patrol Agents and it is a misguided process.

Because of ''catch and release'' the number of immigrants who have come across our borders has significantly increased. According to the April 2006 Department of Homeland Security Inspector General report here's what underfunding border security means: 774,112 illegal immigrants were apprehended during the past three years. Of those, 280,987—or 36 pecent—were released largely due to a lack of personnel, bed space and funding.

Our willful neglect of our border security had galled our fellow citizens. As a political gesture, this Administration and this Congress want to build a wall and militarize the border? That's not what we need. We need to keep our promises to the American people and fund the promises we made.

We must send a clear message that when you cross our borders illegally, you will be caught and detained. I get our desperate fiscal situation. But compromising border security is not the way to trim the deficit.

At some point, this Congress must deal with the national security risks that remains with the very large number of OTMs released into the general population who are still unaccounted for. Funding the effort to locate all the released OTMs is going to make paying for the minimum number of agents and beds seem like child's play.

Mr. ROGERS of Kentucky. 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.

FURTHER MESSAGE FROM THE SENATE

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

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1062 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1062

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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 have 5 legislative days to revise and extend their remarks and attach tabular and extraneous material.

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, today, the Rules Committee met and reported a special rule for consideration of H.R. 5122, the fiscal year 2007 National Defense Authorization Act. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

Mr. Speaker, I rise in support of the rule for H.R. 5122 and the underlying legislation. Today, we are at a critical juncture. The conference report for the fiscal year 2007 National Defense Authorization Act is before us. This legislative companion to the fiscal year 2007 defense appropriations bill authorizes and provides critical legislative language for full implementation of our defense policies.

Let us be clear: This is an excellent piece of legislation, a good bipartisan package that represents the best work of the House Armed Services Committee. Recognizing that, I would like to personally thank both the gentleman from California, Chairman HUNTER, and the gentleman from Missouri, Ranking Member SKELTON, for delivering a package that I am sure almost all of us can support.

Mr. Speaker, having served on the House Armed Services Committee and currently being a member on leave of absence from that committee, I know how closely the members of that committee work together to achieve a bill that is bipartisan, that is good for our servicemen and women and that is good for increasing the security of our country.

Mr. Speaker, this year, the Armed Services Committee produced a bill that contains several major legislative initiatives and funding impacts. Among them are an additional $70 billion in supplemental bridge funding to support the war on terror's operations costs; personnel expenses and procurement of new equipment; additional funding for force protection needs in support of Operation Enduring Freedom and Operation Iraqi Freedom, including up-armored Humvees, Humvee IED protection kits and gunner protection kits, IED jammers and state-of-the-art body armor; a 2.2 percent pay raise for all members of our Armed Forces; and an increase of 30,000 personnel for the Army and 5,000 personnel for the Marine Corps to help them sustain their required missions.

□ 1600

The bill blocks the Department of Defense proposed TRICARE Prime, Standard, and Select Reserve fee increases. The bill authorizes grants and loan guarantees to U.S. shipyards to approve their efficiency, cost effectiveness, and international competitiveness. The bill fully funds the immediate Army and Marine Corps shortfalls for replenishing supplies and replacing equipment in the amount of $17.1 billion for the Army and $5.7 billion for the Marines.

Mr. Speaker, more importantly this legislation directly supports our servicemen and -women in the field and on deployment. Operations in Iraq and Afghanistan are dependent on us passing this legislation that contains so many changes in legislative language.

Mr. Speaker, a bumper sticker we often read says: ''I support our troops.'' Today we have that opportunity and responsibility. We could support our troops and improve the security of our Nation in a way that other Americans cannot. We can offer our vote in support of this legislation as 60 of 61 members of the House Armed Services Committee did when they initially passed the bill.

This is not a controversial proposition. This is something we should be proud to do, regardless of our perspectives and different positions on the war in Iraq. All of us are proud of our troops. All of us are committed to them and commend them for their courage and their professionalism, and all of us will do everything we can to increase their safety and effectiveness.

Mr. Speaker, I would be remiss if I did not also note that the Afghan and the Iraqi people also deserve to be commended for their efforts in our common struggle. During this war, the citizens of both these countries have held elections, written constitutions, and formed permanent governments. Afghan and Iraqi citizens are watching what we do here today. They require and request our continued support as they move forward in their efforts to build new and better countries. The passage of this rule and underlying legislation is an important sign that this country and Congress will keep its commitments. Afghanistan and Iraq are striving to create a future of hope and promise. We can play an important role in helping them do that here today.

Mr. Speaker, many may wish to raise policy issues in this debate. Some may want to discuss issues that, however important, are superfluous to providing for the needs of our men and women in uniform. And I welcome that exchange, if indeed it occurs.

Mr. Speaker, I believe we should focus on what should count. We have committed hundreds of thousands of our service men and -women to fight terrorism and advance the cause of

freedom in Iraq and Afghanistan. We owe them our full support in the battles they wage on behalf of the American people and the cause of liberty. This rule and the underlying bill represent the efforts of Congress to keep that solemn commitment to the sons and daughters of America. Mr. Speaker, to that end, I urge support for the rule and the underlying bill.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the customary 30 minutes, and I yield myself such time as I might 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 authorization bill. The underlying agreement has been a long time in the making, and I am happy to report that it is a clean agreement. I applaud the conferees for refraining from adding extraneous provisions. This bill is about our troops, and I appreciate the Members preserving that focus.

I am not unsympathetic to the desire of many Members in this Chamber to do more before we adjourn. As my colleagues and I have been urging all week, Congress should not leave town without allowing for floor debate on the American people's priorities. These include fully implementing the 9/11 Commission recommendations, allowing a clean vote to increase the minimum wage, and restoring the massive cuts in student financial aid passed by this Congress earlier this year. Despite being the waning hours of this Congress, there is still time to conduct the business of the American people. There is certainly time for debate and a vote on these other urgent priorities.

But to return to the rule we now debate, it allows for consideration of a bill of our national defense and it is a good agreement.

When H.R. 5122 was first considered by the House, I discussed that this bill serves two critical roles: first, as a planning blueprint in order to ensure that our military has the resources and tools to meet any threat from abroad; and, second, to provide for the men and women on the front line of our Nation's defense.

I am happy to report that the conferees kept both of these goals in mind in crafting this responsible agreement. It goes far in the support of the most professional and dedicated military in the world.

The agreement does not permit increases in the military's TRICARE prescription drug program, as the House version of this bill would have done. That is a very good thing. Our men and women in uniform should not pay more to access their benefits, particularly in a time of war.

Additionally, the agreement also maintains a critical role of our military chaplains and what they play in the spiritual lives and health of our troops. In a time of war, we cannot afford to change the rules in ways which may degrade readiness and unit cohesion.

Finally, Mr. Speaker, I appreciate that conferees preserve the wisdom in the underlying bill, which preserved the troop strength of our National Guard. The tragedy of Hurricanes Katrina and Rita, the annual wildfires in my home State of California and other parts of the West, as well as many members of the Guard called to duty in Iraq, demonstrate the numerous demands placed on the Guard and the important role they play.

For all that we ask of them, these individuals, be they members of the Army, Navy, Air Force, Marine Corps, Reserves, or National Guard, ask very little of us in return. What they ask is that we provide the equipment they need to get the job done, provide for them, provide for their family. And the agreement we have before us today would do that. I thank the conferees for their efforts to craft this compromise.

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

Mr. COLE of Oklahoma. Mr. Speaker, I would like to yield such time as he may care to consume to the distinguished chairman of the Rules Committee, the gentleman from California (Mr. DREIER), who does so much to make sure that we operate in an orderly and expeditious fashion in this Congress.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the conference report. I want to begin by congratulating Mr. COLE and Ms. MATSUI for their management of this rule and to say that this is a great example of bipartisanship.

Our friends DUNCAN HUNTER and IKE SKELTON have worked very closely on this bill, which is, if I recall, $562.8 billion. It includes that $70 billion bridge fund, a 2.2 percent increase which is part of a 40 percent increase over the past 8 years that has been provided for our men and women in uniform. It is a very important thing as we continue to fight this ongoing struggle against terrorism that we are dealing with all over the world.

Only the United States of America can provide the kind of leadership that is being provided today. And, Mr. Speaker, I believe that it is absolutely essential that this Department of Defense authorization bill continue to set the example of bipartisanship in our quest to win that war against terrorism.

The reason that I wanted to take a few minutes here, Mr. Speaker, is that I wanted to underscore the fact that our reforms are working.

Now, why would I be talking about the issue of reform as we bring up the Department of Defense conference report's rule? It is the fact that this is the first time in a conference report that we have actually had a required listing of the so-called earmarks, items that were not included in either the House-passed authorization bill or the Senate-passed authorization bill. We use this term ''air dropped.''

There are five particular provisions, Mr. Speaker, that have been listed. This list is now made available, and the American people, our colleagues and the American people through the media, and obviously this is online, can see exactly what items were provided. And it enjoyed bipartisan support this reform. We had Democrats, whom I am happy to say joined with us in our quest to reform. Very few, but we had some Democrats joined with us in our quest to ensure that we could have greater transparency, disclosure, and accountability so that the American people will be able to see on these very important items that relate to our Nation's defense capability. They now don't have those hidden; they are in fact open for everyone to see, and that is a reform led by Speaker HASTERT that we have been able to implement. And I want to thank Speaker HASTERT and Majority Leader BOEHNER for, as we were going into the August break, making a commitment.

The three of us introduced the legislation that called for this rule change, and we were able to implement it expeditiously; and it is now in effect, and this conference report is the first time that we have seen it.

So I just want to join in extending congratulations again to Messrs. HUNTER and SKELTON and all of those who have been involved in this process and to say that we look forward to the passage of this rule, of course, and passage of the legislation.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to this rule and to the underlying bill. And I do so because of a ridiculous earmark, despite what the Rules Chairman has just stated, which was added by Chairman HUNTER in order to keep the public out of a national park, which happens to be in my district, the Channel Islands National Park.

This provision monkeys around with a court settlement to end a lucrative privately run trophy hunting operation on Santa Rosa Island.

The owners of the elk and deer herds, the Vail family, were already paid $30 million by taxpayers when they deeded over the island back in 1986. They were supposed to end this hunting operation in 2011. A trophy hunt, which, by the way, costs hunters up to $17,000 per weekend, shuts the island to park visitors for 5 months out of each year. Mr. HUNTER is seeking to allow private hunting in the park to go on indefinitely, and this will result in more lawsuits.

One might wonder why this provision is in a bill which deals with supporting

our troops. The proposals and reasons behind it have evolved over time. At one point it was to establish a hunting preserve for the military's top brass and their guests. When that didn't fly, it was quickly changed to making Santa Rosa a place for disabled vets to hunt. But when the paralyzed veterans of America actually went to the island, they told Chairman HUNTER, and I quote, ''the Santa Rosa initiatives is not viable.''

Then the provision morphed into saving the animals from extinction. That is right. The intention is that we are going to save the animals, though they continue to be hunted indefinitely and on the island. This provision is opposed by the Park Service, the PVA, the Humane Society, and many public lands groups. Even the U.S. Senate unanimously passed a resolution against this proposal.

So why is it in the bill? Who knows. What we do know is that taxpayers who paid $30 million for the island are now being told by our chairman they can't visit it for nearly half the year. This is an insult to our constituents, to all taxpayers. It is also an insult to our troops whose service to this country is being used as a cover for this special interest boondoggle.

Now, I know the underlying bill will pass by a wide margin, and I understand that. I also know that this House has never endorsed this proposal. And given the opportunity for an up-or-down vote, I am sure they would agree with me. And so this is yet another sad day for taxpayers, for our national parks, and for this House.

PVA,
July 26, 2006.

Hon. VIC SNYDER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SNYDER: On behalf of the Paralyzed Veterans of America (PVA), I am responding to your inquiry regarding efforts to provide hunting opportunities for paralyzed and disabled veterans on Santa Rosa Island. While PVA applauds the efforts by Chairman Duncan Hunter to open hunting and outdoor venues for our members, other disabled veterans and current service members we have come to the conclusion that the Santa Rosa Island initiative is not viable. PVA has sent one of our members to the island and we have explored possible solutions to the challenges posed by the site; however, it is our opinion that the numerous obstacles inherent to the island, including ingress and egress, logistics, personal safety and cost, far outweigh the possible, limited benefit it could provide.

It is our hope that the concept of expanded hunting and outdoor opportunities on federal facilities for our members, other disabled veterans and service personnel will continue to receive the attention of Congress. Chairman Hunter's efforts should serve as a starting point for future initiatives to provide accessible venues for both veterans and active duty personnel. We would be happy to work with you and other members to explore alternatives to this issue and identify other opportunities across the country that may afford veterans expanded options.

Sincerely,

DOUGLAS K. VOLLMER,
Associate Executive Director
for Government Relations.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 21, 2006.

Hon. DUNCAN HUNTER,
Chairman, Armed Services Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of the Interior would like the opportunity to provide its views on section 1036(c) of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007, as approved by the House of Representatives.

We recommend deletion of section 1036(c) in order to ensure that the National Park Service is able to continue its progress toward the recovery of native species and providing year-round access for other recreational activities on Santa Rosa Island.

Section 1036(c) states that ''[t]he Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96–7412 WJR and case number 97–4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.''

We believe section 1036(c) is intended to overturn this settlement agreement that prescribes a phase-out of the privately-owned deer and elk from Santa Rosa Island, culminating in their complete removal by the owners by December 31, 2011. The National Park Service is party to that settlement agreement and stands by its terms. Fulfillment of the agreement is necessary to accomplish the purposes for which the National Park Service acquired Santa Rosa Island.

The National Park Service purchased Santa Rosa Island for $30 million in taxpayer funds in 1986 after Congress included the 54,000-acre island as part of Channel Islands National Park in 1980. The purpose of this acquisition was to restore the native ecology of the island and open it to the public for hiking, camping, sightseeing, and other recreational activities. Although hunting is usually not allowed in National Parks, a private hunting operation for deer and elk was permitted to continue under a special use permit at the request of the owner, who had retained a 25-year reservation of use and occupancy (through 2011) in 7.6 acres on the island. Subsequently, the settlement agreement provided for the phased elimination of the deer and elk population.

Elimination of the nonnative deer and elk is needed to allow native plant and animal species, including some that are endangered and threatened, to flourish on the island. Also, more visitors will be able to enjoy the island after the closure of the deer and elk hunting operations that currently close about 90 percent of the island to National Park Service visitors engaged in other recreational activities for 4 to 5 months every year.

Section 1036(c) also raises several other issues. It gives direction to the Secretary of the Interior with respect to the settlement agreement, yet the Secretary is not responsible for removing the deer and elk from the island—the former owner of the island, who retains ownership of the deer and elk, is responsible for their removal. Furthermore, 1036(c) suggests that the National Park Service has an approved plan to exterminate the deer and elk by helicopter, yet no such plan exists. In fact, as already noted, the deer and elk are the property of the former owner of the island and, under the terms of the settlement agreement, must be removed by them. Only if the deer and elk become extraordinarily difficult to remove would the National Park Service share the cost of removing the animals, which could include the use of helicopters.

Again, thank you for the opportunity to provide these comments. The Office of Management and Budget has advised that it has no objection to this letter from the standpoint of the Administration's program.

Sincerely,

ACTING ASSISTANT SECRETARY,
Fish and Wildlife and Parks.

THE HUMANE SOCIETY,
August 7, 2006.

Hon. JOHN WARNER,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.
Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN WARNER & SENATOR LEVIN: On behalf of the more than 9.5 million members and constituents of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, I urge you to reject efforts by House Armed Services Committee Chairman Duncan Hunter to establish a hunting reserve on Santa Rosa Island in California.

The HSUS urges you to follow the guidance provided by S. Res. 468, the Senate resolution that deemed that the Channel Islands should be managed in a manner consistent with the mission of the National Park Service. This would preclude establishing a hunting operation on the Channel Islands, as advocated by Chairman Hunter.

Chairman Hunter's proposal to keep Santa Rosa Island open to guided trophy hunts of deer and elk under the guise of a benefit to disabled veterans is not only inhumane and unsporting, but is also opposed by the Paralyzed Veterans of America and the local community. It is also opposed by Representative Lois Capps, whose district includes the Channel Islands. Trophy hunting on this island is not viable for disabled veterans, and is not consistent with the wishes or the mandate of the National Park Service.

Although a large island, the deer and elk managed for trophy shooting have no opportunity to escape their pursuers. It is effectively a ''canned'' hunt. Conservation groups, hunters and animal protection organizations have openly agreed in their opposition to canned hunts. Canned hunts are commercial enterprises conducted under circumstances that generally guarantee a kill. Canned hunts can all be identified by the two traits they have in common: (1) they charge their clients a fee to kill an animal; and (2) they violate the generally accepted standards of the hunting community, which are based on the concept of fair chase, by eliminating escape possibilities. Our national park land should be safe havens for animals, not privileged playgrounds for a small group of trophy hunters.

We hope you will omit Rep. Hunter's language to establish a canned hunting operation on a unit of the National Park Service in the final version of the FY07 National Defense Authorization Act.

Sincerely,

WAYNE PACELLE,
President & CEO.

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, September 8, 2006.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: On behalf of the 327,000 members of the National Parks Conservation Association, I am writing to express our strong opposition to Section 1036(c) of the House-passed National Defense Authorization Act, which attempts to nullify a court-approved settlement agreement in a lawsuit regarding the management of the

Channel Islands National Park. I urge you not to include this harmful provision in the conference report on the DOD bill.

Under the terms of the Settlement Agreement in this proceeding (NPCA v. Kennedy. Civil Action Number 96–7412 WJR) non-native deer and elk are to be removed from the Park's Santa Rosa Island, and the lucrative private hunting operations on the island, which undermine restoration efforts and limit public access to the park, are ended by the year 2011. The onerous language in the House bill attempts to alter that agreement by forestalling removal of the animals.

The ostensible purpose of the language is to create a hunting preserve for among others, disabled veterans, but the Paralyzed Veterans Association has stated unequivocally that Santa Rosa Island is not suitable for that purpose because of its rugged terrain, accessibility, and cost. This altogether worthy idea is in fact addressed in another section of the bill [Section 1036(a)(b)] which would provide increased hunting and fishing opportunities for disabled veterans and other armed service personnel at many existing, suitable DOD owned locations throughout the country.

On August 6th of this year, the Senate passed S. Res. 488, supporting the continued administration of the Channel Islands National Park, including Santa Rosa Island, in accordance with the laws, regulations, and policies of the National Park Service. The Congressional mandated purpose of the park is, ''to protect and interpret the internationally significant natural, scenic, wildlife, marine, ecological, historic, archeological, cultural and scientific values of the Channel Islands.'' The Senate is, therefore, clearly on record in strong support of restoring, managing, and providing public access to all the Channel Islands as required by the terms of the court directed Settlement Agreement.

The National Park Service is strongly opposed to this provision, the Department of the Interior has recommended deleting the provision from the bill, and the Department of Defense has never requested it. This unrelated and non-jurisdictional controversy has no place in an important defense authorization bill. If Section 1036(c) is enacted, as a party to the court's Settlement Agreement, we will have no choice but to pursue every legal means available to preserve the settlement's integrity. I hope that will not be necessary and that you will drop this ill-conceived, unwarranted and damaging provision from the final Defense Bill.

Sincerely,

THOMAS C. KIERNAN,
President, National Parks Conservation Association.

Mr. COLE of Oklahoma. Mr. Speaker, I yield such time as he may care to consume to the distinguished chairman of the Armed Services Committee, Mr. HUNTER, from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. And the only reason I am rising is to set straight the record which, sadly, has been not accurate that has just been laid out by my colleague, the gentlewoman from California.

I was taking a bunch of marines who were up hunting up in northern California down the California coastline, and one of them brought up the point that Santa Rosa Island off the coast, which is owned by a private company and which has deer and elk on it, was going to see those deer and elk exterminated, and wouldn't it be a great place for our wounded people returning from Iraq and Afghanistan, rather than exterminating these animals with helicopters in the end, which is in the court order, to allow our people who like to pursue hunting in the Armed Forces who have been wounded to have a place to go and have a great time with their families.

□ 1615

Taking that under advisement, I put a provision in to allow that to happen. I have never put in a provision that was intended to have the Navy brass or VIPs or Army brass or Marine Corps brass out there hunting. This is for wounded people, and right now it is operated by a private company.

The ranching family, whom I have never met, I will tell the gentlewoman I have never met them. I have never had discussions with them, except one of them called up and asked me to tell the Park Service that I have never met him because my name was an anathematism. We say simply, listen, the island is going to be turned over by the private family to the Park Service in 2011. The court orders that all the animals be wiped out, be exterminated, be killed; the entire herd be killed. All we say is, don't exterminate the animals. Don't shoot them from helicopters, as the court order now directs. Let the herd stay and let us let our disabled veterans hunt.

Now we had the Paralyzed Veterans go over and check out the island. They wrote a letter back saying this is not their cup of tea. It is pretty rough terrain. It is hard to get over to the island. That is why almost nobody from the public comes over. The number of people who visit this 50,000-acre island per day, it is extremely small. There are almost more Park Service people on the island than there are members of the public. And this would only be for a short time during the year.

All we are asking is that they don't shoot the animals, don't exterminate them, and they let the disabled veterans hunt.

Now after the Paralyzed Veterans said this is not our cup of tea, because of the spartan circumstances over there, it is going to be tough for people with spinal cord injuries to really enjoy this island, so the Wound Warriors went over.

That is a great organization that takes wounded GIs and Marines and Navy and Air Force personnel, takes them skiing, takes them on outdoor outings and shows them a good time. They went to the island, and the report I got back, and I will give the letter to the gentlewoman, said they really enjoyed it. They really liked it, and they would like to have this opportunity. All we say is, don't exterminate the herd. That is the real import of this bill.

What I would like to see is a situation in which those people, only those people, only disabled American veterans get to hunt there. Because it is a wonderful outing. They can take their families. Their families can visit the seashore. They can take pictures. They can have a wonderful outdoor time while these people who gave so much to our country have a special place to go.

They don't have to pay any money because this will be when it is turned over to the government by the ranch family. All we are saying to the ranch family is, when you turn it over, don't exterminate the deer and elk. Leave them for the veterans. That is all they have to do. Inaction is what we are asking for.

I would tell the gentlewoman she has my word I will never hunt on that island. The only thing I will do is help the wounded veterans get over and help them in any way to have a good time. I think this is absolutely appropriate. It is not going to push a single member of the public off that island. Almost nobody goes to it right now because it takes a boat ride or plane ride to get to that island. This will bring happiness to many, many military families. I think it is appropriate that we do this.

Mr. Speaker, I look forward to the time when maybe the gentlewoman and I could go over with some of our wounded guys and watch them having a good time over there and agree that this is a good thing.

I thank the gentleman for letting me speak.

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS) to respond.

Mrs. CAPPS. Mr. Speaker, just in response, because I am happy to accompany the chairman any time he wishes to go to the island. I have been there. There have been many thousands of visitors this year. Yes, it is a rugged place. That is one of the appeals of it. Much of the natural resource that is there, cultural and animal and flora, that have been destroyed in part by first the cattle, now the cattle are gone, and by the deer and elk, it is a prized area for archaeologists and others to understand the history of the geography of our country. That is one of the reasons to remove the elk.

Extermination has been ameliorated by the Park Service's interest, and an invitation has already been extended to offer support to the family in removing without injuring the animals at the appropriate time after the settlement has been arranged.

It is also the case that the park superintendent is looking forward to an opportunity to make this island more accessible to those with disabilities. Veterans are not excluded from the island, nor would they ever be.

Also, hunting has been especially provided for our veterans on all kinds of public lands, including many military bases, as I am sure the chairman already knows. That is why the Paralyzed Veterans said there are many other places we can hunt, and now they would be extended an opportunity with special accommodations to visit the island like the rest of the public has.

There have been many attempts on the part of the Park Service, and this

will continue, to reach out to people with special needs to make available the wonderful resources on the island.

I am happy to take the chairman up on his invitation to visit the island.

Mr. COLE of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. That island is over 50 square miles. Can the gentlewoman tell me how many people from the public visit the island per day on a given day?

I yield to the gentlewoman.

Mrs. CAPPS. I don't have those numbers, but I can certainly make them available to you. Even with it being off limits to the public 5 months of the year, it is either 5,000 or 8,000 visitors that were out there last year. Part of the attraction of the island is its remoteness and the fact that it is set apart.

Mr. HUNTER. Reclaiming my time, if there are 5,000 people per year, that means roughly 20 people per day on that entire island. That's 5,000 people. With 365 days a year, 10 people a day, so 3,000 people and if you double that, 20 people a day for 50-square miles. That means there is one visitor from the public per 2 square miles on that island per day.

Now we have many, many places in America where we have mixed use, where you have hunters and fishermen and members of the public. These disabled veterans, they are not going to push anybody off the island. If you compare that to our other parks like Yosemite, with thousands of peole coming per day, 10 or 20 people per day on a 50-square mile is no density whatsoever.

In fact, I bet you that the park employees, the U.S. Government employees, on many days outnumber, because there are more than 20 of them at any time on the island, I bet you they outnumber the number of visitors.

I will tell the gentlewoman, because you have to take a boat trip or an airplane to get to that park, you will never have the type of visitors you get in parks where people can drive up. So that makes it perfect for these wounded people, these great American veterans, to come on over and have a great outdoor experience.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the rule before us makes in order a balanced agreement on the fiscal year 2007 Defense authorization bill. I urge all Members to support its adoption.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

Today, in closing, I want to reiterate the importance of passing this rule. This rule allows us to move forward and pass necessary legislation and do the business of the American people.

Mr. Speaker, I particularly again want to thank the distinguished chairman of the House Armed Services Committee, the gentleman from California (Mr. HUNTER), and also the ranking member, the distinguished gentleman from Missouri (Mr. SKELTON). They have worked together on this legislation and presented us with a truly model bill and one I think they adjusted during the legislative process to meet the needs of American men and women who are serving under very difficult circumstances to protect this country.

I particularly appreciate the fact that they made sure that these deserving individuals got a pay raise, that they made sure that the people who defended the country in the past were not subjected to unnecessary fee increases in the Tricare system, and they worked hard to shift funds towards force protection and the protection of individual American soldiers. And, at the same time, they addressed the very, very serious and critical needs of the Army and Marine Corps in terms of additional personnel and additional equipment.

I think the chairman and the ranking member can be exceptionally proud of their efforts, and I think all of us can appreciate the bipartisan spirit that the members of the House Armed Services Committee acted in, and I am sure when we vote later today we will have a strong vote in support of the legislation.

Obviously, it comes as no surprise that I intend to vote for the rule and the underlying legislation. I 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.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. MURPHY) laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I hereby resign as the representative of the 16th Congressional District of Florida, effective today.

Sincerely,

MARK FOLEY,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2006.

Hon. JEB BUSH,
Governor, State of Florida,
Tallahassee, FL.

DEAR GOVERNOR BUSH: I hereby resign as the representative of the 16th Congressional District of Florida, effective today.

Sincerely,

MARK FOLEY,
Member of Congress.

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 1062, I call up the conference report on the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1062, the conference report is considered read.

(For conference report and statement, see proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

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

There was no objection.

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

Mr. Speaker, let me start out by saying this is a tough job for a lot of our members of the committee and the subcommittees that make up the Armed Services Committee. It involves a lot of travel to the warfighting theaters. Almost every member on our committee has gone multiple times to Iraq and Afghanistan. It involves a lot of time away from families and a lot of tough work in committees. It involves a lot of analyses to try to figure out how to manage the logistical problems of all of the problems that attend the war fight in two theaters, Iraq and Afghanistan, and the war against terror around the world, and at the same time look over that horizon and try to exercise some vision as to what the next conflict may be and what we have to do to prepare for the future.

Let me tell you, Mr. Speaker, I could have no better partner in that endeavor than the gentleman from Missouri (Mr. SKELTON).

□ 1630

Mr. SKELTON is a tremendous, tremendous guy. And he has got kind of a corporate memory in terms of military history. He has got a recommended reading list for all of us. He analyzes the present situation through the prism of history. We all appreciate that. And today we actually dressed in uniform. That is amazing. And without design, I might say. We simply came in with the same outfits because this is

the military and you have got to be in uniform.

Mr. Speaker, this is an immense bill, $532-plus billion. We did something very unusual in this bill and I think unprecedented, and that is that we added to the bill that includes lots of money for force protection, for body armor, for up-armored Humvees, for surveillance capability to fight the IED war in Afghanistan and Iraq, lots of things to support the troops, and, of course, all of the quality-of-life issues for the troops.

This pay raise this year means that over the last 80 years, we will have increased pay by a little more than 40 percent for our men and women in uniform. The base readiness of our forces and military construction and all the things that combine to make America's defense apparatus the strongest in the world, we did all of that, but this year we did something extra. We asked the Army and the Marine Corps to come in and testify to our committee, largely in classified session, as to what shortages they had that they needed to be funded so that they could take the tanks, the trucks, the fixed-wing aircraft, and the helicopters and all the other platforms and pieces of equipment for the Marines and the Army and reset them, that is, repair them as they come off the battlefield so that they can be ready to go again.

A massive analysis. And they came forth and they gave us that analysis. And when we got finished, we funded, we authorized on top of the defense budget $20-plus billion to make up the total reset cost, every dime, that was submitted to us by the United States Marine Corps and the United States Army. And the appropriations committees, God bless them, did the same thing and followed the authorizing committees on that. And that is a tribute, I think, to all of our Members, all of our colleagues who worked on and voted on that very important piece of funding.

So, Mr. Speaker, this is a great bill. I want to mention that we have wonderful members on both sides of the aisle that make up this committee.

And JOEL HEFLEY is leaving after many, many years, a great personal friend and a guy who is kind of architect of privatization of housing so that American military families, many of whom were living in homes that were built 40, 50, 60, and 70 years ago and were under some sort of disrepair, now live in new homes that afford a great quality of life. And many of the developments now that they have come in and built on military bases have community centers. I have been in a number of them, where families can come in and enjoy swimming pools and recreation and moms can come in and work out and have their toddlers in a little room right off the exercise room and keep watch on their kids while they are having a little relaxation and a little rest and where families can get together for social activities.

This new military construction that is springing up all over the United States at our bases is largely a function of Mr. HEFLEY's foresight and vision, and he is leaving us after those many years. I have often said JOEL HEFLEY was the best cowboy in Congress. He used to rodeo with the great Casey Tibbs and a number of other rodeo greats. He is a wonderful guy whose word was his bond and still is, and we wish him the very best.

And along with him now leaving us and running for Governor in Nevada is Mr. JIM GIBBONS. JIM GIBBONS also brought a great deal of background and expertise to our committee. As a fighter pilot who worked the Desert Storm I operation and who understands tactical aircraft as well or better than any member of the Armed Services Committee or the full House, JIM GIBBONS brought a special insight to our committee. He also brought a great love for the National Guard and has been a great and powerful advocate for them. I know he is going to continue to do that in his new role. But JIM GIBBONS, like JOEL HEFLEY, is one of those quality guys that you just enjoy working with and you know when he comes to the job every day, he cares about the service, he cares about the people that wear the uniform.

There is a real joy in working on this committee, Mr. Speaker, and those gentlemen are people that every one in this House likes to work with and understands the value added that they bring every time they walk into this Chamber or into the committee room. So our many, many thanks to them.

With that, Mr. Speaker, I would like to listen to my great colleague, who had a great taste in coats today because we came with exactly the same outfits here. Mr. SKELTON, the fine gentleman from Missouri, has done a wonderful job working on this bill.

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

Mr. SKELTON. Mr. Speaker, let me take this opportunity to thank my friend from California for being such a gentleman and for his courtesy not just this year but through the years. We appreciate it very, very much and also his very thoughtful words a moment ago. Mr. Speaker, we thank DUNCAN HUNTER very much.

Leaving us is LANE EVANS, a gentleman who was a marine and served here and is on the top row of our committee, ranking member for so long for the Veterans' Affairs Committee; and we say a fond farewell to him and thank him for his excellent service to the Nation.

JOEL HEFLEY, who, as the chairman has spoken so well of, has been such a good friend to all through the years. JIM GIBBONS, who is going into other political pursuits, we certainly wish him well. Dr. SCHWARZ, CYNTHIA MCKINNEY also will not be coming back. We wish them Godspeed in the days ahead.

Mr. Speaker, I strongly support the National Defense Authorization Act. It is, as you may know, named in honor of Senator JOHN WARNER, who is for the last time, under the rules of the Senate, chairing the Armed Services Committee. We thank him for his accomplishments with the Armed Services Committee as chairman. He is responsible in large measure for many of the compromises that were allowed under this bill.

This is a good bill. It is good for America. It is good for the troops. It deserves our support. This wartime bill authorizes a total of $462.9 billion and, as was mentioned by the chairman a few moments ago, $70 billion authorization for a bridge fund supplemental, of which $20 billion is for the reset of the equipment lost or damaged in operations overseas.

As many have heard me speak, I am terribly concerned about the readiness of our ground forces, our Army, our Marines; and this bill provides the critically needed downpayment to begin to set things right.

Under the testimony of General Schoomaker, it is not only for the Army, some $17 billion needed this year, but 12 billion reset dollars for over the next several years apiece. And we know the Army and Marine Corps equipment is wearing out, and we do know that some units are coming back to little or no equipment whatsoever. That has a serious readiness challenge, particularly in the Army and the Marines. Our ground forces must be, in the days and years ahead, prepared to deal with sustained deployment not just in Iraq and Afghanistan but who knows what the future will hold.

I have been blessed, Mr. Speaker, to represent the Fourth District of Missouri. This is my 30th year here in Congress. And during that 30 years, there have been 12 engagements in which American forces have been either deployed or used, some minor, some major. And if the future is anything like the past, we will have times when our forces will need to be prepared to be called on, to be used, if nothing else, to deter aggression or adventurism in the years ahead by other countries. And it is a serious matter to make sure that the reset comes to pass and that the readiness is corrected.

Of course, the ongoing wars in Iraq and Afghanistan demand our immediate attention, but we cannot afford to lose sight of other security challenges that loom across the road.

We are getting seven new ships for the Navy and recommend some $400 million for advanced procurement of a second VA-class submarine. We have a multiyear procurement contract for the F–22, and other aircraft is on the books for us to authorize and build.

I am most pleased about what the bill does for our magnificent men and women in the Armed Forces and their families. The end strength for the Army and Marines has increased by 30,000 and 5,000, for the Army and Marines respectively. In addition, this year we are able to enact an initiative

first proposed by the gentleman from Mississippi, GENE TAYLOR. This conference report expands the TRICARE Reserve Select to members of the Selected Reserves and terminates the current three-tier eligibility program. I am also particularly glad to note that there is a 1-year moratorium on increases on TRICARE and pharmacy fees. I had offered a similar amendment in committee, and I am pleased that that was included in the final product.

I am proud to say that we are able to provide our servicemembers with a well-deserved 2.2 percent pay raise and a targeted pay raise for those midgrade and senior noncommissioned officers and warrant officers who truly are the backbone of our military.

These are just a few examples of why this is a critical bill at this critical time.

Mr. Speaker, much has been said about Iraq. Much has been said about the fight against terrorism, which has the genesis in Afghanistan. But the bright spot in all of this is the young man and young woman who wear the American uniform. There is no way for us to say as eloquently as we should thank you for your service. And a special note of gratitude for the families of the young men and young women in uniform, to be called on for a year, one, two, three, and in some cases I know some SEALs that have been deployed four times for 7 months at a time. And there is no way really to say thank you well enough to the families that endure this: the spouses; the children; and in some cases, yes, the grandchildren, for which the chairman and I share a mutual interest.

So let this bill be a tribute to their service, a thank you for their service, and a warm note of appreciation to the spouses and children of those magnificent warriors wearing the American uniform.

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

Mr. HUNTER. Mr. Speaker, at this time I would like to yield 8 minutes to the chairman of the Readiness Subcommittee, Mr. HEFLEY, the gentleman who is departing after 18 years of great service on this committee.

Mr. HEFLEY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

And I would like to thank the chairman of this committee and the ranking member of the committee both. You have earned your pay all the way through, but particularly in the last few weeks as we have struggled to get this conference report through and actually bring this bill to the floor; and I appreciate the yeomen effort that both of you have put in.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. HEFLEY. I don't know if I should, but I guess I will.

Mr. HUNTER. Mr. HEFLEY, I appreciate that. Let me just say the fact that we were able to bring this bill to the floor and do as much work as we did on it, as big as it is and as comprehensive as it is and with so many people dependent on it and at the same time do the bill that will allow us to prosecute terrorists, do all that, that was largely a product of this tremendous staff, this wonderful bipartisan staff that we have on the Armed Services Committee.

□ 1645

They have done a fabulous job, and that is why we are able to juggle these two important challenges at the same time. They are great, great people, and what professionals, and also people who can work very effectively when they have been up for 24 hours. That has always astounded me, frankly, but they have done a great job, and I think they deserve a lot of thanks from this committee.

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

Mr. HEFLEY. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. HEFLEY, I am sure the chairman will yield you some more time.

Let me start off by associating myself, as I know all of us do, with the comments of the esteemed chairman.

But, Mr. Chairman, I know you would agree with me that it is appropriate to recognize that, after so many years of loyal and dedicated service to the House Armed Services Committee, this is Subcommittee Chairman HEFLEY's final authorization bill.

He has been a lion in defense of the men and women in uniform. He has a been a guiding light to more junior 14-year Members such as myself. I just wanted to let the record show how much we are going to miss him and how much we all appreciate the great service he has provided to this committee, to the people of this country, and, most importantly, to the men and women in uniform of the United States of America. Thank you, JOEL.

Mr. HEFLEY. Thank you, Mr. MCHUGH. I appreciate that very much and the kind words Mr. SKELTON said earlier.

You know, there is a lot that I am going to miss about Congress; and more than anything else is my service on this committee. Because you felt every day you were working on this committee that you were doing something worthwhile, something that was important for America. I am so privileged to have done this with the wonderful people that are on the committee and also on the staff. We do have an absolutely outstanding staff that we are very proud of.

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

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. I really want to say a special personal thanks to you for the tremendous work you have done on our committee and in working with me in particular for helping Whiteman Air Force Base, Ft. Leonard Wood, Missouri, be what it is. I would be remiss if I did not just say a special note of gratitude to you, JOEL HEFLEY.

Mr. HEFLEY. Mr. SKELTON, thank you so much. You have been such a good friend over the years.

And I also would be remiss if I did not thank Mr. ORTIZ, SOLOMON ORTIZ. He and I have been teammates leading the Readiness Committee but before that leading the Military Construction Committee.

I would guess that we have agreed on 95 percent or more of everything we have dealt with during this period of time. In fact, I can't think of anything, SOLOMON, that we have not agreed on, but there might have been something. But, obviously, if we did not agree, we disagreed in a professional, pleasant, friendly way and moved on to try to do what is best for our troops and for the defense of this country. SOLOMON, I cannot tell you how much I appreciate you.

Mr. Speaker, you know, despite 5 years of demanding combat operations, our Nation's military remains the most effective, most powerful, most ready force in the world. However, it comes as no surprise that the wear and tear of the years of wartime activities have resulted in increased funding requirements for training, operations, equipment and maintenance.

Recognizing this, the Readiness Subcommittee has conducted rigorous oversight on military readiness through hearings, classified briefings, and visits with military personnel in the field. Our oversight efforts led the committee to include in this conference report both funding and policy actions intended to further enhance the readiness of our military forces.

The most striking example is the inclusion of nearly $24 billion within the supplemental budget accounts for the repair, modernization, and replacement of equipment damaged or destroyed in Iraq and Afghanistan. This money will satisfy all past and current reset requirements of the Army and Marine Corps.

I suspect, Mr. HUNTER, you have probably already mentioned this, but this is the high point of our bill. This is so important.

The conference report also includes important policy initiatives that will improve readiness and allow Congress to better monitor readiness-related developments within the services, such as:

A requirement that the Secretary of Defense fully fund equipment reset for all of the services, equipment for Army mobility, modality, and Army prepositioned stocks;

A requirement for the Department of Defense to create a uniform strategy policy for the prepositioning of materiel and equipment; and

A mandate for continued capital investment into our depot maintenance facilities.

In addition to such efforts, this conference report also authorizes more than $13 billion for military construction projects, more than $4 billion for family housing, and $5.6 billion for implementation of the 2005 base closure rounds. These funds are critical for both quality of life and military readiness.

I would like to add here that I hope we will not use these base closure moneys to do other things, because it is important if we are going to do base closure procedures that we do it and we get these properties back into some useful use.

In conclusion, this conference report provides the necessary funding and policy changes to improve our Nation's military readiness. I urge my colleagues to support the conference report for this very important bill.

You know, in 20 years that I have been here, Mr. SKELTON, I am not proud of everything we have done. I am proud of some things we have done, but I am not proud of everything we have done. But I can tell you I am very proud of this bill. It is a good bill, as you said and as Mr. HUNTER said. We need to support it.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentleman for yielding.

Mr. Speaker, I rise to support and to praise the chairman and the ranking member for their efforts in bringing this bill to fruition this fall, rather than Christmas Eve, as was our experience last year.

There may be some questions as to whether or not it is worth it, to have two committees process a bill of this magnitude, an authorization process and an appropriations process. But in addition to having a second scrub of a $462 billion bill, that double, two-part process also leads to some positive provisions from each mark. Let me just highlight a couple to show you some of the valuable features in this bill.

A couple of years ago, we became concerned about the level of Servicemembers' Group Life Insurance. We increased the amount of coverage from $250,000 to $400,000.

I offered an amendment to pay for the full premium for those troops that go into a combat zone and hazardous duty zones. That did not pass, but we did pass a provision that $150,000 of the increased coverage would be paid for. This bill takes it a step further, as it should.

What we are saying in this bill is that the full $400,000 in life insurance coverage in the combat zone will be paid for in full when you enter the combat zone. This is the least we can do for those who put their lives on the line for our country. The least we can do is to make sure that their family and loved ones should be taken care of in this manner if the worst should happen to them.

Second, nonproliferation is a major concern, big defense risk. In this particular bill, we plussed-up the President's budget for the megaports bill by $15 million, and we added $20 million to the Global Threat Initiative. This additional funding will allow for the installation of additional radiation detectors at the world's major border crossings and ports and help secure and dispose of nuclear material in some of the most vulnerable research reactors around the globe.

Finally, one of the things we did not do was to endorse the authorization for space-based missile defense weapons. I have always had great concerns about the efficacy. This bill says to ballistic defense: Before you undertake this program, make sure it works, what its scope is, what its strategic implications are.

And, finally, we right and timely put in this bill $23.7 billion to reset the capital assets of the Marine Corps and the Army. And this is an illustration of a cost that is going to be staring us in the face for years to come as we try also to fund transformation and modernization.

We will have to pay this expense just to keep standing still, another reason we needed a bill of this magnitude, $462 billion, to defend the country. I commend the leadership of this committee for bringing this bill to fruition.

Mr. HEFLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, predatory lending practices have become a major concern in areas surrounding military installations. This is of particular concern in the Second District of Virginia, with a very high number of payday lenders. Interest rates on these loans have been recorded as high as 780 percent.

Many young servicemembers attempt to climb out of debt by adding additional debt on top of debt, which quickly becomes unmanageable. Lenders add to this by encouraging extensions of the loan through refinancing.

This type of predatory lending leads to multiple issues, chief among them the loss of a security clearance. A military member lost in uncontrollable debt could be a security risk, and clearances are often revoked. This represents a national security issue.

Additionally, this represents a morale issue. Individuals have a tendency to concentrate less on their jobs when they are mired in uncontrollable debt. When servicemembers are concentrating less on their mission and more on their debt, it affects readiness.

To safeguard servicemembers, the conference report prohibits creditors from rolling over loan balances, charging annual percentage rates that are higher than 36 percent, including fees, and it prohibits the borrower from prepaying the loan or charging the borrower a fee for prepayment.

This is a fairness issue. It has been a grave concern to our military commanders. I would like to commend our chairman, our ranking member and our committee for their concern for this issue.

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. DRAKE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding.

You know, we went into this thing. I thank her for all of the great work that she did and lots of other Members who really worked this hard. I know Mr. DAVIS brought some important elements to this package.

We wanted to have a package that would make the sergeant majors who saw their kids going out and paying massive loan fees trying to pay off their loan, they could not pay it off, having the loan rolled over, and then seeing higher and higher fees stacked on top of that. In fact, I think it was Mr. DAVIS' provision that barred the roll-overs.

We want to see those sergeant majors see a bill come out of our committee and out of conference that, as I said, would make them throw their hats in the air and shout: Hooray, Congress has done what it took for our kids.

And we kept them apprised, as we moved this conference report along, as the gentlewoman knows in working on the team, to protect our people. And when we showed them the product, they threw their hats in the air, and they yelled hooray, and they felt like it was a good product.

You know, the other thing we have got to do is we have got to get these credit unions that are in the base, the guys in the institutions we allow to be inside the perimeter of that base, to reach out and establish short-term loans for our servicemembers so servicemembers go there instead of feeling they have got to go a to a loan shark to get that loan.

I thank the gentlewoman for her leadership and her great work on this.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. ORTIZ), the ranking member on Readiness.

□ 1700

Mr. ORTIZ. Mr. Speaker, I rise in support of the bill. I want to thank Chairman HUNTER and Mr. SKELTON for their skills and leadership in addressing the military issues before us today.

I want to thank Chairman HEFLEY for your friendship, for your leadership and for so many years you and I have worked together. I will always remember the good that you have done for this country and for those young men and women who are in harm's way. I know that you are too young to retire, but I wish you the best in whatever you do, and we are going to miss you around here.

This bill provides, in some measure, for the needs of our troops and their families. One of the most important parts of this bill is the attention given to the immediate readiness needs of our men and women in uniform.

The bill takes some action to address the shortfalls in operations, training and maintenance funding that the Department of Defense failed to address in their budget submission.

Now we have taken care of our most immediate readiness need, although we have long-term needs we have not yet begun to address, but I can tell you this is a very, very good beginning.

When we come back to this in the next Congress, again after we recess, we need to particularly address the lack of equipment for the National Guard and for the Reserves. The National Guard and Reserves have been as busy as the active duty military in Iraq and Afghanistan, and they need to be considered equal in status with the other partners in our fighting efforts.

The equipment shortfalls for the National Guard mean we will be unable to respond as we need to do in the next natural disaster, or God forbid, another war.

I thank Chairman HUNTER, Chairman HEFLEY for their outstanding work, but I want to thank my ranking member, IKE SKELTON, the top Democrat on the committee whose outstanding leadership has gone a long way to address the many shortfalls in our defense budget, while balancing the need for our military to remain the world's premier fighting force.

So I ask my friends, my colleagues to support this bill. It includes $130 billion in O&M funding to operate the military, $17 billion funding for the military construction, and an additional $20 billion added to the bridge funding to help offset some of the immediate needs of the Army and the Marine Corps.

This is a good bill. I want to thank the staff as well for doing a great job.

Mr. HEFLEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Upstate New York (Mr. MCHUGH), who works absolutely tirelessly as chairman of our Personnel Subcommittee.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a great bill and it is a great bill given the times we live in, the challenges that our men and women in uniform and their families face in, frankly, the economic environment in which we find ourselves.

I know my ranking member Vic Snyder with whom I worked so closely, he and I both feel a great deal of pride year after year that when a majority of Members of this House will speak kindly about this bill, which they will, they will refer to many of the provisions in the personnel mark.

We owe thanks to the chairman, DUNCAN HUNTER, and to the ranking member for allowing us to have the opportunity to try to do better by the most important part of a great military, the most important part of the greatest military the world has ever seen, that of the United States of America; and I know, Mr. Speaker, many that have gone before and others that will follow have talked about the terrific things in this bill, the 2.2 percent pay increase that diminishes that gap between military and pay that had existed down to 4 percent from a high of about 14 percent.

We increase end strength, adding tens of thousands of soldiers into the Army and the Marine Corps to lessen the pace of deployments and the operations tempo.

Most importantly, in my judgment, at a time of war, when our men and women in uniform are sacrificing, when we have made commitments to our veterans, we rejected to the tune of $486 million, that the conferees had to find the increases proposed by the Department of Defense to the military health care system in both the TRICARE program, as well as the pharmacy program. None of those increases will occur.

I also want to add my words of thanks, indeed, to the gentlewoman from Virginia (Mrs. DRAKE) and to the gentleman from Kentucky (Mr. DAVIS) for their work in ending the scourge of predatory payday lenders who get rich on the backs of the men and women in uniform and their families.

This is a terrific mark from top to bottom; but we are particularly proud of the personnel marks, and I would hope all of our colleagues would vote in support of this legislation.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from El Paso, Texas (Mr. REYES), who is also the ranking member of the Strategic Subcommittee on the Armed Services Committee.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this conference report on the National Defense Authorization Act for Fiscal Year 2007.

I want to thank our chairman, Chairman HUNTER, and our ranking member, Ike Skelton, the staff on both sides. So many people have put in so much effort and a lot of work on this bill that supports our men and women in uniform.

While I might have preferred a more inclusive process, taken as a whole, the product is worthy of everyone's support in this House. It provides our troops with tools and support that they need to defend our Nation at a time of war.

I am particularly pleased that the final legislation does not include language that linked funding for the Army's Future Combat System with the critical need to replace and repair equipment that has been lost or damaged in Iraq and Afghanistan.

As the ranking member of the Strategic Forces Subcommittee, I am also pleased to report that the final bill before us today contains bipartisan compromises on the issues within our jurisdiction. The Strategic Forces Subcommittee has oversight of numerous complex and contentious programs, including ballistic missile defense, space systems and nuclear weapons.

Mr. Speaker, I want to recognize and thank our subcommittee chairman, my good friend from Alabama, Chairman Everett, for his leadership and the tremendous amount of effort that he put into forging a bipartisan effort to agree on these very complex and controversial issues at times.

In the short time that I have, I want to highlight elements of the conference report on ballistic missile defense systems.

The conferees adopted a Senate provision establishing U.S. policy on ballistic missile defense that clearly reflects our views. It says that we should accord greater priority within the program to effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC–3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

The conferees also adopted the House provision preventing use of funds for testing or deployment of a space-based missile defense interceptor.

Mr. Speaker, while time does not permit me to describe in detail the rest of our subcommittee's accomplishments, I again want to thank Chairman EVERETT and our Senate colleagues for their cooperation in achieving this bipartisan, successful measure; and I want to recommend to all our colleagues that they vote ''yes'' on this very important legislation to support our troops and their families.

Mr. HEFLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SIMMONS), a great member of our committee and a distinguished Vietnam War veteran.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman, I thank the Chair, and I rise in support of the Defense Authorization Act for Fiscal Year 2007, which is a bill that brings good news to our men and women in uniform and especially good news for the U.S. submarine force and to the American shipbuilding industry.

The conference report before us contains $400 million in spending authorization to begin the construction of two fast attack submarines in the year 2009 and also expresses a sense of the Congress that the attack submarine force should not drop below 48, the stated requirement of the U.S. Navy to meet its critical missions.

Because of submarine shortfalls, the Navy is on track to meet only 54 percent of the submarine mission days requested by the U.S. combatant commanders. We need to do better than 54 percent. This legislation puts us in the right direction of doing better, and we will do better.

My colleagues on the House Armed Services Committee understand this reality, and I would especially like to thank subcommittee chairman, ROSCOE BARTLETT from Maryland, and the ranking member, GENE TAYLOR from Mississippi. These two gentlemen probably have more knowledge about American and global shipbuilding than anyone else in the Congress. I would also

like to thank my colleague from Rhode Island (Mr. LANGEVIN), who for the last 4 years has worked with me in a bipartisan fashion on these issues and is the co-chair with me on the Congressional Submarine Caucus.

Finally, I want to thank Ranking Member IKE SKELTON who works in such a fine bipartisan fashion and our chairman, DUNCAN HUNTER, who comes from the city of San Diego with a great shipbuilding tradition and who has also visited my part of Connecticut. We have a shipbuilding tradition as well right in Connecticut, the submarine capital of the world. That is what we call it.

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

Mr. SIMMONS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding.

I just want to thank the champion of Groton for his hard work and all the work that he and Mr. LANGEVIN, and as you said, Mr. TAYLOR and Mr. BARTLETT, have done. I want to thank all of them for their great work and also to the gentleman for his hard work on payday lender and trying to make sure that our troops have a good situation now and will not be the victims of loan sharks and what to do on that.

You have brought a real insight to undersea warfare that has been important to us and especially in a Taiwan scenario or another type of scenario in the future which could be very, very critical to American sea power.

I thank the gentleman.

Mr. SIMMONS. Mr. Speaker, I thank the gentleman. In concluding, he referred to his $89 a month and the loan sharks. When I was in as a private, I made $68 a month. The loan sharks were out there. So the legislation to get them off the backs of our soldiers is welcome news.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the hardworking gentleman from Rhode Island (Mr. LANGEVIN), a member of the Projection and Terrorism Subcommittee.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Before I begin, I just wanted to recognize and commend the great service of my friend and colleague, Congressman HEFLEY, and I have so enjoyed serving with you in a number of capacities, particularly in our work in the Armed Services Committee. We had an opportunity to work on several important issues, and I thank you for being such a gentleman and giving such great service to this Congress.

Mr. Speaker, I rise in support of H.R. 5122 and thank Chairman HUNTER and Ranking Member SKELTON for their hard work.

The bill helps our servicemembers and their families, as well as military retirees. It includes a 2.2 percent pay increase for military personnel and much-needed increases to end-strength numbers. It places a 1-year moratorium on cost increase for the TRICARE pharmacy benefit and expands TRICARE eligibility for Reservists, two very important issues to my constituents.

I am particularly pleased that H.R. 5122 recommends $400 million to expedite the construction schedule for the Virginia-class submarine so that we can start building two per year as early as 2009. I commend the great work of my friend Congressman SIMMONS and his leadership on this issue. He is a great partner in this effort. The Navy's current shipbuilding plan would have our submarine fleet drop to dangerously low levels, and this bill understands we cannot allow that to happen.

I thank the committee for its leadership in its efforts, all of the staff and all of my colleagues on the committee for their efforts to accomplish these important goals, and I encourage my colleagues to support the measure.

Mr. HEFLEY. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Strategic Forces Subcommittee.

Mr. EVERETT. Mr. Speaker, I thank you very much. We are going to miss Mr. HEFLEY. We still have some unfinished business between us that I am going to hold him to.

I want to recognize also the gentleman from California, my long-time friend, the chairman of the committee. I do not think in the 14 years I have been here that I have had the privilege to serve with anyone who has the patience that he has had. He has a great skill in leading this committee, and he mentioned earlier in his opening remarks about the fact that this committee works so hard, and it does. The members take very seriously what they are doing.

I had the great privilege, along with Mr. MCHUGH, of being the first Members of Congress into Baghdad after we invaded, and I just appreciate his outstanding leadership and his dedication to the fighting men and women of our country.

□ 1715

And also the gentleman from Missouri, who has the same type dedication, and who knows that he is welcome back to Dauphin, Alabama, any time he wants to. It has only been about 40 years since he has been there.

I do support the conference committee, the National Defense Authorization Act, H.R. 5122. It supports the administration's objectives, while significantly improving the budget request.

Moreover, our national security investment must continue to develop transformation capabilities of future systems, and this conference report does that.

Finally, let me also say that my subcommittee, the one that I head, Strategic Forces, simply would not have been able to work like it did in a very bipartisan manner if it had not been for my good friend, Mr. REYES of California. Much of what we have been able to do has been on a bipartisan basis, as he had mentioned earlier, on very complex, contentious issues, perhaps some of the most contentious issues in the committee. We were able to reach a consensus that would serve the best interests of the Nation and of our fighting troops, and I again thank him for his efforts as well as the other committee members who oftentimes had different views. But we all came together.

We also have an outstanding staff who has to study these very complex issues to see if we can't come to an accord that is in the best interest of the Nation.

So, again, I recommend supporting the final version of this bill.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the very distinguished gentleman from Arkansas (Mr. SNYDER), the ranking member on the Personnel Subcommittee.

Mr. SNYDER. Mr. Speaker, I thank the gentleman; and I rise in support of this bill. I think this bill has a lot of good things in it for our troops, and I appreciate all the work Members on both sides of the aisle have done.

I want to mention two or three things that I think we need to work on and maybe we can work on in the future.

First of all, Mr. MCHUGH and I participated in a joint hearing yesterday with Mr. BOOZMAN, from one of the Veterans Committee's subcommittees, and Ms. HERSETH, the ranking member; and we had a really good hearing on the GI bill.

The GI bill has challenges. We have problems now in that the GI bill program for folks in the Active component is a different program than for those in the Reserve component, the folks in the Army Reserves and the National Guard. What has happened as the years have gone by it has become a really terribly unfair program for our folks in the Reserve component, and for the folks in the Active component, the cost of going to school gets higher and higher.

So we had a good hearing yesterday. I hope that this joint hearing between the Veterans Committee and the Armed Services Committee will continue but with the ultimate result being we make a change in some of the issues in the GI bill.

One provision I wished had been accepted, Senator LINCOLN had inserted on the Senate side, dealt with what I think is just unconscionable, and that is the way we treat members of the Reserve who are activated in the GI bill. The way the system currently works is if they get activated, let's say activated to go to Iraq, 14, 15 months, and then get out. So here they have been in a war zone for a year, their enlistment ends, and once the enlistment ends, they get zero educational benefit. Zero educational benefit.

Now the administration says that helps retention. But the retention

numbers are good. That, to me, is terribly unfair, and we need to do a better job on that.

Another provision I wish that we would either do in the defense bill or as a stand-alone provision is what Senator Truman did during World War II. We need something comparable to the Truman Commission to deal with the waste of billions and billions of dollars and the dissatisfaction of American taxpayers with how the dollars have been spent on reconstruction projects in Iraq.

A third point I would make, and I made it before, is I really hope, we have tried it now 10 years without the Subcommittee on Oversight and Investigations, and in my view that has been to the great detriment of the American people, the American taxpayer, and our men and women in uniform. So I hope we will bring back the Subcommittee on Oversight and Investigations to the House Armed Services Committee.

I recommend everyone support this bill, and thank you to Chairman HUNTER and Mr. SKELTON for the work they have done on this bill.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), who is chairman of the Projection Forces Subcommittee.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to commend Chairman HUNTER and Ranking Member SKELTON for their exemplary leadership in bringing this conference report.

I also want to thank my subcommittee ranking member, Mr. TAYLOR, for his tireless efforts and dedication in the preparation of this important legislation. I am grateful for our strong and cooperative relationship.

In addition, I would like to recognize my fellow colleagues on the subcommittee for their diligence and commitment to a job well done.

The intense work involved in preparing this conference report before us has been accomplished with the assistance of our professional and hard-working staff, and I commend their efforts and the quality of the final product. Staff, thank you very much.

Mr. Speaker, I rise in strong support of this conference report. It strikes an appropriate balance between modernizing and maintaining our existing weapon systems, while investing in replacement capabilities for our future force.

In this bill, we move forward with the development of our future fleet by funding the lead replacement amphibious assault ship and the dual lead DDG–1000 destroyers, while also providing advance procurement funds for the next generation aircraft carrier. The bill also continues to build-out our fleet of *Virginia* class attack submarines, *San Antonio* class amphibious ships and Littoral Combat Ships. This conference report also contains funds for continuing the refueling and complex overhaul of the USS *Carl Vinson* and provides funds for the modernization of the *Arleigh Burke* destroyer and the Air Force's fleet of strategic airlift and bomber aircraft.

We have taken action to provide our future force with the capabilities they need to meet future threats. We have also taken steps to ensure that the current capabilities are not retired prematurely. This conference report mandates the Department of Defense maintain a minimum strategic airlift force structure of 299 aircraft and allows limited retirements of KC–135E aerial refueling aircraft and B–2 bombers.

One point of concern deals with the submarine force for the future. It is destined to go back to 40 submarines. It is the strong sense of this subcommittee that it ought to go no lower than 48 submarines.

I urge my colleagues to join me in supporting our sailors, our airmen, our soldiers and marines by voting ''yes'' for the fiscal year 2006 National Defense Authorization Act.

Mr. SKELTON. Mr. Speaker, may I make an inquiry as to the time remaining for each side, please?

The SPEAKER pro tempore. The gentleman from Missouri has 10½ minutes remaining, and the gentleman from Colorado has 3½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that Members have the right to revise and extend their remarks this evening.

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

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR), who is the ranking member of the Projection Subcommittee, a true friend of those who wear the uniform of our country.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank Chairman SKELTON, the ranking member, and Chairman HUNTER for the great work they have done.

I also want to thank Lieutenant Commander Kevin Aanestad, who the Navy was nice enough to let work in my office for a year. Just a while back Kevin was flying combat missions in Iraq. He has been assigned to this office, as was last year Captain Randy Edwards, and let us not forget that that is what this bill is all about. It is for the Kevins, the Randys and the people serving in Iraq now, the people who have been there, and the people who are going there.

I want to thank Chairman BARTLETT for the great work he has done on the dual-lead strategy for the DDX. I think the DDGs have served our Nation very well, but it is time to move on to another platform, and it is great we are finally getting started on that.

I want to thank Chairman MCHUGH for including TRICARE for guardsmen and reservists in this bill. It was kind of a contentious vote last year. I wish we could have prevailed last year, but the good news is it is going to happen this year. Our guardsmen and reservists are called upon increasingly to serve our Nation.

At the time I made my pitch on the floor, 40 percent of the all people serving in Iraq were guardsmen or reservists. Since I made that pitch, we actually lost, I regret to say, a young National Guardsman by the name of Josh Russell. He died the night of Hurricane Katrina on a search and rescue mission only 30 miles from his home.

They deserve the same benefits as the Active Duty force. If we are going to use them the same as the Active Duty force, then it is a great thing that this bill is going to give them the same health care benefits.

The only disappointment I would like to express, Mr. Speaker, is, number one, I want to thank Chairman HUNTER and thank Ranking Member SKELTON for including language in the bill that would have provided an IED jammer on every vehicle in Iraq. If you look, as I do, at the casualty reports in the paper, you will see on a daily basis that young men and women are dying in Iraq as a result of an improvised explosive device exploding near their vehicle. Over half of all the casualties in Iraq are the result of IEDs, improvised explosive devices.

We can jam that signal most of the time. And it is not a parochial thing. These devices are made nowhere near south Mississippi. But what they will do is save the lives of south Mississippians and Marylanders and people from California and people from Missouri. So I deeply regret that the Senate would not agree with us on this provision.

They did, however, include a provision that every vehicle has some sort of coverage. But, again, in the chaos of combat, I think our Nation would be better served if every single vehicle had this provision; and I want to put my colleagues on notice that it is something we need to work on again next year.

So, again, I want to thank Chairman BARTLETT for his great cooperation. JOEL HEFLEY, you are one of the classiest acts that has ever served in the United States Congress. Thank you for your service. Chairman HUNTER, Ranking Member SKELTON, thank you very much for your help on this bill.

I want to thank Chairman HUNTER and Ranking Member SKELTON, as well as Chairman WARNER and Ranking Member LEVIN, for their work on this Conference Report. They have done an outstanding job making this a truly bipartisan effort. As always, Chairman BARTLETT and the Projection Forces staff have done a tremendous job crafting our Subcommittee's section of the bill. He has gone out of his way to ensure that this is a bipartisan effort, with provisions that make fiscally responsible decisions. I thank the Chairman for his leadership and for his consideration, even on issues on which our views differ. I strongly support the provisions in the Projection Forces portion of this bill.

I would like to thank the Chairman and Ranking Member for the compromise reached on the "dual lead ship" strategy for DDG I000

this year. Last year we in Congress required the Navy and the shipbuilding industry to use both surface combatant shipyards to build the DD(X), the Navy complied, and this bill follows through on that and allows us to be consistent in our direction to the department. The bill allows work to begin on a total of 7 new ships, with advanced procurement for an eighth—a good start towards reversing the decade long decline of our surface fleet.

The theme of fiscally conservative decisionmaking while maintaining the robust force structure our military requires is maintained throughout the Projection Forces section of this bill. From maintaining our strategic airlift capability with the addition of 10 more G–17s (for a total of 22), to allowing the retirement of only those KC–135s and B–52s that are the most expensive to maintain. It applies cost caps on future aircraft carriers and amphibious ships, and requires that future proposals for all surface ships include options for alternative propulsion sources such as nuclear power to reduce our dependence on foreign oil. I am extremely pleased to support the Projection Forces section of this bill.

I would like to express my appreciation as well for finally including the expansion of TRICARE coverage to members of the National Guard and Reserve. I want to commend all of my colleagues. In particular, I want to commend and remember a former colleague, the late Sonny Montgomery. I think Sonny would be very pleased that we are providing our Nation's Guardsmen and Reservists with TRICARE benefits. It is long overdue and I want to thank the chairman of the subcommittee, Chairman MCHUGH, and all the other people who helped make this happen. Providing this health coverage recognizes the sacrifices our Guard and Reserve troops are making every day. Insurgents in Iraq don't differentiate between reserve soldiers and active duty soldiers.

Lastly, I would like to express my disappointment in a compromise that weakened my provision to require IED jammers on all of our wheeled military vehicles at risk in Iraq and Afghanistan. This threat is responsible for over half of the casualties in the war. I realize jammers are not a 100 percent solution, but they are proven and known to be effective. This is not the last conflict in which our military personnel will face this threat, every potential enemy in the world is watching and learning from our current conflict. Our British and Australian allies require and provide a jammer on every vehicle; we should be ashamed that we don't do the same.

Mr. Chairman, Ranking Member SKELTON, I thank you and your staff again for the work you've done on this bill, and for your thoughtful insight and leadership in creating an overall extremely balanced measure that I am proud to support.

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

Mr. SKELTON. Mr. Speaker, good things happen and we Members, of course, often take the credit, but truthfully the staff does so much work. We would be at a loss without them, so a special thanks to all of our staff.

And it is special to note that Betty Gray of the Armed Services staff is now completing 30 years of service on our Armed Services staff. So a special thanks to her for her dedication.

Mr. Speaker, at this time I yield 2½ minutes to the gentleman from Long Island, New York (Mr. ISRAEL), who belongs to the Tactical Air and Projection Subcommittee and who has taken a great interest in professional military education.

Mr. ISRAEL. I thank the gentleman.

Mr. Speaker, all of us can celebrate this conference report and the support that it provides to our troops. It is a good product, and we have had some hard-fought differences on various issues.

For me, we have been grappling with the proper balance between religious expression and tolerance in the military. I am very pleased that this conference report struck language that in my view would have made it easier to engage in certain practices by overturning existing DOD standards on tolerance of all faiths. And I thank my ranking member, Mr. SKELTON, and I thank Senators WARNER and LEVIN of the other body, the Department of Defense, and many, many different religious organizations, from the National Conference on Ministry to the Armed Forces, to the U.S. Conference of Catholic Bishops, to the American Jewish Committee and so many others. They understand this is not just an issue of tolerance, Mr. Speaker, it is an issue of good order and discipline and unit cohesion.

We maintain the overall language requiring respect of all religious faiths, but this language does reopen a loophole, a loophole that allowed commanders and chaplains at the Air Force Academy to chastise cadets for not attending certain religious services, a loophole that allowed one chaplain to tell cadets of all faiths that some of them would burn in the eternal flames of hell for not following his faith. So we still have some work to do, and we still have some good-faith discussions ahead of us.

And I want to take this opportunity to say something to my friends on the other side of the aisle and on the other side of this issue, people who I respect and admire a great deal. I want to continue working with them. I have been troubled by the occasional rhetorical excess that has suggested, because I am opposed to proselytizing of any specific religion on any military base, I am somehow trying to stop people from invoking the name of Jesus in their prayers.

Nothing could be further from the truth. People should be able to pray how they want, when they want, where they want, and to whom they want. They just can't compel others to join them.

For those of you who truly believe that the chaplain who told cadets willing to die in the defense of freedom that after they died they would burn in the eternal flames of hell, well, you and I have some profound differences on that issue. So profound that I don't think the issue should be decided in 3 weeks of discussion in a House-Senate conference. It ought to be put before the American people in hearings.

And I want to close, Mr. Speaker, by suggesting that, as we move forward in trying to resolve this issue, we all rededicate ourselves to the spirit of openness, sensitivity, tolerance, and respect. And don't take my word for it, Mr. Speaker, because behind me, carved into this wood dais on the floor of the United States House of Representatives, is the word ''tolerance,'' right in the center. That word must remain with us. My speech will come and go. This word will always stay. That is what makes our military great. That is what makes our country worth fighting for.

□ 1730

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

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I want my colleagues here to know that my comments have nothing to do with a lack of appreciation for your efforts on this bill, but rather relate to some institutional and historic concerns that I have.

The U.S. can spend tens of billions of dollars less and do a far better job of protecting our Nation. The defense-industrial complex follows a misguided strategy of buying weapons that provide Americans with no increased safety; buying ever more expensive fighter jets, massive naval ships, and a missile defense system that provides no additional protection for our Nation. There are no fighter jets or naval ships that can challenge our Air Force or our Navy.

Furthermore, the claimed ballistic missile threat is grossly overexaggerated. Terrorists do not possess ballistic missiles and the few nation states that do have no desire to face the understood retaliation of our ballistic missiles.

This defense-industrial complex wrongly believes that the $270 million F–22 fighter is an important new weapon system. However, the current F–15 remains unchallenged and inexpensive upgrades can keep our Air Force supreme. The F–22 cannot bomb away the beliefs of a small number of radical fighters.

The advocates of advanced weapons systems fail to understand these new systems do not match up an effective defense capability with the terrorist threats. Only a new approach to foreign policy can effectively mitigate the terrorist threat.

We need to provide for the traditional sense of security by first ensuring economic security, health security, and job security for all. The roots of terrorism begin not in hatred, but in desperation. All people, no matter their ethnicity, seek the basic necessities such as food, clothes, shelter, good health, and the ability to earn a decent living. If you can level this playing field, there is no desperation that may potentially evolve into radical hatred.

I will support a defense budget that matches real threats to our security with appropriate defensive measures. In the long term, the federal budget needs a fresh look at our foreign policy, that promotes an economic stability worldwide, thereby eliminating the true roots of terrorism, desperation.

IRAQ

The ever-rising cost of our military is not sustainable. This year Congress has handed over to the Pentagon over $400 billion, including $70 billion in ''bridge funding'' to support ongoing operations in Iraq and Afghanistan. But don't be fooled by this massive number. The Administration will be back before the end of the fiscal year seeking more funding for continuing operation in Iraq and Afghanistan.

Of the numerous reasons to vote against this bill, the continued funding for the war in Iraq is especially absurd. If the U.S. were to withdrawn as soon as possible out of Iraq, we'd save $1.5 billion each week in Iraq, $6 billion a month and $72 billion annually. For every $1 spent on war costs, we are taking $1 away from U.S. entitlement programs.

It is increasingly clear that this Administration's occupation and reconstruction of Iraq has failed.

After three and half years, Iraq is less safe, not more; Al Qaeda, which prior to the U.S. invasion had no influence, has now grown in influence and number of recruits. The fact is, Mr. Speaker, this Administration's policies has turned Iraq into a breeding and training grounds 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.

But, Mr. Speaker, the greatest tragedy of this war is the 2,669 American soldiers that have been irrevocably lost, and tens of thousands more injured. Between 100,000 and 200,000 innocent Iraqis have died as a result of the U.S. invasion. Everyday, 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 grave and tragic mistake. It has cost us in blood and treasure. It has damaged our once unchallenged reputation in the world. It has squandered the good will rained upon this nation after 9/11 and has been a distraction from our efforts to root out terrorism worldwide and bring to justice for those responsible for 9/11.

The President's promise that we would not leave Iraq until after his Presidency will only compound past failures and make our nation less safe.

Our continued occupation of Iraq is not only counterproductive, but fuels the civil war.

Mr. Speaker, I believe it is time we end this grave misadventure in Iraq and bring our troops home with the honor and dignity they deserve.

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

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member, I thank the chairman, and I wish best wishes to the distinguished gentleman from Colorado for his service.

Everyone, though, knows that Texas has given the full measure in the war in Iraq and Afghanistan, as have our soldiers across the Nation. But to our soldiers in Texas, I pay great tribute.

I rise to simply applaud this conference on its emphasis on military quality of life, military health care that has been improved, and certainly military pay and bonuses.

I also want to acknowledge a very important project that speaks to the partnership between institutions of higher learning, like Historically Black Colleges, and a Center For Human Materials Resources that will occur at Texas Southern University that addresses testing of uniforms and equipment. What a new and exciting opportunity for new partners.

Lastly, I would hope that in the future we will be able to address the question I have raised, which is the ability of individuals who are receiving their loved ones who have fallen in battle at Dover Air Force Base to be able to have a public display if they so desire. It is an executive order that there are no cameras there for families who desire that. I hope we will be able to address that.

Mr. Speaker, I ask my colleagues to a support this legislation.

Mr. HEFLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Terrorism Subcommittee.

Mr. SAXTON. Mr. Speaker, let me just begin by recognizing the true bipartisan nature of this bill. The bipartisan nature of this bill is due in no small part to our great chairman and my friend, DUNCAN HUNTER, and the person that he often refers to as his partner, Congressman IKE SKELTON, and their respective staffs. IKE, thank you very much for your great cooperation, and for working through the summer as conferees with our colleagues in the Senate to fine tune this measure to provide the maximum benefit to our troops in every possible area, from pay to health care to equipment to armor and to advanced weapons systems for now and those contemplated far into the future.

We funded 11 of the top unfunded requirements for the U.S. Special Operations Command, adding almost $200 million to the command's acquisition budget. We also funded technology initiatives within each of the services and in DARPA, ensuring the continued future supremacy of U.S. weapons systems and equipment. Cutting-edge medical research was also addressed.

Seeing a continued greater need for modernization airlift, one the Air Force clearly needed but could not afford, we authorized 12 C–17 aircraft requested by DOD and added 10 more, for a total of 22 C–17 aircraft. I see this as a good start and hope we can continue to fund the C–17 line in future years. The best Army and Marine Corps in the world, which is that which we have, must be able to get to the fight to be effective.

We haven't forgotten our oversight responsibilities, providing for a number of initiatives in the acquisition, information technology and chemical demilitarization areas.

Mr. Speaker, this is a time of great stress for our Nation for we are in a war which has been referred to in many different terms, but most soberingly, the long war. This is a bill that every American can be proud of. Republicans and Democrats have come together to build a measure that helps soldiers and their families across the board.

Mr. Speaker, I urge a ''yes'' vote on this bill.

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

Mr. Speaker, the great Roman orator, Cicero, once said that the greatest of all virtues is gratitude, and I am filled with gratitude at this moment, Mr. Speaker, for our chairman DUNCAN HUNTER, for the members of this committee, the ranking members, subcommittee chairmen, every member, as well as our hardworking and dedicated staff.

I think it is also a moment like this when we are getting ready to pass a defense bill which fulfills the first duty of Members of Congress and of our government to protect the citizens of our country.

A special note of gratitude and appreciation should go to those who wear the uniform of our country, to those who have worn the uniform of our country, to those who have sacrificed, and especially to those tremendously supportive families of those who serve in our various services.

With that, a great moment of reflection and gratitude, Mr. Speaker, I say thank you.

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

Mr. HEFLEY. Mr. Speaker, it is a great pleasure to yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON), a friend who came to Congress at the same time I did and who does such an enormously important job on our committee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of this legislation and congratulate our distinguished chairman and ranking member for their outstanding work.

We take great pride on this committee in doing our defense work in a bipartisan manner. In our subcommittee we had no disagreements. Our markup lasted for 5 minutes, which is typical for us. NEIL ABERCROMBIE and I came to terms on every issue. Whether it was the F–22, tactical aviation, Army modernization, you name it, we were able to find a common ground. I think the reason we can do that is because of the tone set by our leadership on both sides of the aisle.

It is especially sad, though, for me, Mr. Speaker, because my good friend is leaving. JOEL is the president of our class. We came together with the

Speaker, and JOEL will no longer be sitting alongside of us.

Mr. HEFLEY has been an outstanding Member, along with the other Members who are not returning. I just want to pay my respects to my good friend and let him know that America is better because of his service to the country.

Mr. HEFLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. WELDON, thank you very much. I thank all of you for the kind words that you said about my service on this committee. But it is really my great pleasure and honor to have been able to serve with all of you, both staff and Members.

CURT has been as tireless as anybody. As I introduced people going through this exercise here, each one I wanted to say so much more about, because I have been there with them through the late nights and long hearings and so forth as we struggle. Sometimes we disagree about details between ourselves. Even on the Democrat side or the Republican side, there is some disagreement sometimes, but our hearts are all together and our focus is all together, and that is the defense of this Nation, and our hearts are with the troops.

I want to particularly thank our chairman, DUNCAN HUNTER. Golly, I couldn't have served with a better chairman than DUNCAN HUNTER. DUNCAN came to my district when he didn't know me, when I was running, CURT, as you were in the summer of 1987, and he came and helped me in my election effort. Little did I know that these 20 years later, we would be serving together in this very important job.

Mr. HUNTER, you are a great chairman, and I appreciate it so much.

Mr. SKELTON, of course, you and I have been friends for a long time. I kid you that I have named everything in your part of Missouri after you. I probably haven't gotten everything done, but whatever we have gotten done, you deserve it. I appreciate your work too.

Isn't it something to see how bipartisan this effort is when we get to this stage? It is nice to see that here. You don't see that very much. It is because we all have the same goals and the same purpose. Sometimes we have different roads to get there, but the same purpose.

Mr. Speaker, I encourage strong support for this bill.

Mr. ABERCROMBIE. Mr. Speaker, I am pleased to support this year's National Defense Authorization Act. It includes many provisions that are vital to giving our military the tools it needs to defend the nation, although it also leaves much work undone that will have to be addressed in the future.

The bill addresses one issue in particular that merits attention. Despite the Pentagon's repeated denials of a military readiness crisis, this bill authorizes an additional $23 billion in funding as a downpayment on the damage to the U.S. Army and Marine Corps from repeated and sustained deployments to Iraq, and the Bush Administration's decision to fund the wars in Iraq and Afghanistan through a parade of emergency supplemental appropriations. The wars themselves are wearing down our equipment at a tremendous rate. Further damage is done by supplemental appropriations because the military services are denied the funding they need in a timely and predictable fashion. These two factors are doing serious and longterm damage to the nation's military readiness, and the Congress must address them.

During Armed Services Committee deliberations on this bill in March 2006, I offered an amendment to add $42 billion for this reason. Sadly, that amendment was voted down on a party-line vote. I offered the amendment because we had a growing readiness problem and because I thought putting as much of the funding for the wars in Iraq and Afghanistan as possible into the base budget was the most honest and effective way to proceed. My approach ended up in the final version of this bill. The $23 billion in this year's bill is a good start, but this funding will have to be sustained in many subsequent bills to address the readiness crisis we continue to face.

I am also pleased that this bill includes many important legislative provisions that directly improve the lives of the people of my district and my state. First, it takes the first step toward dealing with the chemical munitions dumped off the coast of Hawaii in the 1940s. These weapons could still pose a serious health and environmental risk, and Section 314 of this bill requires a comprehensive research effort by the military to identify, analyze, and assess the potential threat these sites may pose.

Section 2843 of this bill addresses a major land transfer issue in Hawaii regarding the former Barbers Point Naval Air Station. Affordable housing for the people of Hawaii and a new public transit system are critical local issues. This language requires the Navy to turn over an important parcel of land that will allow both new housing and transit development. Balancing the needs of the military and the local population in Hawaii is a challenge, but in this case, I think an arrangement was reached that helps both sides accomplish their goals. I want to thank Chairman HUNTER and Chairman HEFLEY for working with me on this language.

Lastly, Section 343 of the bill requires an analysis by the Army of its future live-fire training infrastructure needs in Hawaii. The Army's presence in Hawaii is undergoing tremendous change. A new Stryker Brigade is due to be activated this coming year, and thousands more troops will be coming to Hawaii as part of the larger changes in the military's Pacific region basing posture. Supporting these growing needs while accommodating the cultural, environmental and quality of life concerns of the people of Hawaii is essential. This report will help Congress understand where the Army wants to go in Hawaii with its training infrastructure, and how to get there. In particular, it will address the sensitive issue of the Army's long-term future in the Makua Valley, an area of Hawaii owned by the people of Hawaii and on temporary loan to the military. Eventually, this land must be returned, so the report requires the Army to look beyond its current use of the Makua Valley toward the eventual return of this historic and environmentally sensitive treasure to the people of Hawaii.

There are critical quality of life issues that were not resolved. Specifically, it does not do enough to help military families who need the Survivor Benefit Program and Dependency and Indemnity Compensation offset repealed. For me, this is a basic issue of fairness that must be addressed at some point in the future. The bill does not do enough to protect TRICARE health insurance patients from skyrocketing prescription drug prices. The Department of Defense asked for legislative authority to negotiate lower prices with major drug companies. The majority was unwilling to let this provision into the final bill. Finally, the bill before us only provides a 2.2 percent pay raise for the military in 2007. This is meager thanks for our men and women in uniform in a time of war; for those who are experiencing sustained and repeated deployments and absences from their families.

As well, this raise is simply too small to help our military families keep up with rising cost of living expenses at many bases around the nation, and especially in Hawaii. We have asked a lot from these men and women. We owe them more in return.

I want to now turn to the portion of the bill that falls under the jurisdiction of the Tactical Air and Land Forces Subcommittee, on which I am proud to serve as the ranking minority member. This year, the subcommittee had a daunting task: to reconcile a budget submission that was simply unrealistic in some respects when compared to the needs of the military both today and in the future.

Our military is clearly being pulled in many directions at once. Today our forces are fighting unconventional wars in Iraq and Afghanistan, the demands of which, in terms of equipment, are very different from possible future conventional conflicts. The U.S. military has to be able to fight and win both types of wars, but there is clearly not enough funding for doing everything the services want to do.

This bill authorizes critical short-term needs such as modernization of Army equipment in combat today and increased production of aircraft like the C–17 that are absolutely vital to current military operations. The bill also looks to the future in continuing successful aviation and ground systems. Finally, it takes funding from a few programs that are off-track or not working and moves that funding to more pressing needs, ensuring that taxpayer dollars are not wasted.

It also demands additional analysis and testing of systems in development that the subcommittee has concerns about. These provisions may discomfort some people at the Pentagon, but it is Congress' duty to oversee these programs and ensure that the troops get what they need.

Overall, this year I think the subcommittee did an excellent job. I especially want to commend Chairman WELDON on his leadership of the Tactical Air and Land Forces Subcommittee. His willingness to work in an open and nonpartisan manner greatly facilitates the subcommittee's work and produces a better product for our troops and the civilians who serve the nation at the Department of Defense.

Finally, another member of this committee deserves special recognition. I worked for many years with JOEL HEFLEY on the Armed Services Committee. He is a both a valued colleague and a close friend. Among his many accomplishments during his distinguished career on this committee, he helped shepherd through one of the most important changes in

military housing construction in decades. His vision for leveraging private investment dollars into a massive new program to rebuild and rehabilitate military family housing is now a reality. In my state alone almost ten thousand military homes will be upgraded in the next few years. This housing is a vital part of keeping an all-volunteer military ready, and Joel Hefley was a leader in this revolutionary program. I was and am grateful for the opportunity afforded to me to partner with him in accomplishing passage and implementation of this key legislation enhancing the quality of life of our fighting men and women.

MS. BORDALLO. Mr. Speaker, I rise today in support of the conference agreement on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. I am pleased that we have completed this Act before the onset of the new fiscal year because it contains provisions vital to the operation of our Department of Defense and to the men and women of our armed forces who are fighting the war against terrorism around the world today.

Several provisions within this Act are particularly important to my district and the people of Guam. Among these provisions is Section 1014, which closes a legal loophole that had previously been utilized by the Department of the Navy to permit repair of U.S. Navy vessels in foreign shipyards at the expense of U.S. shipyards, including the shipyard on Guam. By making clear that Guam, and in particular Guam's Apra Harbor, is a U.S. location, Section 1014 of this Act make clears to the Navy that its reliance on legal minutia to enable foreign repair of ships that are homeported on Guam or that make a port call on Guam is both unacceptable and now illegal. Congress expects the Navy to adhere both to the written word of 10 U.S.C. Section 7310, as amended by this Act, and to Congress's clear intent that Navy vessels will be repaired in U.S. shipyards except when those vessels are homeported overseas, when voyage repairs are necessary or where operational demands dictate. The Navy should not and cannot use excessively liberal definitions of voyage repairs or an overseas homeport to enable foreign repair.

Further, many vessels operating in the Pacific frequently make port calls on Guam. Section 1014 of this Act, when read in concert with related instructions from the Commander, Military Sealift Command and in particular the instruction identified as COMSCINST 4700.14A, also makes clear that vessels that make such port calls on Guam should no longer be considered eligible for repair in foreign shipyards such as the shipyard in Singapore. Paragraph 6(b)(5) of COMSCINST 4700.15A states, ''If an overseas homeported ship returns to the United States at any time during its overseas assignment, the policy governing U.S. homeported ships will apply, and the homeport status will be reevaluated.'' Ships that visit Guam regularly should not be included on the Assistant Secretary of the Navy's annual memorandum designating ships as homeported overseas and therefore made eligible for overseas repair. Ships that visit Guam must be returned to Guam, Hawaii or another U.S. location for repair, thereby being worked on by U.S. industry and our domestic skilled ship repair workforce.

Adherence to this refined and reemphasized policy is important to the vitality of the U.S. ship repair industrial base which is critical to our national security. Further, strict adherence to this policy will ensure that U.S. Navy vessels are repaired in safe harbors by U.S. citizens, thereby protecting our fleet and Navy personnel from risks such as attack, subterfuge, espionage or otherwise hostile actions. Section 1014 is a reaffirmation of Congressional intent on ''repair American'' policies applicable to the U.S. Navy. Section 1014 is an expression of this Congress's strong intent to safeguard the vital U.S. ship repair workforce and industry, one that faces significant workload reductions in coming years but one that must be maintained, even at greater cost, in order to maintain a ship repair industrial base capable of meeting any potential war time demand in the future. Congress will apply foresight if the Navy will not through the exercise of our oversight responsibilities.

It should be noted that the Section 1014 of the H.R. 5122 as passed by the House has been significantly streamlined. As a result of negotiations with the Senate and with the U.S. Navy, it was determined that Section 1014 did not need to be as robustly written as initially passed by the House. It should, however, also be noted that the Armed Services Committees will evaluate Navy compliance in light of the current revision to U.S. law and Congress's concern with the Navy's growing practice of sending U.S. Navy vessels to foreign shipyards for repair.

In addition to the revisions made to 10 U.S.C. 7310 is a provision agreed to by the conference committee, Section 1015, which provides for a comprehensive report on the operation of the Guam Shipyard and the Navy's intent for future utilization of the facility. It would be shortsighted of Congress to require greater utilization of such a facility without providing for appropriate study of the facility's current capabilities and of future needs for the facility in light of expected increased military utilization of the bases on Guam. I note that Guam will soon be home to 8,000 U.S. Marines who will be relocating from Okinawa and who will have points of embarkation in Apra Harbor. Guam will also soon become home to a third fast-attack nuclear-powered submarine and is expected to host an almost continuous presence of SSGN submarines. Further, military development plans call for the homeporting of three Littoral Combat Ships in Apra Harbor as well as significantly increased utilization of Apra Harbor by Navy aircraft carrlers.

The Navy must evaluate what capability it desires from the Guam Shipyard and begin preparations for an increase in the shipyard's utilization so that the shipyard can handle the anticipated additional repair requirements. The invaluable forward and strategic location of the Guam Shipyard cannot and should not be taken for granted and preparations must begin for growing its capability and capacity because it is clear that the yard will play an increased role in Navy ship repair in the Pacific as well as provide a vital capability to the U.S. Navy in the U.S.'s most strategic location in the Pacific. Training and growing a skilled U.S. ship repair workforce is not easy work. The Navy should begin enabling steady growth at the Guam Shipyard now so that the yard is prepared for future missions.

I would like to extend my thanks to Chairman JOEL HEFLEY and Ranking Member SOLOMON ORTIZ of the Readiness Subcommittee and to Chairman DUNCAN HUNTER and Ranking Member IKE SKELTON of the full committee for their steadfast subpart in adresses these ship repair and workforce issues. I would like to particularly thank the efforts of their respective staffs, especially the efforts of House Armed Services Committee Professional Staff Members Joe Fengler and Paul Arcangeli. Mr. Fengler has recently left the committee staff but I would like to acknowledge his professionalism, expertise and work ethic in representing his Chairman and in facilitating robust oversight by the House Armed Services Committee and its Members. I know that Mr. Fengler will have a bright future and I thank him for his dedication and service to Chairman HUNTER, to the committee and to our country.

This Act also includes a provision, Section 2810, to repeal Section 2864 of Title 10 in the United States Code which prohibits H2–B skilled foreign laborers, or nonimmigrant aliens, from working on military construction (MILCON) projects on Guam. Many community and industry stakeholders recognized that the restriction on labor contracts for military construction projects on Guam does not apply to other military construction projects elsewhere. Stakeholders felt that the Guam specific restrictions could negatively impact the ability to execute the planned military growth on Guam in the required timeframe. Because completing the movement of Marines from Okinawa to Guam in a timely manner is a major component of an international agreement, it was considered important to enable the Department of Defense to complete military construction projects associated with this move without undue obstacles and in accordance with the timeframe set out by the governments of Japan and the United States. At my urging, all parties agreed that the priority for hiring labor for military construction projects on Guam will continue to go to the local workforce. Many observed, however, that the amount of work expected on Guam will likely exceed local capacity and require additional labor, as have other large construction booms in Guam's past. Nonetheless, a principal part of my focus in representing the people of Guam remains preparing and training the local Guam workforce so that Guam's workers can receive maximum benefit from the military buildup. This provision ultimately enables Guam to prepare to meet the demands of future construction while also enabling the United States Government to meet its international obligations and thereby maintain its credibility and reputation with important allies.

I am pleased that this Act also authorizes a major increase in military construction funding for Guam. The military construction funding for Guam is a continued reflection of the Department of Defense's renewed interest in utilizing Guam's first-class and strategically located bases. Guam provides a capability to our Nation to project stability into the Pacific and, if ever necessary, to project force to protect our Nation, our allies and our values. I note that the Senate had previously marked against two military construction projects scheduled for Guam. I commend the Senate Armed Services Committee leadership for working with me and with my House colleagues to retain one of these two projects. Authorizing the first phase of construction at Andersen Air Force Base's Northwest Field is a critical step to completing the already begun relocation of the Air Force's Red Horse School from Osan, Korea to Guam. This relocation is an important part of

the Air Force's realignment of forces in the Pacific and its increased utilization of Andersen Air Force Base on Guam. While I am disappointed the Senate did not recede to the House authorization for the new commercial gate at Andersen Air Force Base, I join the Senate in expressing my strong intent to evaluate military construction projects scheduled for Guam to ensure that they fit within the overall plans for growth on the island and are consistent with the needs not just of the military but of the civilian community on Guam. While I believe the commercial gate already fit well within the plans for overall development on Guam, the concerns expressed by the Senate are shared in general and I look forward to working with my House and Senate colleagues to provide robust oversight of military development on Guam to ensure it is properly executed in the interests of all parties.

The $193.446 million in military construction funding for projects on Guam authorized this year represents continued growth in military activity on the island and provides assistance to Guam in preparing incrementally for the periods of military construction on the island which will soon be far more robust.

It is unfortunate that the conferees did not include in the conference agreement Section 632 of the House passed authorization bill. This provision would have authorized servicemembers assigned to and from non-foreign overseas locations to ship a second personally owned vehicle at government expense to the new assigned duty station consistent with the authorization for assignments within the continental United States. This change in law is still needed. This is an important quality of life issue for servicemen and women and their families who receive orders to serve on bases located outside the 48 contiguous States. Supported by The Military Coalition and by the Congressional delegations from Hawaii, Alaska, Puerto Rico and Guam, it is my hope that the committee will once again consider this provision next year and that its passage will ultimately be won. Our men and women in uniform deserve the enactment of this provision.

Finally, I am pleased that conferees retained language in this Act requiring the Department of Defense to study reestablishing a Military Entrance Processing Center on Guam. This study authorization is contained in Section 582 of the Act. The great number of patriotic men and women who enlist in our Armed Services from Guam and from the region deserve and need an entrance processing center on Guam. I encourage the Department of Defense to expeditiously undertake and complete this study. I trust it will find that the value of establishing a center on Guam is high and that such establishment will yield important results for recruitment goals. I look forward to the establishment of such a center and stand prepared to assist the Department in any way necessary to facilitate such an endeavor.

The decision by conferees to include numerous provisions important to our Nation's veterans is also to be commended. In particular, I fully support the provision which places a one-year moratorium on any increases in retail pharmaceutical prices under the TRICARE system. I join my colleagues in reiterating the principle that we must fulfill our promises to the veterans who have served our Nation. Increasing pharmaceutical fees under the TRICARE system is simply unacceptable. I also fully support the many other provisions in this Act related to protecting our veterans, our active duty personnel and our reserve personnel. I note particular support for the provision to curb predatory lending activity around military bases and the provisions to improve health care services for servicemembers suffering from post traumatic stress disorder or other combat related injuries. Our Nation remains committed to caring for those who fight and have fought to protect our way of life and our values.

This Act also contains language directing the Department of Defense to study cases of reported off shore disposal of munitions by the Department of Defense. I encourage the Department to study any cases of potential off shore disposal in the waters off of Guam. Should the Department determine that any dumping of munitions took place in the waters off of Guam, I urge the Department to take action to remedy any potential harm of such dumping. I further urge the Department to be not just comprehensive but transparent in its conduct of these studies and its findings. It is vital that the communities connected to any past disposal actions be kept fully informed as to Department findings and actions.

I also support provisions in this Act that direct the Secretary of Defense to prepare a plan that would enable the Department of Defense Education Activity (DODEA) to assist local educational agencies that are affected by force structure changes in their communities. I plan to continue to work closely with the Department of Defense regarding the impacts that the movement of 8,000 Marines to Guam will have on Guam's local education system. The 8,000 Marines are expected to be accompanied by 9,000 dependents and perhaps several thousand civilian employees. While the dependents of the Marines are expected to attend DODEA schools, it is not unreasonable to believe that some Marine children as well as the children of civilian employees will enter the Guam Public School System. We must begin planning now to prepare Guam for any such impact.

I am a strong supporter of our Nation's National Guard and especially of the National Guard and Reserve servicemembers who reside on Guam. I remain a strong supporter of H.R. 5200, the National Guard Empowerment Act. I believe that the time has come to change the way we think about our Guard and Reserve because in this war on terror we have changed the way we use them. No longer can the Guard and Reserve come second in funding, equipping or anything else.

So while I am pleased that H.R. 5122 substantially increases authorized funding for Guard and Reserve equipment, I believe this bill should have also included the provisions of H.R. 5200 to ensure that the Guard would receive a Chief with a fourth star that sits on the Joint Chiefs of Staff and could advocate for and protect Guard interests. I also believe it is time to give the Guard independent budget authority from the parent services because history has told us that the parent services care for themselves first and the reserve component second. In an era when the Guard is completing the same mission as its active duty counterparts, it should have the same leadership and authorities as its active duty counterparts. I will continue to advocate for reform and increased empowerment of the Guard and Reserve. I look forward to the study of H.R. 5200 by the Commission on the National Guard and Reserves and trust that the Commission will recommend adoption of many of the provisions contained within the legislation. I also note that conferees removed authority included in the House passed authorization bill that would have enabled the President to mobilize Guard members without the consent of a state or territorial governor in the event of a natural disaster. Granting such an authority would remove a fundamental and constitutional control granted to state governors regarding their state militias. I am pleased that the provision has been stricken from the bill.

Finally, I am encouraged that the conferees retained in the final bill language proposed by the Senate that requires the President to appoint a senior presidential coordinator of U.S. policy on North Korea and to submit to Congress a semi-annual report on the nuclear and missile programs of North Korea (Section 1211). While I remain a strong supporter of the Six-Party Talks, North Korea's testing of a Taepodong II missile earlier this year indicates that current policy toward North Korea is not proving a sufficiently effective deterrent against the unstable regime currently in Pyongyang. More must be done to secure our country and to assure allies in the Pacific of their safety from a North Korean regime that appears determined to develop additional nuclear weapons and to develop the means to deliver them. I also support the $10.4 billion in funding authorized in this Act for missile defense including the increase of $100 million for the ship based Aegis ballistic missile defense system, a system vital to protecting islands in the Pacific, including Guam, from any North Korean threat.

Mr. Speaker, I have addressed only a few of the many provisions within this Act. I commend my colleagues for their work in finalizing the defense authorization bill. The legislation provides for measures ranging from a well deserved pay raise for our uniformed servicemembers to construction funding for ships vital to our Navy's future. I am in support of this legislation and urge my colleagues to pass H.R. 5122.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this conference report.

As a relatively new Member of the Armed Services Committee, I appreciate having had the opportunity to work with my colleagues, especially Chairman HUNTER and Ranking Member SKELTON, on a number of provisions of particular importance to Colorado.

I want to express my particular thanks to JOEL HEFLEY, the dean of our Colorado delegation, who I am proud to call my colleague and friend. He and I have joined forces on a wide variety of matters, including steps to respond to the danger to our state's communities from wildfires, and I have benefited greatly from the opportunity to work with him both before and especially after I became a member of the Armed Services Committee.

The Senate bill included language to name a housing facility at Fort Carson in honor of Representative HEFLEY, who is retiring at the end of the year. I thought it was appropriate, and while the conference report does not include that provision, I am glad to note that it does include a section (Section 2002) that accurately states that since his election in 1986, Representative HEFLEY ''has served in the House of Representatives with distinction, class, integrity, and honor.''

The same section goes on to note that Representative HEFLEY'S efforts on our committee have benefited the military value of installations in Colorado and the quality of life of the men and women stationed there. It also reminds us that he was a leader in efforts to retain and expand Fort Carson and was a leader in efforts to eliminate inadequate housing on military installations, beginning with a pilot program at that Colorado base, an effort which has ''brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

And it concludes by saying that ''Congress recognizes and commends Representative JOEL HEFLEY for his 20 years of service to benefit the people of Colorado, members of the Armed Forces and their families, veterans, and the United States''—a well-earned commendation in which I completely concur.

Looking ahead, I anticipate receipt of two reports on matters of particular importance to Colorado.

Part of the report of our House Armed Forces Committee accompanying this authorization bill reflected our recognition of the importance of the High Altitude Aviation Training Site (HAATS) based at the Eagle, Colorado Regional Airport and its need for enough aircraft to fulfill its mission.

HAATS is the primary site for training military aviators on operations in hostile, high altitude, and power-limited environments under all seasonal weather conditions, such as Afghanistan. Responding to language I had included in the Defense Authorization bill last year, the Army National Guard pledged to provide two Blackhawks to HAATS. However, I'm told HAATS needs five Blackhawks in order to sustain training requirements.

To lay the foundation for possible future action to meet that need, our committee's report included a request for the Secretary of the Army to provide a report on high altitude aviation training to the congressional defense committees by December 15, 2006. The report is to include: (1) The current location and type of high altitude training, to include the percentage of pilots who receive such training on an annual basis at each location and the types of aircraft used in such training; (2) the number and type of helicopters required to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority for such training is given to commanders, instructor pilots, aviation safety officers, and deploying units; and (3) a thorough evaluation of the accident rates for deployed Army helicopter pilots who received high altitude training and deployed helicopter pilots who did not receive such training, including the number of accidents related to power management, using high and low estimates and the number of accidents involving combat and non-combat environments. I expect that this report will make clear the importance of HAATS' critical mission and the need for its having more aircraft.

And this conference report includes a section (section 2827) requiring a report by November 30th of this year analyzing of any potential expansion of the Pinon Canyon Maneuver Site, which is associated with Fort Carson. As a member of the Armed Service Committee and the Colorado delegation, I will be very interested in the information presented in this report.

The conference report provides funds for important projects in Colorado, including $10 million for work at Buckley Air Force Base, $4.9 million for construction at Peterson Air Force Base, $21 million for work at Schreiver Air Force Base, and $26.1 million to be used at Fort Carson.

And, at the national level, it includes many provisions that will improve our overall military readiness and provide for our troops and retirees.

Among other things, it authorizes a 2.2 percent pay raise, effective January 1, 2007, and includes a provision, developed through the leadership of our colleague Representative JOHN SPRATT, to provide targeted pay raises for mid-grade and senior NCOs and warrant officers, effective April 1, 2007. It also expands TRICARE Reserve Select to members of the Selected Reserves, and terminates the current three-tier eligibility program while putting a one-year moratorium on any increases in retail pharmaceutical prices under the TRICARE system.

The conference report also establishes additional financial protections for service members, prohibiting creditors from charging service members and their dependents annual interest rates for loans higher than the legal limit for state residents, or no more than 36 percent in any case.

And, of course, it authorizes a $70 billion supplemental for operations in Iraq and Afghanistan, including $23.7 billion to replace and reset equipment lost or damaged in operations.

I opposed President Bush's decision to invade Iraq and my concerns about this poorly managed and badly planned war have been realized. I believe it was a strategic mistake to make nationbuilding in Iraq the centerpiece of our war against Islamic terrorism—a belief that has been strengthened by the April 2006 National Intelligence Estimate entitled ''Trends in Global Terrorism: Implication for the United States,'' portions of which were recently declassified. But now that our troops are there and Iraq is struggling to avoid a slide into civil war, we cannot withdraw them immediately, and we must continue to provide the funds necessary to maintain and re-equip them.

I urge approval of the conference report.

Mr. HOLT. Mr. Speaker, I reluctantly rise today to oppose the Conference Report for The National Defense Authorization Act, H.R. 5122.

The National Defense Authorization Act is Congress' only opportunity each year to seriously debate the defense polices of our Nation. Yet, when the House debated this legislation in earlier this year, the Republican Majority prevented any debate about the most important national defense issue we face: the war in Iraq. More than 2,700 American service members have lost their lives fighting in Iraq. American taxpayers have paid more than $400 billion to fund the effort. Yet, despite authorizing an additional $70 billion for the war, we have had no debate on this floor about our policy or needed strategy changes. This is an unconscionable failure of the House.

The House previously made a mockery of Congress' responsibilities to guide policy by shamefully politicizing Representative JOHN MURTHA's thoughtful proposal for a phased redeployment of American troops in Iraq. Regardless of one's opinion on the best course of action in the war, the failure of Congress to entertain debate or exercise real oversight is a dereliction of our duty.

Just this week, news reports revealed that a National Intelligence Estimate (NIE) written in April comes to the conclusion that the war in Iraq is making America less safe. I have been telling my constituents for months that this war is endangering the lives of our service members, fueling the terrorist insurgency, and failing to make us safer. The NIE confirms this.

On another important subject, Congress is also long overdue for a serious examination of our nuclear weapons policy. Fifteen years after the collapse of the Soviet Union, we behave as if the Cold War never ended, maintaining a stockpile of thousands of nuclear weapons, many on hair-trigger missiles—far more than we need to assure our continued military dominance. It is time we honor the commitment we made when we signed the Nuclear Non-Proliferation Treaty and begin to phase out our nuclear stockpile. This bill fails to make any changes to our nuclear posture and it is my hope that the committee will work with me to get the United States to honor our NPT pledge.

I am also disappointed that this bill authorizes $9.4 billion for the missile defense programs within the Missile Defense Agency (MDA). Since its inception during the Reagan administration, MDA has spent nearly $100 billion for missile defense programs that have repeatedly failed flight tests. This money would have been more wisely spent on other national security priorities, such as jamming devices for improvised explosive devices (IEDs), up-armoring Humvees, and radiological detection at our ports and borders. One of the craziest ideas I have ever heard is that we should deploy this missile defense system as a way to test it. Simple strategic analysis tells us that a provocative yet permeable defense is destabilizing and weakens the security of all Americans.

This authorization bill fails to address and make needed changes to U.S. policy in any one of these three areas, which is why I oppose this bill.

Ms. LEE. Mr. Speaker, I rise in opposition to this $533 billion Defense authorization bill.

But, Mr. Speaker, the bill before us today does have a very important provision in it: language preventing the establishment of permanent military bases in Iraq.

This is an 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, this provision will only apply to funds for FY07. We need to make the policy of the United States not to have permanent military bases in Iraq.

Futhermore, it's unfortunate that this bill is the vehicle for this critical policy.

Mr. Speaker, I believe that our Nation is best defended by funding priorities that make our Nation and world safer.

This bill, I'm sorry to say, does not do that.

Mr. Speaker, what does it say about our priorities when Congress authorizes nearly $70 billion more for the wars in Iraq and Afghanistan without any direction, or exit strategy?

Mr. Speaker, what does it say about our priorities when this bill authorizes a $10.4 billion for a missile defense program that has consistently failed, will never protect us from terrorists?

What it is says, Mr. Speaker is the priorities of the Bush administration are grossly misplaced. When it comes to making our Nation safe, they are spending almost $2 billion a week on a war in Iraq, but can't spare a dime for the security of the Port of Oakland, our Nation's fourth largest container port.

That's why, Mr. Speaker, I urge my colleagues to reject this bill and offer Americans a real bill that protects America and truly reflects our nation's security priorities.

Mr. HEFLEY. 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.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of conference report on H.R. 5441; adoption of conference report on H.R. 5122; and passage of H.R. 4772, in each case 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.

CONFERENCE REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5441, 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 conference report.

The vote was taken by electronic device, and there were—yeas 412, nays 6, not voting 14, as follows:

[Roll No. 509]

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 (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, 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)
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
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
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
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
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
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
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Flake
Hostettler
Markey
McDermott
Paul
Stark

NOT VOTING—14

Burgess
Case
Castle
Evans
Foley
Ford
Jenkins
Jones (NC)
Lewis (GA)
Meehan
Ney
Obey
Strickland
Wilson (SC)

□ 1810

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

Ms. DELAURO and Mr. WALSH changed their vote from ''nay'' to ''yea.''

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.

LEGISLATIVE PROGRAM

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

Mr. BOEHNER. Mr. Speaker and my colleagues, just to give everyone as much information as I have, after this series of votes we will move to a series of suspension votes. We are expecting to have a port security conference report available some time this evening.

I wish I could give you a more exact time. I expect that we could see this at 9 to 10 o'clock in the Rules Committee, or somewhere in that vicinity, and have it on the floor and hopefully be finished by midnight.

I would be happy to yield to my colleague from Maryland.

Mr. HOYER. Is it therefore safe to assume that the port security bill would be the last bill on which Members would be required to vote, or would there possibly be other business following that?

Mr. BOEHNER. I would expect that the port security vote around midnight would be the last vote for the day.

I do expect that will be our last vote, we will complete our work, and I will have met my commitment to all of you.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Leader, if you would, can you clarify for the Members what you contemplate the schedule to be from now until we get to the port security bill?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

After this series of votes, we have a series of suspensions. Any votes that may be called, we will roll and take at the time of the vote on the rule for the port security bill.

Mr. HOYER. So that will be some time after 9 o'clock?

Mr. BOEHNER. It will be sometime closer to 10:30 or 11 o'clock.

Mr. HOYER. So after this series of votes, Members could be confident there will be no votes prior to, say, 9:30?

Mr. BOEHNER. There will be no votes until probably closer to 11.

Mr. HOYER. I thank the gentleman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONFERENCE REPORT ON H.R. 5122, JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. The pending business is the question of adoption of the conference report on the bill, H.R. 5122, 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 conference report.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 23, not voting 12, as follows:

[Roll No. 510]

YEAS—398

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
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
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 (FL)
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
Fitzpatrick (PA)
Flake
Forbes
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
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
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
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
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Oxley
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
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
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Baldwin
Capps
Conyers
Filner
Frank (MA)
Holt
Inslee
Jackson (IL)
Kucinich
Lee
McDermott
McKinney
Michaud
Miller, George
Owens
Pallone
Paul
Payne
Schakowsky
Serrano
Stark
Velázquez
Woolsey

NOT VOTING—12

Burgess
Case
Castle
Evans
Foley
Ford
Jones (NC)
Lewis (GA)
Meehan
Ney
Strickland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

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.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 4772, 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 231, nays 181, not voting 20, as follows:

[Roll No. 511]

YEAS—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
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
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra

Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kaptur
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
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
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
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)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
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
Meeks (NY)
Michaud
Millender-McDonald
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
Platts
Price (NC)
Rangel
Regula
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NOT VOTING—20

Boehner
Burgess
Burton (IN)
Case
Castle
Evans
Foley
Ford
Fossella
Jones (NC)
Lewis (GA)
McCaul (TX)
Meehan
Meek (FL)
Ney
Oxley
Pomeroy
Sabo
Strickland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes in which to vote.

□ 1831

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, due to a pre-existing commitment in my district, I missed three rollcall votes this afternoon. I ask that the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 509—Adoption of the Conference Report on H.R. 5441, the Department of Homeland Security Appropriations Act for Fiscal Year 2007—I would have voted ''aye'';

For rollcall No. 510—Adoption of the Conference Report on H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007—I would have voted ''aye'';

For rollcall No. 511—Final Passage on H.R. 4772, the Private Property Rights Implementation Act—I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes 474 through 503 from September 26 through September 29, 2006, because I was attending to a family emergency. Had I been present, I would have cast the following votes:

On rollcall 474, I would have voted ''no.''
On rollcall 475, I would have voted ''no.''
On rollcall 476, I would have voted ''no.''
On rollcall 477, I would have voted ''no.''
On rollcall 478, I would have voted ''yes.''
On rollcall 479, I would have voted ''no.''
On rollcall 480, I would have voted ''no.''
On rollcall 481, I would have voted ''yes.''
On rollcall 482, I would have voted ''yes.''
On rollcall 483, I would have voted ''yes.''
On rollcall 484, I would have voted ''yes.''
On rollcall 485, I would have voted ''yes.''
On rollcall 486, I would have voted ''no.''
On rollcall 487, I would have voted ''no.''
On rollcall 488, I would have voted ''no.''
On rollcall 489, I would have voted ''no.''
On rollcall 490, I would have voted ''yes.''
On rollcall 491, I would have voted ''no.''
On rollcall 492, I would have voted ''yes.''
On rollcall 493, I would have voted ''yes.''
On rollcall 494, I would have voted ''yes.''
On rollcall 495, I would have voted ''no.''
On rollcall 496, I would have voted ''no.''
On rollcall 497, I would have voted ''no.''
On rollcall 498, I would have voted ''no.''
On rollcall 499, I would have voted ''no.''
On rollcall 500, I would have voted ''yes.''
On rollcall 501, I would have voted ''yes.''
On rollcall 502, I would have voted ''no.''
On rollcall 503, I would have voted ''yes.''
On rollcall 504, I would have voted ''no.''
On rollcall 505, I would have voted ''no.''
On rollcall 506, I would have voted ''no.''
On rollcall 507, I would have voted ''no.''
On rollcall 508, I would have voted ''no.''
On rollcall 509, I would have voted ''yes.''
On rollcall 510, I would have voted ''no.''
On rollcall 511, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. OBEY. Mr. Speaker, on the vote on H.R. 5441, the voting bells in my office malfunctioned, did not go off, causing me to miss the vote.

I would have voted ''aye.''

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolution of the House of the following titles:

H.R. 233. An act to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the man-made famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and

Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

H. Con. Res. 456. Concurrent resolution providing for a correction to the enrollment of the bill, S. 203.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 476. An act to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1288. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1378. An act to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1829. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

S. 1830. An act to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 1913. An act to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SAFETEA–LU AMENDMENTS ACT

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6233) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read as follows:

H.R. 6233

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

TITLE I—HIGHWAY PROVISIONS

SECTION 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''.

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking ''among the States''.

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

''(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

''(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

''(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

''(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.''.

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting ''LA,'' after ''TX,''.

(e) CORRECTION OF INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(1) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking ''and on United States Route 422''.

(2) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking ''and United States Route 422''.

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking ''through 189 as sections 601 through 609, respectively'' and inserting ''through 190 as sections 601 through 610, respectively''.

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended by striking ''section 120(b)'' and inserting ''section 120''.

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

''(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

''(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

''(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2006, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways''.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting ''(112 Stat. 257)'' after ''21st Century''; and

(4) in subsection (a)(2)(B)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''SAFETEA–LU'' and inserting ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)''.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking ''purposes under this subsection'' and inserting ''highway safety improvement program purposes''.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking ''**REPLACEMENT AND REHABILITATION**'';

(B) in subsections (b), (c)(1), and (e) by striking ''Federal-aid system'' each place it appears and inserting ''Federal-aid highway'';

(C) in subsections (c)(2) and (o) by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways'';

(D) in the heading to paragraph (4) of subsection (d) by inserting ''SYSTEMATIC'' before ''PREVENTIVE'';

(E) in subsection (e) by striking ''off-system bridges'' each place it appears and inserting ''bridges not on Federal-aid highways'';

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G)) by striking the paragraph heading and inserting ''BRIDGES NOT ON FEDERAL-AID HIGHWAYS'';

(I) in subsection (m) (as redesignated by subparagraph (G)) by striking the subsection heading and inserting ''PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS''; and

(J) in subsection (n)(4)(B) (as redesignated by subparagraph (G)) by striking ''State highway agency'' and inserting ''State transportation department''.

(2) CONFORMING AMENDMENTS.—

(A) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of title 23, United States Code, are amended by striking ''replacement and rehabilitation'' each place it appears.

(B) ANALYSIS.—The analysis for chapter 1 of title 23, United States Code, is amended in the item relating to section 144 by striking ''replacement and rehabilitation''.

(n) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking ''a National Scenic Byway under subparagraph (A)'' and inserting ''a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)''; and

(2) in subsection (c)(3) by striking ''or All-American Road'' each place it appears and inserting ''All-American Road, or one of America's Byways''.

(o) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(p) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking ''(B), (C), and (D)'' and inserting ''(B) and (C)''.

(q) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting ''bbb minus, BBB (low),'' after ''Baa3,''.

(r) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting ''tribal,'' after ''local,''.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking ''plan administer'' and inserting ''plan and administer''.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting ''equity bonus,'' after ''minimum guarantee,'';

(B) by striking ''freight intermodal connectors'' and inserting ''railway-highway crossings'';

(C) by striking ''high risk rural road,''; and

(D) by inserting after ''highway safety improvement programs'' the following: ''(and separately the set aside for the high risk rural road program)''.

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) $20,000,000 for fiscal year 2007; and

''(B) $35,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

Item number 22 of the table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1204) is amended by striking ''Improvements to I–80, Monroe County, PA'' and inserting ''Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County''.

SEC. 104. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting ''Improvements to State Road 312, Hammond''.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting ''Removal and Reconfiguration of Interstate ramps, I–40, Memphis'';

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting ''M–291 highway outer road improvement project'';

(4) in item number 128 by striking ''$2,400,000'' and inserting ''$4,800,000'';

(5) in item number 154 by striking ''Virginia'' and inserting ''Eveleth'';

(6) in item number 193 by striking the project description and inserting ''Improvements to or access to Route 108 to enhance access to the business park near Rumford'';

(7) in item number 240 by striking ''$800,000'' and inserting ''$2,400,000'';

(8) by striking item number 248;

(9) in item number 259 by striking the project description and inserting ''Corridor study, EIS, and ROW acquisition for a bridge from east of the Crow Wing Highway 3 bridge crossing the Mississippi River in Brainerd to west of the Minnesota State Highway 6 bridge crossing the Mississippi River north of Crosby'';

(10) in item number 274 by striking the project description and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan'';

(11) in item number 277 by striking the project description and inserting ''Construct connector road from Rushing Drive North to Grand Ave., Williamson County'';

(12) in item number 395 by striking the project description and inserting ''Plan and construct interchange at I–65, from existing SR–109 to I–65'';

(13) in item number 463 by striking ''Cookeville'' and inserting ''Putnam County'';

(14) in item number 576 by striking the project description and inserting ''Design, right-of-way, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129'';

(15) in item number 590 by inserting '', including'' after ''Safety'';

(16) in item number 595 by striking ''Street Closure at'' and inserting ''Transportation improvement project near'';

(17) in item number 649 by striking the project description and inserting ''Construction and enhancement of the Fillmore Avenue Corridor, Buffalo'';

(18) in item number 655 by inserting '', safety improvement construction,'' after ''Environmental studies'';

(19) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(20) in item number 770 by striking the project description and inserting ''Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road'';

(21) in item number 777 by striking the project description and inserting ''Construct access from airport in Akutan'';

(22) in item number 829 by striking the project description and inserting ''$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road'';

(23) in item number 881 by striking the project description and inserting ''Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park'';

(24) in item number 923 by striking the project description and inserting ''Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County'';

(25) in item number 947 by striking the project description and inserting ''Third East/West River Crossing, St. Lucie River'';

(26) in item numbers 959 and 3327 by striking ''Northern Section,'' each place it appears;

(27) in item number 963 by striking the project description and inserting ''For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53'';

(28) in item number 983 by striking the project description and inserting ''Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties'';

(29) in item number 1039 by striking the project description and inserting ''Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111'';

(30) in item number 1047 by striking the project description and inserting ''Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough'';

(31) in item number 1124 by striking ''bridge over Stillwater River, Orono'' and by inserting ''routes'';

(32) in item number 1206 by striking ''Pleasantville'' and inserting ''Briarcliff Manor'';

(33) in item number 1210 by striking the project description and inserting ''Town of New Windsor Riley Road and Shore Drive'';

(34) in item number 1281 by striking the project description and inserting ''Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County'';

(35) in item number 1487 by striking ''$800,000'' and inserting ''$1,600,000'';

(36) in item number 1575 by striking the project description and inserting ''Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities'';

(37) in item number 1661 by striking the project description and inserting ''Sheldon West Extension in Matanuska-Susitna Borough;''

(38) in item number 1810 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(39) in item number 1852 by striking ''Milepost 9.3'' and inserting ''Milepost 24.3'';

(40) in item numbers 1926 and 2893 by striking the project descriptions and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(41) in item number 1933 by striking the project description and inserting ''Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving'';

(42) in item number 1975 by striking the project description and inserting ''Point MacKenzie Access Road improvements in Matanuska-Susitna Borough'';

(43) in item number 2015 by striking the project description and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'';

(44) by striking item number 2031;

(45) in item number 2087 by striking the project description and inserting ''Railroad crossing improvement on Illinois Route 82 in Geneseo'';

(46) in item number 2211 by striking the project description and inserting ''Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio'';

(47) in item number 2234 by striking the project description and inserting ''North Atherton Signal Coordination Project in Centre County'';

(48) in item number 2316 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(49) in item number 2375 by inserting '', including streets'' after ''Astoria'';

(50) in item number 2420 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(51) in item number 2482 by striking ''Country'' and inserting ''County'';

(52) in item number 2663 by striking the project description and inserting ''Rosemead Boulevard safety enhancement and beautification, Temple City'';

(53) in item numbers 2671 and 5032 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' each place it appears and inserting '', St. George'';

(54) in item number 2698 by striking the project description and inserting ''I–95/Ellis Road and between Grant Road and Micco Road, Interchange Justification Reports, Brevard'';

(55) in item number 2743 by striking the project description and inserting ''Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County'';

(56) by striking item number 2800;

(57) in item number 2826 by striking ''State Street and Cajon Boulevard'' and inserting ''Palm Avenue'';

(58) in item number 2931 by striking ''Frazho Road'' and inserting ''Martin Road'';

(59) in item number 3014 by inserting '', including'' after ''Safety'';

(60) in item numbers 3047 and 5027 by inserting ''and roadway improvements'' after ''safety project'' each place it appears;

(61) in item number 3078 by striking the project description and inserting ''U.S. 2/Sultan Basin Road improvements in Sultan'';

(62) in item number 3174 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(63) in item number 3219 by striking ''Forest'' and inserting ''Warren'';

(64) in item number 3254 by striking the project description and inserting ''Reconstruct PA Route 274/34 Corridor, Perry County'';

(65) in item number 3255 by striking the project description and inserting ''Facility acquisition, road construction, and other transportation enhancement related improvements in the Northwest Triangle Redevelopment Area in the city of York'';

(66) in item number 3260 by striking ''Lake Shore Drive'' and inserting ''Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry'';

(67) in item number 3327 by striking ''$1,600,000'' and inserting ''$2,400,000'';

(68) in item number 3368 by striking the project description and inserting ''Plan, design, and engineering, Ludlam Trail, Miami'';

(69) in item number 3397 by striking the project description and inserting ''Cathodic bridge protection: allow the Virginia Department of Transportation (VDOT) to select the bridge or bridges that VDOT considers appropriate for cathodic bridge protection modification'';

(70) in item number 3410 by striking the project description and inserting ''Construct eligible sound walls on I–65 between Old Hickory Blvd. and Harding Place in Davidson County'';

(71) in item number 3456 by striking the project description and by inserting ''Phase II/part I project–Elizabeth Ave. in Coleraine to 0.2 miles west of CSAH 15 (2.9 miles)'';

(72) in item number 3537 by inserting ''and the study of alternatives along the North South Corridor,'' after ''Valley'';

(73) in item number 3582 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(74) in item numbers 3604 and 5008 by inserting ''and Kane Creek Boulevard'' after ''500 West'' each place it appears;

(75) in item number 3631 by striking the project description and inserting ''Reconstruct or modify the existing 5th Street Bridge and railroad trestle to provide a 4-lane crossing of the Feather River between Yuba City and Marysville and improvements to connector roads from east and west'';

(76) in item number 3632 by striking the State, project description, and amount and inserting ''FL'', ''Pine Island Road pedestrian overpass, city of Tamarac'', and ''$610,000'', respectively;

(77) in item number 3634 by striking the State, project description, and amount and inserting ''FL'', ''West Avenue Bridge, city of Miami Beach'', and ''$620,000'', respectively;

(78) in item number 3673 by striking the project description and inserting ''Improve marine dry-dock and facilities in Ketchikan'';

(79) in item number 3688 by striking ''road'' and inserting ''trail'';

(80) in item number 3691 by striking the project description and inserting ''Port facilities in Hoonah'';

(81) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(82) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(83) in item number 3703 by inserting ''or another road'' after ''Cape Blossom Road'';

(84) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(85) in item number 3890 by striking the project description and inserting ''Replacement of fixed route transit buses'';

(86) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(87) in item number 3916 by striking the project description and inserting ''City of Hollywood to purchase buses and bus facilities'';

(88) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(89) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(90) in item number 3981 by striking the project description and inserting ''Atlanta Multi-Use Trail from Spring Street/Concord Road to Ridge Road'';

(91) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(92) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(93) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(94) in item numbers 4062 and 4084 by striking the project descriptions and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(95) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(96) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(97) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(98) in item number 4125 by striking ''$250,000'' and inserting ''$950,000'';

(99) in item number 4129 by striking ''$128,000'' and inserting ''$828,000'';

(100) by striking item number 4179;

(101) in item number 4292 by striking ''BW Parkway'' and inserting ''Baltimore Washington Parkway'';

(102) in item number 4299 by striking the project description and inserting ''Highway improvements in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(103) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access and pedestrian safety improvements'';

(104) in item number 4323 by striking the project description and inserting ''Maine DOT Acadia intermodal passenger and maintenance facility'';

(105) in item number 4333 by striking the project description and inserting ''Detroit Riverfront Conservancy, Riverfront Walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas MacArthur Bridge to Riverside Park at the Ambassador Bridge, Detroit'';

(106) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(107) in item number 4428 by striking the project description and inserting ''U.S. 76 improvements'';

(108) in item numbered 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264'';

(109) in item numbered 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(110) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(111) in item number 4596 by striking the project description and inserting ''Transportation center, Corning'';

(112) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(113) in item number 4651 by striking the project description and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(114) in item number 4691 by striking the project description and inserting ''Transportation improvements to Idabel Industrial Park Rail Spur, Idabel'';

(115) in item number 4749 by striking ''study'' and inserting ''improvements'';

(116) in item number 4821 by striking ''highway grade crossing project, Clearfield and Clinton Counties'' and inserting ''Project for highway grade crossings and other purposes relating to the Project in Cambria, Clearfield, and Clinton Counties'';

(117) in item number 4838 by striking ''study'' and inserting ''improvements'';

(118) in item number 4839 by striking ''fuel-celled'' and inserting ''fueled'';

(119) in item number 4866 by striking ''$11,000,000'' and inserting ''$9,900,000'';

(120) by inserting after item number 4866 the following:

''4866A	RI	Repair and restore railroad bridge in Westerly.	$1,100,000'';

(121) in item number 4915 by striking the project description and inserting ''For projects of highest priority, as determined by the South Dakota DOT'';

(122) in item number 4916 by striking ''$1,000,000'' and inserting ''$328,000'';

(123) in item number 4924 by striking ''$3,450,000'' and inserting ''$4,122,000'';

(124) in item number 4974 by striking '', Sevier County'';

(125) in item numbers 5011 and 5033 by striking ''200 South Interchange'' each place it appears and inserting ''400 South Interchange'';

(126) in item number 5132 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(127) in item number 2942 by striking the project description and inserting ''Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania'';

(128) in item number 2781 by striking the project description and inserting ''Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas'';

(129) in item number 2430 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(130) by striking item number 20;

(131) in item number 424 by striking ''$264,000'' and inserting ''$644,000'';

(132) in item number 1210 by striking the project description and inserting ''Riley Road, Shore Drive, and area road improvements'';

(133) by striking item numbers 68, 905, and 1742;

(134) in item number 1059 by striking ''$240,000'' and inserting ''$420,000'';

(135) in item number 2974 by striking ''$120,000'' and inserting ''$220,000'';

(136) by striking item numbers 841, 960, and 2030;

(137) in item number 1278 by striking ''$740,000'' and inserting ''$989,600'';

(138) in item number 207 by striking ''$13,600,000'' and inserting ''$13,200,000'';

(139) in item number 2656 by striking ''$12,228,000'' and inserting ''$8,970,000'';

(140) in item number 1983 by striking ''$1,600,000'' and inserting ''$1,000,000'';

(141) in item number 753 by striking ''$2,700,000'' and inserting ''$3,200,000'';

(142) in item number 64 by striking ''$6,560,000'' and inserting ''$7,760,000'';

(143) in item number 2338 by striking ''$1,600,000'' and inserting ''$1,800,000'';

(144) in item number 1533 by striking ''$392,000'' and inserting ''$490,000'';

(145) in item number 1354 by striking ''$40,000'' and inserting ''$50,000'';

(146) in item number 3106 by striking ''$400,000'' and inserting ''$500,000'';

(147) in item number 799 by striking ''$1,600,000'' and inserting ''$2,000,000'';

(148) in item number 68—

(A) by striking ''NY'' and inserting ''PA'';

(B) by striking the project description and inserting ''UPMC Heliport in Bedford''; and

(C) by striking ''$64,000'' and inserting ''$750,000'';

(149) in item number 905—

(A) by striking ''NY'' and inserting ''PA'';

(B) by striking the project description and inserting ''Construct 2 flyover ramps and S. Lindent Street exit for access to industrial sites in the cities of McKeesport and Duquesne''; and

(C) by striking ''$160,000'' and inserting ''$500,000'';

(150) in item number 159—

(A) by striking ''Construct interchange for 146th St. and I–69'' and inserting ''Upgrade 146th St. to I–69 Access''; and

(B) by striking ''$2,400,000'' and inserting ''$3,200,000'';

(151) by striking item number 2936;

(152) in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion''; and

(153) in item number 2316 by striking the project description and inserting ''Construct bridge at Indian Street, Martin County'';

(154) in item number 2274 by striking ''between Farmington and Merriman'' and inserting ''between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road'';

(155) in item number 52 by striking the project description and inserting ''Pontiac Trail between E. Liberty and McHattie Street'';

(156) in item number 1544 by striking ''connector'';

(157) in item number 2573 by striking the project description and inserting ''Rehabilitation of Sugar Hill Road in North Salem, NY'';

(158) in item number 746 by inserting '', and any expansion of the Greenway Corridor,'' after ''Interchange'';

(159) in item number 1450 by striking ''III–VI'' and inserting ''III–VII'';

(160) in item number 2219 by inserting ''Center Valley Parkway and'' after ''Improvements to'';

(161) in item number 2302 by striking the project description and inserting ''Planning and construction of Safford Road in Madison Village, OH'';

(162) in item number 2637 by striking the project description and inserting ''Traffic and safety improvements to county roadways in Geauga County, OH'';

(163) in item number 2342 by inserting '', and planning and construction to Heisley Road,'' after ''Interchange'';

(164) in item number 161 by striking the project description and inserting ''Construct False Pass causeway and road to the terminus of the south arm breakwater project'';

(165) in item number 2002 by striking the project description and inserting ''Providence Hospital public access road and enhancements, including access connections between the proposed Providence Regional Administration Building and Piper Street, to improve access and circulation in the Providence Southwest Campus'';

(166) in item number 777 by striking the project description and inserting ''Construct access from airport in Akutan'';

(167) in item number 2023 by striking the project description and inserting ''Biking and pedestrian trail construction, Kentland'';

(168) in item number 2035 by striking ''Replace'' and inserting ''Repair'';

(169) in item number 2511 by striking ''Replace'' and inserting ''Rehabilitate'';

(170) in item numbers 2981 and 5028 by striking the project description and inserting ''Roadway improvements on Highway 262 on the Navajo Nation in Aneth'';

(171) in item numbers 2068 and 5026 by inserting ''and approaches'' after ''capacity'';

(172) in item number 98 by striking the project description and inserting ''Right-of-way and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield'';

(173) in item number 1783 by striking the project description and inserting ''Clark Road access improvements, Jacksonville'';

(174) in item number 2711 by striking the project description and inserting ''Main Street Road Improvements through Springfield, Jacksonville'';

(175) in item number 3485 by striking the project description and inserting ''Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville'';

(176) in item number 3486 by striking the project description and inserting ''Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville'';

(177) in item number 3487 by striking the project description and inserting ''Construct improvements to NE 25th Street from SR 26 (University Blvd) to NE 8th Avenue, Gainesville'';

(178) in item number 803 by striking ''St. Clair County'' and inserting ''city of Madison'';

(179) in item number 615 by striking the project description and inserting ''Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue'';

(180) in item number 889 by striking the project description and inserting ''U.S. 160, State Highway 3 to east of the Florida River'';

(181) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix Co., Wisconsin to Minnesota State Highway 36, Washington Co.'';

(182) in item number 324 by striking the project description and inserting ''Paving a portion of H-58 from Buck Hill to 4,000 feet east of Hurricane River'';

(183) in item number 301 by striking the project description and inserting ''Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast'';

(184) in item number 2429 by striking the project description and inserting ''Construct parking facility and undertake streetscaping and pedestrian walkways, Oak Lawn'';

(185) in item number 1519 by inserting ''at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex'' after ''roadway redesign'';

(186) in item number 2604 by inserting ''on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane'' after ''roadway redesign'';

(187) in item number 2168 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of the intersection of Main and William Streets in Pittston'';

(188) in item number 1157 by inserting ''on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end'' after ''roadway redesign'';

(189) in item number 805 by inserting ''on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard'' after ''roadway redesign'';

(190) in item number 2704 by inserting ''on West Cemetery Street and Frederick Courts'' after ''roadway redesign'';

(191) in item number 3136 by inserting ''on Walden Drive and Greenwood Hills Drive'' after ''roadway redesign'';

(192) in item number 1363 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, and Hillside Avenue in Edwardsville Borough, Luzerne County'';

(193) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County'';

(194) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County'';

(195) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign'';

(196) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County'';

(197) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County'';

(198) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign'';

(199) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County'';

(200) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties'';

(201) in item number 2436 by striking the project description and the amount and inserting ''For Wilkes-Barre to design, acquire land, and construct a parking garage or parkade, streetscaping enhancements, paving, lighting, safety improvements, and roadway redesign at and around the Sterling Hotel in Wilkes-Barre, including on River Street, Market Street, or Franklin Street (or any combination thereof) to the vicinity of the Irem Temple'', and ''$3,000,000'', respectively;

(202) in item number 2560 by striking the project description and inserting ''To study the I–285 highway crossing in Sandy Springs, GA'';

(203) in item number 2723 by striking the State, the project description, and the amount and inserting ''AL'', ''Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR-21) in Troy, AL'', and ''$300,000'', respectively;

(204) in item number 61 by striking the State, the project description, and the amount and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively;

(205) in item number 2936 by striking the State, the project description, and the amount and inserting ''AL'', ''Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR-6, CR-20, SH-7, James Street, and College Drive)'', and ''$300,000'', respectively;

(206) in item number 1742 by striking the State, the project description, and the amount and inserting ''PA'', ''Road improvements and upgrades related to the Pennsylvania State Baseball Stadium'', and ''$500,000'', respectively;

(207) in item number 314 by striking the project description and the amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively;

(208) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate'';

(209) in item numbers 2860 and 5029 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation'';

(210) in item number 170 by striking ''facility'' and inserting ''garage'';

(211) in item number 826 by striking the project description and the amount and inserting ''For the city of Wilkes-Barre and the city of Scranton to jointly study, analyze, assess, and implement the development of a regional intermodal transportation system, including associated improvements and enhancements to existing infrastructure and application of new technologies, in the counties of Luzerne, Lackawanna, and Monroe in Northeastern Pennsylvania'' and ''$2,800,000'', respectively;

(212) in item number 2549 by striking ''on Navy Pier'';

(213) in item number 2804 by striking ''on Navy Pier'';

(214) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton'';

(215) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange'';

(216) in item 3665—

(A) by inserting ''AL'' in the State column;

(B) by inserting ''Construction of Sulphur Springs Road Bypass in city of Hoover, Alabama'' in the project description column; and

(C) by striking ''$0'' and inserting ''$3,150,000'';

(217) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh''; and

(218) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh''.

(b) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940 (commonly known as the ''Truman-Hobbs Act'') (33 U.S.C. 511 et seq.).

(c) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2007 through 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking ''Minneapolis-St. Paul, Minnesota'' and inserting ''Minneapolis, Minnesota''.

SEC. 107. CORRECTION OF INTERSTATE AND NHS DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking ''from the Arkansas State line'' and inserting ''from Interstate Route 540''.

SEC. 108. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

Section 1909(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1471) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (9) by striking ''July 1, 2007'' and inserting ''December 31, 2007'';

(2) in paragraph (11)(C) by striking ''the Administrator of the Federal Highway Administration'' and inserting ''the Secretary'';

(3) in paragraph (11)(D)(i) by striking '', on a reimbursable basis,''; and

(4) in paragraph (15) by striking ''$1,400,000 for each of fiscal years 2006 and 2007'' and inserting ''$1,400,000 for fiscal year 2006 and $3,400,000 for fiscal year 2007''.

SEC. 109. BUY AMERICA.

Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the current application by the Federal Highway Administration of the Buy America test is only applied to components or parts of a bridge project and not the entire bridge project and this is inconsistent with this sense of Congress;''.

SEC. 110. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 12 by striking ''Yukon River'' and inserting ''Kuskokwim River'';

(2) in item number 57 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(3) in item number 130 by striking the project description and inserting ''Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad'';

(4) in item number 138 by striking the project description and inserting ''West Spencer Beltway Project'';

(5) in item number 142 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(6) in item number 161 by striking ''Bridge replacement on Johnson Drive and Nall Ave.'' and inserting ''Construction improvements'';

(7) in item number 181 by striking ''BW Parkway'' and inserting ''Baltimore Washington Parkway'';

(8) in item number 182 by striking the project description and inserting ''Highway improvements in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(9) in item number 196 by striking the project description and inserting ''Detroit Riverfront Conservancy, Riverfront Walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas MacArthur Bridge to Riverside Park at the Ambassador Bridge, Detroit'';

(10) in item number 198 by striking the project description and inserting ''Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(11) in item number 201 by striking the project description and inserting ''Paving a portion of H–58 from Buck Hill to the point located 4,000 feet east of the Hurricane River'';

(12) in item number 238 by striking the project description and inserting ''Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage.'';

(13) in item number 329 by inserting '', Tulsa'' after ''technology'';

(14) in item number 358 by striking ''fuel-celled'' and inserting ''fueled'';

(15) in item number 378 by inserting '', including any related real estate acquisition'' after ''expansion'';

(16) in item number 402 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(17) in item number 436 by inserting '', Saole,'' after ''Sua'';

(18) in item number 442 by striking ''$12,000,000'' and inserting ''$8,600,000'';

(19) by adding at the end—

(A) in the number column ''467'';

(B) in the State column ''AZ'';

(C) the project description column ''Pinal Avenue/Main Street right-of-way acquisition—Pinal County, Casa Grande, AZ—To reconstruct Main St. to include a bypass for commercial traffic''; and

(D) in the amount column ''$200,000'';

(20) by adding at the end—

(A) in the number column ''468'';

(B) in the State column ''AZ'';

(C) the project description column ''Navajo Route 20/Navajo Nation, Coconino County, AZ/To Conduct a 2-lane road design for 28 miles of dirt road between the communities of Le Chee, Coppermine, and Gap''; and

(D) in the amount column ''$200,000''; and

(21) by adding at the end—

(A) in the number column ''469'';

(B) in the State column ''AL'';

(C) the project description column ''Construction of Patton Island Bridge Corridor'' and

(D) in the amount column ''$3,000,000''.

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2007 through 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface

transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking ''509, and 510'' and inserting ''and 509'';

(B) in subsection (a)(4) by striking ''$69,700,000'' and all that follows through ''2009'' and inserting ''$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after ''50 percent'' the following ''or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent''.

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2007 through 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking ''PROGRAM APPRECIATION.—'' and inserting ''PROGRAM APPLICATION.—''.

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (i)—

(i) by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(ii) by adding at the end the following:

''(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.''; and

(B) in subsection (k)(3) by striking ''The Secretary'' and all that follows through ''to carry out this section'' and inserting ''For each of fiscal years 2007 through 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section''.

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking ''$8,593,000,000'' each place it appears and inserting $8,710,000,000.

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking ''2003'' and inserting ''2009''.

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 567 by striking the project description and inserting ''Design and construction of scenic overlook and pedestrian-bicycle trail along Rt. 5 in the Town of Hamburg'';

(2) in item number 585 by striking the project description and inserting ''Improvements for Heth's Run Bridge and other transportation projects eligible under title 23, United States Code, in Allegheny County, Pennsylvania, as identified by the Commonwealth of Pennsylvania'';

(3) in item number 815 by striking the project description and inserting ''34th St. Alignment and Interchange and other transportation improvements for city of Moorhead SE MAIN GSI, 34th St., and I–94 Interchange, including reconstruction and retention of the SE Main Avenue Ramps at I–94, and Moorhead Comprehensive Rail Safety Program in Moorhead, MN'';

(4) in item number 1039 by striking ''transportation and maintenance facility in Union City in order to replace the NJ Transit depot'' and inserting ''Hoboken Terminal improvements'';

(5) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)), by inserting '', and planning and construction to Heisley Road,'' before ''in Mentor, Ohio'';

(6) in item number 1257 by striking the project description and inserting ''$3,278,000 to construct Eastern Long Island Scenic Byway in Suffolk County; street improvements in Suffolk County with the amounts provided as follows: $1,500,000 for street improvements to Maple Avenue in Smithtown; $500,000 for street improvements in Southampton; $1,500,000 for County Road 39 in Suffolk County; and $4,472,000 for street improvements and scenic byway construction in East Hampton''; and

(7) in item number 1349 by inserting '', and improvements to streets and roads providing access to,'' after ''along''.

SEC. 114. HIGH PRIORITY CORRIDORS TECHNICAL CORRECTIONS.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking ''and United States Routes 1, 3, 9, 17, and 46,'' and inserting ''United States Routes 1, 9, and 46, and State Routes 3 and 17,''; and

(2) in paragraph (64)—

(A) by striking ''United States Route 42'' and inserting ''State Route 42''; and

(B) by striking ''Interstate Route 676'' and inserting ''Interstate Routes 76 and 676''.

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) receive—

''(i) a driver's license suspension for not less than 1 year; or

''(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

''(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated by the individual;''.

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking ''$2,225,000''and inserting ''$2,250,000''.

SEC. 117. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 103, 104, 105, 110, and 201(m)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 103, 104, 105, 110, and 201(m)) shall be treated as not being enacted.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking ''charter,'' and inserting ''charter, sightseeing,''.

(b) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in paragraph (2)(A) by striking ''mass transportation'' and inserting ''public transportation''; and

(2) in paragraph (3) by striking ''section 5305(a)'' and inserting ''section 5303(k)''.

(c) SECTION 5309.—Section 5309(m) of such title is amended—

(1) in the heading for paragraph (2)(A) by striking ''MAJOR CAPITAL'' and inserting ''CAPITAL''; and

(2) in paragraph (7)(B) by striking ''section 3039'' and inserting ''section 3045''.

(d) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking ''for any purpose other than operating assistance'' and inserting ''for a capital project or project administrative expenses'';

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking ''capital'' after ''net''; and

(3) in subsection (i)(1) by striking ''Sections 5323(a)(1)(D) and 5333(b) of this title apply'' and inserting ''Section 5333(b) applies''.

(e) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking ''MASS TRANSPORTATION'' and inserting ''PUBLIC TRANSPORTATION''.

(f) SECTION 5314.—Section 5314(a)(3) is amended by striking ''section 5323(a)(1)(D)'' and inserting ''section 5333(b)''.

(g) SECTION 5319.—Section 5319 of such title is amended by striking ''section 5307(k)'' and inserting ''section 5307(d)(1)(K)''.

(h) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking ''intra—agency'' and inserting ''intraagency'';

(2) in subsection (b)(5)(A) by striking ''5302(a)(1)(A)'' and inserting ''5302(a)(1)'' ;

(3) in subsection (d)(1) by inserting ''to administer this section and'' after ''5338(b)(2)(J)''; and

(4) by adding at the end of subsection (d) the following:

''(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.''.

(i) SECTION 5323.—Section 5323(n) of such title is amended by striking ''section 5336(e)(2)'' and inserting ''section 5336(d)(2)''.

(j) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking ''Of the amount'' and all that follows before paragraph (1) and inserting ''Of the amount apportioned under subsection (i)(2) to carry out section 5307—'';

(B) in subsection (d)(1) by striking ''subsections (a) and (h)(2) of section 5338'' and inserting ''subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338''; and

(C) by redesignating subsection (c), as added by section 3034(c) of Public Law 109–59 (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''.

(k) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking ''for each of fiscal years 1998 through 2003'' and inserting ''for each of fiscal years 2005 through 2009''.

(l) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking ''section 5315(a)(16)'' and inserting ''section 5315(b)(2)(P)''.

(m) SAFETEA–LU.—

(1) SECTION 3037.—Section 3037(c)(3) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1636) is amended by striking ''Phase II''.

(2) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking ''$7,871,895,000'' and inserting ''$7,872,893,000''.

(3) SECTION 3043.—

(A) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking ''LOSSAN Del Mar-San Diego Rail—Corridor Improvements'' and inserting ''LOSSAN Rail Corridor Improvements'' .

(B) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking ''San Diego'' and inserting ''San Diego Transit''.

(C) LOS ANGELES.—

(i) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

''(104A) Los Angeles—Exposition LRT (Phase 2).''.

(ii) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

''(13) Los Angeles—Exposition LRT (Phase 1).''.

(D) LIVERMORE.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (102) the following:

''(102A) Livermore, California—Amador Valley Transit Authority BRT.''.

(E) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

''(6) Boston—Silver Line Phase III, $20,000,000.''.

(4) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item number 36 by striking the project description and inserting ''36. Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area'';

(ii) in item number 94 by striking the project description and inserting ''94. Pacific Transit, WA Vehicle Replacement'';

(iii) in item number 416 by striking ''Improve marine intermodal'' and inserting ''Improve marine dry-dock and'';

(iv) in item number 487 by striking ''Central Arkansas Transit Authority Facility Upgrades'' and inserting ''Central Arkansas Transit Authority Bus Acquisition'';

(v) in item number 512 by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY'';

(vi) in item number 516 by striking ''Dayton Wright Stop Plaza'' and inserting ''Downtown Dayton Transit Enhancements'';

(vii) in item number 541 by striking ''Hoonah, AK–Intermodal Ferry Dock'' and inserting ''Hoonah, AK–Marine Passenger Dock and Bus Transfer Facility''; and

(viii) in item number 570 by striking ''Maine Department of Transportation-Acadia Intermodal Facility'' and inserting ''Maine DOT Acadia Intermodal Passenger and Maintenance Facility''.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting '', or other entity,'' after ''State or local government authority''; and

(ii) by striking ''projects numbered 258 and 347'' and inserting ''projects numbered 258, 347, and 411''.

(5) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking ''hydrogen fuel cell vehicles'' and inserting ''hydrogen fueled vehicles'';

(B) by striking ''hydrogen fuel cell employee shuttle vans'' and inserting ''hydrogen fueled employee shuttle vans''; and

(C) by striking ''in Allentown, Pennsylvania'' and inserting ''to the DaVinci Center in Allentown, Pennsylvania''.

TITLE III—OTHER PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking ''Section 31104'' and inserting ''Section 31144''; and

(B) in paragraph (2) by inserting ''(c)'' after ''the second subsection''.

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking ''the second subsection (c)'' and inserting ''(f)''.

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking ''amendment made by subsection (a)'' and inserting ''amendments made by subsections (a) and (b)''.

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''section''.

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking ''31139(f)(5)'' and inserting ''31139(g)(5)''.

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking ''license'' and inserting ''licenses''.

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking ''31318'' and inserting ''31313''.

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting ''of title 49, United States Code,'' after ''31502''.

(j) REGISTRATION OF BROKERS.—Section 4142(c)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1747) is amended by inserting ''each place it appears'' before the semicolon.

(k) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(l) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking ''Surface Transportation Safety Improvement Act of 2005'', and inserting ''Motor Carrier Safety Reauthorization Act of 2005''; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(m) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

''(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.''.

(n) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking ''a motor carrier required to make any filing or pay any fee to a State with respect to the

motor carrier's authority or insurance related to operation within such State, the motor carrier'' and inserting ''determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier''.

(o) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking ''interstate'' the last place it appears and inserting ''intrastate''.

(p) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking ''or'' the last place it appears.

(q) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking ''the a'' and inserting ''a''; and

(2) in subsection (f)(1)(i) by striking ''in connection with the filing of proof of financial responsibility''.

(r) TERMINATION OF REGISTRATION PROVISIONS.—Section 4305(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking ''12 months'' and inserting ''24 months''.

(s) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ''or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement''.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1982) is amended—

(1) by striking ''(3)(A)'' and inserting ''(3)'';

(2) in subparagraph (A) by striking ''clause (i)'' and inserting ''clause (i) of subparagraph (A)''; and

(3) in subparagraph (B) by striking ''clause (ii)'' and inserting ''subparagraph (A)(ii)''.

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''subsection''.

(c) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting ''the first place it appears'' before ''and inserting''.

(d) HAZARDOUS MATERIALS TRANSPORTATION.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''exemptions'' and inserting ''special permits''; and

(2) in paragraph (3) by striking ''exemption'' and inserting ''special permit''.

(e) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

''§ 5128. Authorization of appropriations''.

(f) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking ''Transportation'' and inserting ''transportation''.

(g) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting ''(including delegations by the Secretary of Transportation)'' after ''All orders''.

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2006, section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and inserting ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

(b) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A);

(B) by striking ''and'' at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6233.

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

There was no objection.

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

Mr. Speaker, the bill before us amends the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users, or SAFETEA–LU, to make technical corrections.

The bill was introduced by Chairman DON YOUNG of Alaska, Mr. JIM OBERSTAR of Minnesota, PETER DEFAZIO of Oregon and me, who worked together on the development and passage of the SAFETEA–LU authorization bill last year.

In June, the House passed the technical corrections bill to SAFETEA–LU, H.R. 5689. Since then, we have been working with our Senate colleagues to identify and correct any other outstanding issue from the original bill. This bill, H.R. 6233, is the product of those negotiations and will make the necessary changes to SAFETEA–LU.

The technical corrections included in the bill have been identified by the Department of Transportation and are mostly of a conforming nature or correct drafting errors. The most important correction we are making is to strengthen the Federal highway research program by ensuring the continuation of the legacy research programs carried out by the Department of Transportation. The bill has been scored by the Congressional Budget Office and has no budgetary impact.

I support this legislation and encourage my colleagues to do the same.

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

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

Mr. Speaker, I rise in support of H.R. 6233, a bill to make technical corrections to the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU.

I want to thank my colleagues on the committee and particularly the leadership on the committee, Chairman YOUNG; subcommittee chairman, Mr. PETRI; the ranking member, Mr. OBERSTAR; the staff who did tremendous work on this bill which became law just a little over a year ago.

It is a tremendous investment in the future of our Nation in terms of improving the infrastructure to mitigate for congestion, dealing with ongoing problems with maintenance of the existing structure. In particular in my State, a substantial amount of funds will be applied to fix cracked bridges on the Interstate 5 system, a life-blood system which serves the entire west coast of the United States.

The bill had, as any major bill does, a few inadvertent drafting errors, probably due to the Senate, and some legislative language that needed some minor change.

In particular, there was a problem with funding for the Service Transportation Research Development and Deployment Account, that the funding was oversubscribed. It meant that the Federal Highway Administration would not have been able to continue its legacy research program, which is an extraordinarily important program that looks at activities, including the Biannual Conditions and Performance Report, an objective appraisal of highway bridge, transit finance, physical condition, operational performance and future investment requirements, information that will be absolutely critical as we move forward toward the next major Surface Transportation Act in the not-too-distant future.

So the bill is otherwise a straightforward technical correction, without additions. I would recommend it to my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

I am relieved that we are that point in the process on this technical corrections bill. This has had a longer gestation period than the technical corrections bill for the previous reauthorization, TEA–21, when we had well over

1,000 technical corrections. We have many fewer this time, but it seems more contentious, particularly with the other body.

It has just taken seemingly endless hours of discussion and meetings among committee staff, and discussions. And I particularly appreciate the patience of the chairman, the gentleman from Alaska (Mr. YOUNG), who, on occasion, his impatience has moved the process along.

We should not have to do that. We should have been able to come together, look at the problems, just little oversights, misprintings, misstatements of what Members agreed upon in the conference and in the two versions of the bill that went to conference. We should have been able to do that in a matter of a couple of months.

But here we are almost a year later, well over a year later, and we are getting these items ironed out. Meanwhile, of course, a number of Members changed their mind about projects that they had, and circumstances changed in the various districts across the country.

So we have come back, and again with great bipartisan cooperation and an enormous effort on the part of the majority and minority staff, who have given tremendous hours of their time, Saturdays and Sundays, working, attempting to work through the August recess, when the other body went off and was not willing to cooperate with us.

But here we are. The SAFETEA–LU bill has proven to be enormously successful and effective. The policies that we set forth in that bill are being carried out by the States and with the practitioners of transportation across this country, and the bill has been received with great acclaim.

The technical corrections that we bring are, the gentleman from Wisconsin, the chairman of the subcommittee has spelled out some of them, Ranking Member DEFAZIO has spelled out others.

I want to particularly address the recapture of critical research funds for the future strategic highway research program, which is a long-term research initiative addressing the most significant problems of highway safety, reliability, capacity, and renewal.

The University Transportation Center Program, which has been very, very successful in offering new initiatives to deal with problems of transportation through the application of technology in education research, and innovative technological approaches to our transportation needs.

The development of publication of DOT's Conditions and Performance Report. That is so important. That is a little-understood item that is paid little attention, but it is the basis upon which we will move to the next authorization of transportation which will guide the practitioners, the State Departments of Transportation, the Federal Highway Administration in applying SAFETEA–LU. It gives us an objective appraisal of highway conditions, bridge conditions, financing of our transit and highway programs, performance of our highway, bridge and transit systems, and the needs for future investment.

This Conditions and Performance Report is a critical matter. I am glad we were able to get it straightened out.

The bill also modifies the Repeat Intoxicated Driver Law, to allow for the use of ignition interlock devices.

We were making a lot of progress against highway fatalities, but suddenly in the last 2 years the number has been going on up, somewhere around 44–45,000 fatalities a year. Should be going in the other direction. Half of those, nearly half of those, 40 percent of those fatalities are alcohol-related. It is not the bad road conditions. It is not bad bridges. It is alcohol related.

The interlock provision was included in both House and Senate bills, but it was not included in the conference report by simply an oversight. So the technical correction incorporates the change of giving States flexibility to continue with the 1-year license suspension requirement, or a 45-day license suspension. That is an important initiative if we are going to continue to save lives.

I am talking about just the fatalities. There are 1,300,000 people injured in accidents nationally. The repeat offenders are just a part of the U.S. drunk driving problem. They represent one-third of all DUI, driving under the influence, arrests every year. Fifty to 75 percent of repeat offenders whose licenses have been suspended continue to drive illegally.

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So an ignition interlock will prevent those offenders who have imbibed too much from operating their vehicle. They will be able to drive to work, drive to school or go to an alcohol treatment program, but we want to keep those bad drivers, repeat bad drivers off the road and save lives, and this initiative will help do that.

The technical corrections bill also corrects and states in much clearer language an intention that was written in to permit the construction of a bridge over Interstate 35 near North Branch in the southern tier of my congressional district, and how the State and the Federal Highway Administration could have misunderstood the language we wrote in that bill is beyond me.

We authorized $7.5 million for design, engineering and construction of a bridge, and the Federal Highway Administration and the State said, oh, no, the way you wrote it, we interpret it to be only for design and engineering. Well, I tell you, you do not spend $7.5 million to design and engineer a $7.5 million bridge. We have made that very clear in this technical corrections.

So with those adjustments, I offer my heartfelt thanks to Chairman YOUNG for his patience, for his perseverance; Chairman PETRI, for a partnership that we have continually had and his leadership; and the gentleman from Oregon, who has invested an enormous amount of time; but especially to staff on both sides whose continued creativity has made it possible for us to bring this bill to this point. Now let us hope that the other body passes it with alacrity.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Transportation and Infrastructure Committee.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding, and I want to thank Mr. DEFAZIO and Mr. PETRI, and especially Mr. OBERSTAR, the ranking member. This is a good team. We wrote a good bill, but the bill was quite large, and there were some errors in printing and errors in judgment in the sense that somebody had misinterpreted what we wrote, and this bill is truly a technical corrections bill.

The reasons it take a little time. As the gentleman from Minnesota mentioned, is because this is a two-body form of government, and there was some difference of opinion in the other body on what I will not mention, and it has taken us a long time to try to arrive at this technical corrections bill that gets done what we tried to do and intended to do and will do now in SAFETEA–LU.

I would like at this time, again it has already been said, but to thank the staff, minority and majority, Graham Hill, Ward, and Jim Tymon, and everybody that has worked on this legislation, along with the other body.

We now are at a point in the last days of this session that we will be able to get this bill done so we can go forth and implement what we did in SAFETEA–LU and that is getting transportation built within this country as it should.

The gentleman from Minnesota also mentioned about the foundation, and I have to say this because I know we are on this TV or C–SPAN and I will say that right now the institution of knowledge about previous law is crucially important for the next step in building infrastructure in this country. Much of SAFETEA–LU was based upon what was done in the previous transportation act and the next one, 4 years from now, will be based upon SAFETEA–LU, and that is crucially important to understand where we were before we can go forward from where we should be.

So for Members that say, well, this is an important institution, it is not important. If you want transportation to be built adequately and justifiably, then you go back through history and go forward on the blocks of building which we established in this legislation.

I just want that it is a good technical correction bill. It will be done, I believe, tonight; and the other body has

agreed to accept this, even though I cannot speak for them, but in doing so we will get the roads built, the bridges built and all the other programs the gentleman from Minnesota and the gentleman from Oregon and the gentleman from Wisconsin mentioned and that are in this SAFETEA–LU.

So I congratulate those that worked so hard and took the time. I congratulate you for taking the effort, and I do think we ought to step forward and strongly support the passage of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I insert this exchange of letters between DON YOUNG and SHERWOOD BOEHLERT for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 29, 2006.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, 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. 6233—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes. The bill amends research portions of H.R. 3, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59), which are within the Science Committee's jurisdiction. The Science Committee acknowledges the importance of H.R. 6233 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House floor.

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

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2006.

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

DEAR MR. CHAIRMAN: Thank you for your letter of September 29, 2006, regarding H.R. 6233, making technical corrections to SAFETEA: LU, and for your willingness to waive consideration of provisions in the bill that fall within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 6233 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 6233 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Congressional Record during consideration on the House floor.

Thank you for your cooperation in moving this important legislation.

Sincerely,

DON YOUNG,
Chairman.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 6233.

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.

WRIGHT AMENDMENT REFORM ACT OF 2006

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

The Clerk read as follows:

S. 3661

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 ''Wright Amendment Reform Act of 2006''.

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 35) is amended by striking ''carrier, if (1)'' and all that follows and inserting the following: ''carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.''.

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

Mr. SENSENBRENNER. Mr. Speaker, is the gentlewoman from Texas opposed to the motion? If not, I demand the time in opposition.

The SPEAKER pro tempore. Does the gentlewoman from Texas favor the motion?

Ms. EDDIE BERNICE JOHNSON of Texas. Yes.

The SPEAKER pro tempore. On that basis, the gentleman from Wisconsin (Mr. SENSENBRENNER) will control the 20 minutes in opposition.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3661.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 3661, which is known as the Wright Amendment Reform Act of 2006. This bill passed the Senate just a few hours ago by unanimous consent.

This legislation is exactly identical to H.R. 6228 which was introduced by the House Transportation and Infrastructure chairman, the Honorable Don Young, and ranking member, the Honorable James Oberstar, and by several Members of the Texas delegation, including Representatives EDDIE BERNICE JOHNSON, KENNY MARCHANT, KAY GRANGER, JOE BARTON, MIKE BURGESS, CHET EDWARDS, RALPH HALL, SAM JOHNSON and also PETE SESSIONS.

First, I want to commend my colleagues from the Texas delegation for working together to help foster this amendment that is the basis for this legislation.

This legislation, Senate bill 3661, would implement a locally initiated and locally approved agreement that seeks to change and eventually eliminate what has been commonly known as the Wright amendment which, in fact, has restricted commercial air passenger service out of Dallas Love Field for over three decades.

This is an anticompetitive law, and it has resulted in higher air fares and fewer service options for consumers for some decades now. It seems that the only beneficiary of the Wright amendment has been the small army of lawyers hired by the affected cities and airlines to litigate almost every aspect of this poorly conceived law.

Earlier this year, members of the congressional delegation, along with the mayors, the airlines and others came together and reached a consensus agreement on July 11, 2006.

This bill crafts a number of important provisions that will open service again and some of the wrong restrictions imposed by the Wright amendment.

Mr. Speaker, I would like to see the Wright amendment repealed immediately. However, in my opinion, this is our best option.

The political reality is that without this legislation, the 35-year-old ''Cold War'' waged by the affected cities, airlines and communities will continue indefinitely.

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

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

Mr. Speaker, in 1972, Justice Thurgood Marshall wrote the following in the case of United States v. Topco Associates, Inc.: ''Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms. And the freedom guaranteed each and every business, no matter how small, is the freedom to compete, to assert with vigor, imagination, devotion, and ingenuity whatever economic muscle it can muster.''

Mr. Speaker, I rise in opposition to this legislation. The Wright amendment is anticompetitive, there is no doubt about it, and it has increased the cost of long-distance travel to people who live in the Dallas-Fort Worth area by as much as a third as compared to other markets with other airlines.

What this legislation does is continue vestiges of the Wright amendment and its anticompetition policy on until at least the year 2025. If we think the Wright amendment is bad, we should get rid of it once and for all, and remember, Congress imposed the Wright amendment back over 15 years ago.

Now, what this bill does is it codifies an agreement among private and local government parties that constitute per se violations of the antitrust laws. With limited exceptions, the Wright amendment expressly insulates Dallas-Fort Worth from interstate international air passenger competition from Dallas Love Field.

Now, let us stop and think about this because this bill would provide a congressional approval, requiring the demolition of existing gates at Love Field, some of which are privately owned and utilized by airlines to offer additional air passenger service to points across the United States.

The agreement also prohibits Southwest Airlines from offering service from the DFW Airport until 2025 and limits the ability of all airlines to offer service from Love Field and maintains a ban on most interstate flights from Love Field to 42 States. Now, that means if you live in the 42 States that this bill seeks to protect, you are going to pay more to come to Dallas-Ft. Worth, no two ways about it.

There was a memo leaked out of the Justice Department that says that this

agreement, which allows Southwest to stay out of DFW for 19 years, would be a hard core per se violation of the Sherman Act.

Now, proponents of this bill will claim that the antitrust laws are unaffected by it and do not be fooled. Why? According to 54 American Jurisprudence 2nd, Monopolies and Restraints of Trade, No. 243, the Hornbook on antitrust law, says: ''In determining whether subsequent Federal legislation has granted immunity from the antitrust laws, a court should reconcile the operation of both statutory schemes, where this is possible.''

A court looking to this legislation will be forced to ignore the antitrust laws because the legislation contains mandatory obligations that the parties engage in contact that violates the per se violations of the antitrust laws.

So this compromise is a compromise in name only, and the result is exactly the same, creating implied antitrust immunity by eliminating a cause of action for conduct that presents a clear violation of the antitrust laws.

Now, we are going to hear that the Wright amendment is a local issue, and they are right. It is a local issue for the Members of Congress who represent the 42 States whose residents are held captive by the anticompetitive output restriction/cartel that this legislation perpetuates.

□ 1900

We have got to have the courage to stand up for consumers, our constituents who vote for us, and adopt the procompetitive goals of the Airline Deregulation Act by defeating this legislation.

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

Mr. MICA. Mr. Speaker, may I inquire as to how much time the gentleman has remaining and also how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes remaining, and the gentleman from Wisconsin has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I am pleased to yield 10 minutes to the gentlewoman from Texas, and I ask unanimous consent that she be able to control those 10 minutes.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of Senate bill 3661. The bill passed by the Senate earlier today mirrors House bill 6228 previously scheduled for consideration today.

At the outset, I want to extend my thanks to Chairman YOUNG and Ranking Member OBERSTAR, Subcommittee Chairman MICA and Ranking Member COSTELLO for their cooperation and support throughout this process. Each of you, in addition to the committee staff, has been extremely helpful in accommodating the requests of myself and north Texas colleagues, and I am truly appreciative.

The road leading to this point has been long and arduous, but I am delighted that the bill before us today represents a bipartisan piece of sound legislation. The bill's fundamental objective is to open the north Texas market to more competition in air transportation, not to further restrict it, despite the claims of some.

This bill phases out the Wright amendment completely in 8 years, offers immediate thru-ticketing in and out of Love Field, saving consumers an estimated $259 million annually. It will generate over $2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment parameter.

It opens Love Field in a responsible way, ensuring resolution of Love Field-area residents' concerns over noise, traffic, and safety for the area.

It protects safety by prohibiting the legislation from taking effect until the Federal Aviation Administration notifies Congress that the additional aviation operations in the Dallas/Fort Worth/Love Field airspace expected as a result of this Act can be conducted safely and without adverse effect on airspace use.

It protects competition by preserving the FAA's authority to enforce airport rules that obligate Love Field to make its facilities available on a reasonable and nondiscriminatory basis to new entrant carriers, and stimulates competition and travel commerce throughout the United States.

This bill is important to north Texas, the aviation community at large, and particularly my constituents, as Dallas Love Field Airport is located within the heart of my congressional district.

Two months ago, the city of Dallas, the city of Fort Worth, Southwest Airlines, American Airlines, and Dallas/Fort Worth International Airport reached a compromise to resolve long-standing issues regarding the Wright amendment.

As many of you know, the three-decade-old legislation imposes long-haul flight restrictions to and from Dallas Love Field Airport. The agreement marks an important milestone, as efforts to repeal the restrictions over the past decades have served as a major point of contention among north Texas stakeholders and the aviation community at large.

To have all the aforementioned entities in solidarity behind this compromise that ultimately lifts long-haul flight restrictions at Dallas Love Field is nothing short of amazing.

I would like to impress the following upon my colleagues: It is important to note that the Wright amendment was a direct result of a community-crafted compromise between the cities of Dallas and Fort Worth, Texas, regarding two north Texas airports.

Thirty years ago, north Texas, upon the recommendation of the Civil Aeronautics Board, decided that DFW Airport would be the region's primary air travel investment. This decision is captured in the 1968 Regional Airport Concurrent Bond Ordinance, which I will enter into the RECORD.

In lieu of closing Love Field, the Wright amendment was crafted to protect the interests of the Dallas/Fort Worth Airport as well as those of Southwest Airlines. As the agreement said, that commercial traffic would close at the time that D/FW opened. The balance between our two airports as a result of the Wright amendment has served this region well.

These airports are eight miles apart. Dallas/Fort Worth International Airport and Love Field Airport are vital components to the overall health and success of the regional economy. Respectively, they rank third and fifty-fifth nationally in terms of total traffic enplanements. As such, I have felt quite strongly that any policy decision regarding the Wright amendment that could have implications for future aviation in north Texas should not be carried out without the input of the localities directly involved; and I have asked over and over again for the last 20 years to have the local entities to come to an agreement.

My position has not always gone over well within certain segments of my constituency, but, for the record, I would like to reiterate that I am not anti-competitive, I am not anti-lower fares, I would be stupid to do that, nor am I anti-free enterprise. I am, however, pro principle. And it has always been my belief that the Wright amendment exists as a principled agreement between these two cities.

Each time the subject of repeal of the Wright amendment has arisen, it has placed the cities of Dallas and Fort Worth, 27 miles apart, on guard against each other because it violates the agreement. Over the past decades, this issue has created much grief, litigation, and oftentimes flat-out distrust among the cities of Dallas and Fort Worth. This type of back and forth over the past 30 years has not been healthy for north Texas, as we have many pressing challenges that require us to work together in good faith if we are to be successful as a region.

Mr. Speaker, I support the compromise. The compromise outlined within Senate Bill 3661 requires give and take of all vested stakeholders. But, most importantly, Mr. Speaker, the measure represents a unified local consensus of which I am most proud.

Further, many homeowners and constituent groups that live and work within the Love Field area also support this compromise.

As I close, I want to commend the cities of Dallas and Fort Worth for

coming to the table and acting in good faith to bring forth a compromise that I hope will allow us to once and for all bring an end to one of aviation's most storied standoffs.

Is the compromise perfect? No. But I do feel it represents one of the best chances we as a region have to finally bring resolution to a long-standing dispute. I want to urge my colleagues to join me in voting ''yes'' on this bill.

Congressional leaders have long urged the cities of Fort Worth and Dallas to come together and work toward a local compromise. This not only was instructed by two Secretaries of Transportation, the last two under the last two Presidents, but others as well to resolve the long-standing and divisive controversy over the Wright amendment. The communities have responded, and they are deserving of this body's support.

1968 REGIONAL AIRPORT CONCURRENT BOND ORDINANCE

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AUTHORIZING THE ISSUANCE OF DALLAS-FORT WORTH REGIONAL AIRPORT JOINT REVENUE BONDS INITIAL ISSUES—$35,000,000

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ADOPTED BY THE CITY COUNCILS OF THE CITY OF DALLAS, TEXAS AND THE CITY OF FORT WORTH, TEXAS

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EFFECTIVE AS OF NOVEMBER 12, 1968

CITY OF DALLAS ORDINANCE, NO. 12352

CITY OF FORT WORTH ORDINANCE, NO. 6021

An Ordinance adopted concurrently by the City Councils, respectively, of the Cities of Dallas and Fort Worth, authorizing the issuance of Dallas-Fort Worth Regional Airport Joint Revenue Bonds, Series 1968, in the aggregate principal amount of $35,000,000 for the purpose of defraying in part the cost of constructing, equipping and otherwise improving the jointly owned Dallas-Fort Worth Regional Airport of the Cities; providing for the security and payment of said bonds from the revenues derived from the operation of said Airport and in certain instances from other airport revenues of the Cities; providing that the same shall not be payable from taxation; providing the form, terms and conditions of such bonds and the manner of their execution; providing covenants and commitments regarding the payment of said bonds, the construction of said Regional Airport, and the maintenance and operation thereof when constructed including the pledge to such operation and maintenance purposes of the tax authorized by law; containing covenants against competition; and covenants regarding transfers of airport properties; providing other details concerning such bonds and such Airport, including the reserved power to issue additional joint revenue bonds, and the subordination thereof to the lien and pledge securing other outstanding and future issues of airport revenue bonds of the Cities: providing for the deposit of the proceeds of such bonds into the Construction Fund of the Joint Airport Fund under and subject to the control of the Dallas-Fort Worth Regional Airport Board; authorizing said Board to see to the delivery of said bonds as herein directed and directing that due observance of the covenants herein contained be made by the Board to the extent such covenants are performable by it; providing and describing events of default and the consequences thereof; providing a method of amending this ordinance; ordaining other matters incident and relating to the subject and purpose hereof; and declaring an emergency.

Whereas, the Cities of Dallas and Fort Worth have heretofore determined that the present commercial aviation and airport facilities of the Cities, specifically Love Field Airport (hereinafter called and defined as ''Love Field'') of the City of Dallas and Greater Southwest International Airport (hereinafter called and defined as ''GSLA'') of the City of Fort Worth, are wholly inadequate to meet the foreseeable commercial aviation needs of the citizens of the Cities and the residents and citizens of the entire North Central Texas Region; and

Whereas, the Cities have further found and determined that the most effective, economic and efficient means of providing needed airport facilities is the construction and equipment of a centrally located airport for the Cities and to that end by an agreement entitled and hereinafter defined as the ''Contract and Agreement,'' the Cities continued, expanded and further defined the powers and duties of the Dallas-Fort Worth Regional Airport Board (hereinafter defined as the ''Board'' or ''Regional Airport Board'') theretofore created; created the Joint Airport Fund of the Cities; and provided for the construction and operation of an airport to be known as the ''Dallas-Fort Worth Regional Airport''; and

Whereas, in accordance with the requirements of the Contract and Agreement, the Board has submitted to the City Councils of the Cities a report containing its over-all preliminary plan for the construction of said Regional Airport which plan preliminarily defines and sets forth the estimated, partial cost thereof, together with statements of its projected size, scope and location; and

Whereas, the City Councils have each, by duly adopted resolution, approved said plan within the context of the Contract and Agreement, and accordingly the Cities, having been requested so to do by the Board in the manner contemplated by the Contract and Agreement, propose to proceed with the financing of the Regional Airport through the issuance of the joint revenue bonds contemplated by the Contract and Agreement, all in accordance with Article 1269j–5, Article 1269j–5.1, Article 1269j–5.2, Article 46d, and other applicable provisions of Texas Revised Civil Statutes, as amended; and

Whereas, the City Councils have each found and determined as to each that the matters to which this Ordinance relates are matters of imperative public need and necessity in the protection of the health, safety and morals of the citizens of each of the Cities and, as such, that this Ordinance is an emergency measure and shall be effective as to each City respectively upon its adoption by its City Council;

Now, Therefore, Be It Ordained by the City Council of The City of Dallas, Texas:

Now, Therefore, Be It Ordained by the City Council of The City of Fort Worth, Texas.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. BARTON), who is also Chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I am told that the gentlewoman from Dallas (Ms. EDDIE BERNICE JOHNSON) will also yield me 1 minute. If that is true, could she yield it at this time so I can do my speech at one time?

Mr. SENSENBRENNER. Mr. Speaker, the big-hearted gentleman from Wisconsin yields an additional 1 minute to my friend from Texas.

Mr. BARTON of Texas. Thank you, Chairman SENSENBRENNER.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee for his gracious offer; and I rise today in strong support of Senate 3661, the Wright amendment compromise of 2006. I want to use the brief time that I have to explain what the compromise is all about.

Back in the 1960s, the two cities of Dallas and Fort Worth could not agree on anything, including where to locate their two respective airports. The Civil Aeronautics Administration said we will fund one Federal Aviation airport in the D/FW area but not two. That brought the two cities together to create what is now known as Dallas/Fort Worth Airport.

When a struggling airline called Southwest decided to fly their one plane out of Love Field to Houston and to San Antonio, they went to court and won the right to fly commercial air service out of Love Field, which had been suspended when D/FW came into existence. Hence, we got what is called the Wright compromise, which restricted flights from Love Field to an area within Texas or States contiguous to Texas.

Today, D/FW Airport is one of the five largest commercial aviation airports in the country. Love Field is a regional airport that currently has in use, I believe, 13 gates and several hundred flights per day. The compromise before us would repeal the Wright amendment over an 8-year period. It would allow thru-ticketing immediately from Love Field, and it would create what I call a super-regional airport, where the majority of the gates, over 100 gates, would be at D/FW, and no more than 20 gates would be at Love Field, which, as Congressman JOHNSON pointed out, is only eight miles from the eastern-most runway at D/FW.

There are currently only in use at Love Field 13 gates. So this limitation, so-called, of 20 gates, would actually allow an expansion of gates in actual use at Love Field. There are more empty gates at D/FW right now today than there are total gates at Love Field.

This compromise is supported by almost every member of the Texas delegation and may yet be supported by every member of the delegation. It would put to bed an issue that has been vexatious for a number of years, in fact, you could say a number of decades.

I know my good friend from the Judiciary Committee has some antitrust exemptions, but again I will point out there are more empty gates at D/FW than there are total gates at Love. This would be pro-competitive.

Mr. Speaker, I rise today in strong support of S. 3661, "The Wright Amendment Reform

Act.'' This is a very timely bill that will help resolve, once and for all, a local dispute stemming from the Wright Amendment. What we are doing here today is important to my constituents and the north Texas region.

I want to thank the Speaker and the Majority Leader for their willingness to schedule this legislation. I also want to give special thanks to Chairman DON YOUNG; Ranking Member OBERSTAR; and Subcommittee Chairman MICA for their leadership and excellent contributions in crafting this responsible and beneficial compromise into legislation. Their committee staff members also deserve a big, Texas ''Thank You'' for all of their hard work and support in this effort. I also want to thank my staff director, Theresa Lavery, for her tireless work on this issue.

As you may know, I have long supported the covenant between the cities of Dallas and Fort Worth because I believe the best public policy for the north Texas market is to have competing airlines, not competing airports. Today's legislation embodies a compromise intended to firmly cement the role of Dallas-Fort Worth International Airport and Love Field Airport, and put to rest calls for immediate repeal of the Wright Amendment.

This bill, once signed into law, will give our region and the traveling public resolution on this issue and leave time for public and private stakeholders to plan for final repeal in eight years. In the interim, consumers across the Nation will reap the benefits of immediate thru-ticketing at Love Field.

The compromise was hammered out in a deliberative fashion, considering valid concerns and unique factors of operation that have benefited the growth of the Dallas-Fort Worth metroplex since enactment of the Wright Amendment. This bill is a balanced compromise that has the support of Dallas and Fort Worth, as co-owners of DFW Airport.

Finally, this agreement ensures that Love Field will continue to offer an important alternative for consumers while not diminishing the capacity for competition available at DFW Airport. Growth at Love Field is restricted, as it is a land-locked airport and therefore should not be reconstituted for greater traffic with repeal of the Wright Amendment. Love Field will be reduced to 20 gates over time, and this will allow the residents of the area peace of mind concerning pollution, noise, traffic, and safety concerns.

I view this agreement as facilitating a ''super'' airport, where the terminals at DFW Airport serve national and international destinations, and Love Field's gates provide a regional function with select national routes offering direct competition via thru-ticketing. Importantly, after eight years the Wright Amendment as it exists today will be repealed. This is truly the best of both worlds for consumers in Texas and throughout the country.

Mr. Speaker, local leaders have negotiated a thoughtful, viable alternative to the status quo that should be supported. I commend everyone involved for their efforts. I urge my colleagues to support S. 3661.

My fellow north Texas colleague, Congressman BURGESS, has traveled to Texas today for the funeral of his friend, Byron Nelson, but he would like me to express his support for S. 3661. As a representative of DFW International Airport, he feels strongly in protecting the economic engine of north Texas. While he believes in the integrity of the original Wright Amendment, he is pleased that the local entities' constructed a compromise that met the needs and wishes of all parties. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

Mr. Speaker, I certainly hope we will get a two-thirds vote, and I again thank Mr. SENSENBRENNER for yielding me 1 minute.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker and members of the various committees that are on the floor, before I begin my comments it is my observation that this may be the last bill that the House Judiciary Committee may be involved in until we adjourn, and so it becomes my responsibility as the ranking member to commend Chairman JAMES SENSENBRENNER for his efforts as chairman over almost the last 6 years.

He has been on the Committee of Judiciary for many years, and I have had the honor to serve and work with him throughout his career on the House Judiciary Committee. He has worked hard all the way up to the title of chairman.

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It has than been my pleasure and honor to join with him, and I would like to just take a moment to tell you why I am making this statement.

The first thing that comes to my mind is the fact that he has done a stellar job in protecting the jurisdiction of the Judiciary Committee. In doing so, he has brought us more work than anybody ever has. We handled more bills than almost any but one committee. And he has been willing to stand up to special interests wherever his convictions lead him.

Secondly, I commend this chairman for his willingness to protect the integrity of our antitrust laws and fight for competition. Time and time again, whether it was in sports, transportation or telecommunication, I have been proud to work with him together to ensure that America's consumers were protected from unfair competition.

Finally, I will never forget the unstinting work that he has put in voter rights legislation, starting back in 1982 when we reauthorized it, and certainly in 2006 where, without his strong leadership, we would not have been able to forge a bipartisan coalition to pass the bill, stronger and with greater ease in both bodies, than we have ever been able to do before. There is no doubt in my mind that he has been a leading, stalwart supporter of voting rights and its enforcement for all Americans throughout his career.

I salute the chairman of the House Judiciary Committee for his many years of service, particularly his leadership as chairman.

Now, Mr. Speaker, if I may return to the measure before us, because I am impressed with the argument that has been propounded by all my friends here, particularly the gentlewoman from Dallas, that there is no intent in this bill's language to provide antitrust immunity.

I take everyone at their word, of course, and if that is so, I am disappointed that the antitrust savings clause drafted by the House Judiciary Committee has been eliminated. It has disappeared. We voted this measure out with an antitrust provision. It has come back to us today, just hot off the press from the other body, and there is no antitrust provision. There has not been a sufficient amount of discussion about that.

Now, we are all ''anti'' a lot of things, but I want you to know I am not anti-consumer. These things called ''consumers,'' you know, are the people in every district that are the ones called upon to vote and expend their resources on everything, including air travel.

Mr. Speaker, I love Dallas, Texas. I don't know much about Fort Worth, but I even get invited there from time to time, and I enjoy it very much.

By the way, I want to mention the former Speaker of the House for whom this amendment is named is someone who is remembered for his great work, not only as a leader in the Congress from Texas but as the Speaker of the House himself.

So, Mr. Speaker, to me, we have got a bit of difficulty here that may be resolved by restoring the antitrust exemption. We put it in before. Most of the Members that I am looking at have never expressed any hostility toward the antitrust exemption itself. This agreement between private parties missing the antitrust exemption is a very questionable act that we are about to do in the closing hours of this session.

We, with the chairman of the Judiciary Committee's leadership, amended the original bill to include the anti-savings clause, but this so-called new bill, hot off the press, doesn't contain such protections. It has never been considered by either the Transportation Committee or the Judiciary Committee. It was drafted, and just recently, I don't know what hour of the day or night, something happened in the other body, but it has not been considered by any committee on either side of the Capitol.

This new bill and the agreement preserves the Wright amendment for 8 more years, restricts the number of gates; and, if it weren't for this antitrust scrutiny, it seems to me that we would all be able to agree on supporting this measure.

So I rise very reluctantly, but nevertheless I have to do it. As I have said, I am not anti-consumer. The Consumers Union has guided some of my views in this matter.

Mr. Speaker, I include for the record a letter from the Consumers Union, Gene Kimmelman, Vice President, as

well as an article from the Washington Post, ''Low-Fare, and Now No-Fair.''

CONSUMER FEDERATION OF AMERICA,
September 29, 2006.

DEAR MEMBER OF CONGRESS: We are writing to urge you to stand with American consumers by voting ''No'' today on H.R. 6228, the ''Wright Amendment'' legislation. This bill codifies a private agreement between American Airlines and Southwest Airlines, along with the cities of Dallas, Ft. Worth and Dallas/Fort Worth Airport, to divide up the airline market for Dallas at the expense of the flying public. The Antitrust Division of the U.S. Department of Justice has called the bill a ''per se'' violation of the antitrust laws.

The proponents of H.R. 6228 are employing extraordinary tactics to bring this anti-consumer and anticompetitive legislation to a vote in the final hours prior to adjournment. In fact, the language of H.R. 6228 has never been considered by the Transportation and Infrastructure Committee, nor the Judiciary Committee. Even more objectionable, however, is the fact that H.R. 6228 completely ignores the vital work of the Judiciary Committee to strike the ''deal's'' antitrust immunity provisions.

The Judiciary Committee approved an amendment by Chairman Sensenbrenner and Ranking Member Conyers that would at least ensure that the bill comply with the nation's antitrust laws—laws enacted to protect consumers from this very type of special interest legislation. Instead of honoring these important amendments, the bill's proponents now bring this unacceptable version to the House floor under suspension of the rules. Erasing the important work of the committee charged with protecting consumers from anticompetitive behavior would constitute a breakdown of rational governance in the House of Representatives.

Passage of H.R. 6228 would not only harm consumers and competition in the Southeast and Southwest, it would be an affront to citizens across the nation. We agree with the attached column from The Washington Post which states, ''The loser (in this deal), of course, was the only party with no seat at the negotiating table—namely, consumers. Any consumer representative would have immediately recognized the deal for what it is—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of the antitrust laws.''

As you and your colleagues work to conclude your business before the November elections, please don't forget about American consumers. With this assault on the anti-trust laws, a bad bill that affects an important part of the country has become one of national significance. We urge you to vote ''No'' today on H.R. 6228.

Thank you for considering our views.

Sincerely,

GENE KIMMELMAN,
Vice President, Federal and International Relations, Consumers Union.

MARK COOPER,
Research Director, Consumer Federation of America.

[From The Washington Post, July 28, 2006]

LOW-FARE, AND NOW NO-FAIR

(By Steven Pearlstein)

It's been one of the longest-running David and Goliath stories in American business.

Back in 1971, a scrappy, low-fare airline named Southwest started service from Dallas's Love Field, challenging American Airlines on its home turf and turning its back on the big new Dallas-Fort Worth International Airport, the pet project of the region's political and business establishment. Years of litigation ensued as American and DFW tried in vain to use the courts to deny Southwest access to Love Field. Then Jim Wright, a Texas congressman and the House majority leader at the time, attached a tiny little rider to an unrelated piece of legislation that limited flights from Love Field to destinations in Texas and four surrounding states.

Southwest soldiered on anyway, growing from its Dallas roots to revolutionize American commercial aviation with cheap airfares from other ''secondary'' airports.

But the Wright amendment always stuck in the craw of Southwest's Herb Kelleher. So two years ago, the airline's chairman launched an advertising and lobbying blitz to get it repealed—''Wright is wrong'' was the catchy slogan. The public began to get behind it, and some members of Congress took notice—among them Sen. Kit Bond of Missouri, who pushed through a little rider of his own adding St. Louis to the list of approved Love Field destinations. Fares between the two cities plunged and traffic soared.

Sensing the ground was shifting, American and the mayors of Dallas and Fort Worth opened discussions with Southwest. Last month, they announced they had finally struck a deal.

The agreement is premised on Congress repealing the Wright amendment in 2014. Under the deal, Love Field would be reduced from 32 to 20 gates, with 16 going to Southwest, the others to American and Continental. In the meantime, Southwest could offer one-stop flights and fares from Love to anywhere it wanted. And to top it off, both American and Southwest agreed, in effect, that they wouldn't add to the total number of gates in the Dallas region.

It was, certainly, a good deal for American, which managed to put off the biggest threat to its fortress hub at DFW since the Justice Department took it to court in 1999, accusing it of using predatory practices to crush competition there. (That case got thrown out, alas.)

It was also a sweet deal for Southwest, which could add significantly to its Dallas traffic while keeping JetBlue or some new upstart from challenging its domination at Love Field.

Perhaps the biggest winner of all, however, was DFW, which was already reeling from Delta Air Lines' decision to close its Dallas hub and was desperate not to lose more traffic to Love.

The loser, of course, was the only party with no seat at the negotiating table—namely, consumers. They would have to wait another eight years for full repeal of the Wright amendment, and even then, there would not be the kind of robust competition that has produced airfares elsewhere that are half of what they are in and out of DFW.

Any consumer representative would have immediately recognized the deal for what it was—collusion between two dominant competitors to limit supply, carve up a market and keep out other competitors. In other words, a flagrant violation of antitrust laws. That's why, when legislation was introduced this month by Texas Sen. Kay Bailey Hutchison to codify the deal, it contained a blanket antitrust exemption.

Normally a free-market Republican, Hutchison defends this deal as a local solution to a seemingly endless local dispute, preferable to anything Washington might come up with. And from a competition standpoint, it's certainly better than the status quo.

How much better, however, is open to debate. An unnamed staff attorney at the Justice Department's antitrust division wrote in a review of the legislation that it ''narrowly benefits the area's two dominant airlines at the expense of everyone who would benefit from real competition.''

Meanwhile, several airlines voiced opposition. ''We are concerned when any number of carriers get together to decide how big an airport should be and who should operate at that airport,'' said Ed Faberman, executive director of the Air Carrier Association of America.

All of this flak has set back Hutchison's plans to fast-track the legislation through Congress. Rep. James Sensenbrenner, chairman of the House Judiciary Committee, demanded this week that the legislation be referred to his committee rather than brought up on voice vote as uncontroversial. And in the Senate, Vermont Democrat Patrick Leahy promised a parliamentary challenge to Hutchison's plan to tack it onto an appropriations bill.

Back in Dallas, meanwhile, Southwest is struggling to square its starring role in ''Wright Redux'' with its image as an evangelist for ''unfettered airline competition.'' Company officials adamantly reject the idea that the agreement will make it harder for other low-cost carriers to enter the market.

''Any airline that wants to serve the [region] can go to DFW today and fly anywhere they want,'' spokesman Ed Stewart explained to the Fort Worth Star-Telegram.

Funny. That's almost word for word what American used to say in defending the Wright amendment against criticism from Southwest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I had two concerns about the agreement that came from the two cities. The first was safety.

Years ago, I held hearings when I chaired the Aviation Subcommittee on Safety at Love Field, between Love Field and Dallas. There are only 2 miles of air space in the approach and departure patterns of those two airports. I was concerned that removing the limitations on operations at Love Field would create greater safety concerns than they did at the time. Since then, the FAA has fixed the safety issue with an innovative departure and arrival arrangement that will assure safety, provided there is no increase in operations.

That leads us to the second issue, and that is competition. The agreement limits the number of gates to 20. That is something that local citizens are concerned about, noise, safety, congestion. Congress has a right to act on safety and on noise and to limit operations in the interests of safety and of noise, without infringing upon the antitrust issue. In fact, the language that we have before us is an improvement over the agreement of the two cities that in fact would have had antitrust implications.

So the antitrust exemption has been removed, but the bill directs action and closing of gates, which is an authority Congress has, in the interest of safety and congestion.

Mr. Speaker, I rise in support of H.R. 6228, The Wright Amendment Reform Act, which would implement the agreement reached by the Cities of Dallas and Fort Worth, the Dallas/Fort Worth International Airport Board, American Airlines and Southwest Airlines to reform the so-called ''Wright Amendment.''

The Wright Amendment was an effort by our former colleague, Jim Wright, then Majority Leader, later, Speaker Wright, to codify an agreement reached in 1979 among the Dallas and Fort Worth business and political communities, and Southwest Airlines, which resisted efforts to move its operations to the newly opened Dallas/Fort Worth (DFW) Airport. This agreement ensured that DFW would be the primary airport for the DFW metropolitan region, and that Love Field would remain a limited, short haul airport.

Recently, the Dallas and Fort Worth communities, along with American Airlines and Southwest Airlines, came forward with a new agreement that would, in their view, make repealing the Wright Amendment acceptable.

The Transportation & Infrastructure Committee has chosen to deal with the issues surrounding the Wright Amendment legislatively, rather than allow it to erode piecemeal as it has over the years, without a view to the larger national aviation context. The ''stakeholders'' in this process are not just the Cities of Dallas and Fort Worth, the airlines, nor the airport authorities. The ''stakeholders'' are all Americans.

If you approve a law for an additional highway on the East Coast, it does not do much for traffic on the West Coast. However, if you approve a law for additional feet of runway at an airport on the East Coast, it does make traffic from the West Coast more accessible to the East Coast because of the nature of air travel. Similarly, dealing with DFW and Love Field is a national matter.

H.R. 6228, would implement three core provisions of the parties' contract: to repeal the Wright Amendment 8 years after enactment of this Act; eliminate the restrictions on through-ticketing from Love Field; and to cap the Love Field gates at 20 in perpetuity.

Importantly, the bill addresses two very significant issues that I raised in Committee: safety and new entrant access.

Love Field is approximately 8 miles from DFW. In 1991, when I served as Chairman of the Aviation Subcommittee, I held a hearing during which significant safety concerns were raised regarding the potential expansion of flights at Love Field. Many witnesses attending that hearing expressed concern that the proximity of approach and departure procedures to and from both DFW and Love Field, along with conflicting flight patterns, could decrease the margin of safety.

While I have the utmost confidence in our nation's air traffic controllers, I want to ensure that by adding more flights at Love Field, we are not reducing the cushion of safety. Controllers should not need to slow air traffic to accommodate the safety margin, nor should they be compelled to operate at the outside of the power curve to avoid delays in and around the Dallas-Fort Worth area.

H.R. 6228 addresses this very significant issue by including a provision that prohibits the legislation from taking effect until the Federal Aviation Administration (FAA) notifies Congress that additional aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area, which are likely to be conducted after the enactment of this Act, can be accommodated in full compliance with FAA safety standards, in accordance with the FAA's mandate to maintain safety at the highest possible level, and without adverse effect on airspace use in the area.

The second issue is competition. The agreement would change the gate availability at Love Field to greatly increase the difficulty of any carrier other than Southwest or American to serve Love Field. Currently, there are 32 gates at Love Field, with 19 in use, and 13 available for new entrants. The agreement would reduce the gates to 20, and allocate all of these gates to American, Southwest, and Continental. To ensure that a prospective new carrier would have reasonable access to these 20 gates at Love Field, H.R. 6228 preserves the FAA's authority to enforce grant assurances that obligate Love Field to make its facilities available on a reasonable and non-discriminatory basis.

Further, Love Field continues to be subject to all federal requirements relating to safety, security, labor, environmental, civil rights, small business concerns, veteran's preference, disability access and revenue diversion that are applicable to all airports.

As to antitrust issues, this legislation does not implicitly or explicitly provide antitrust immunity to the parties. However, the legislation directs the City of Dallas to reduce the number of operational gates to no more than 20, which includes the removal of the 6 so-called Lemmon Avenue gates, and allows the City to allocate the use of the remaining gates based on existing leases and obligations. These directives could be advanced as a defense in an antitrust case.

Accordingly, I want to thank the Chairman YOUNG and the Texas delegation for working with me on this legislation to ensure that my concerns on safety and new entrant access are addressed and I urge my colleagues to support H.R. 6228.

WRIGHT AMENDMENT REFORM ACT ANTITRUST BULLETS

The Judiciary Committee opposed the original bill reported by the Transportation Committee because our bill included an exemption from the antitrust laws. To meet this concern the bill has been modified to remove the exemption. This change met the antitrust concerns of the Chairman of Senate Judiciary who now supports the bill.

The House Judiciary Committee Chair argues that even though the antitrust exemption has been removed, the bill still directs actions, such as the closing of gates, which would violate the antitrust laws if done by agreement of private parties. This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the anti-trust laws. The antitrust laws are only Congressional legislation, and Congress can pass subsequent legislation creating exceptions.

Mr. MICA. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Texas (Ms. GRANGER), one of the prime crafters and initiators of this compromise agreement.

Ms. GRANGER. Mr. Speaker, I would first like to thank the House Transportation Committee for their work on this bill and the leadership of Chairman DON YOUNG, Ranking Member OBERSTAR and Aviation Subcommittee Chairman MICA.

Also, I want to thank the Speaker and Majority Leader for working so hard to get this bill done and on the floor.

All of the Texas delegation, including our two Senators, have played a part in making this bill possible; and the five stakeholders, the cities of Dallas and Fort Worth, American and Southwest Airlines and Dallas-Fort Worth International Airport, have all come together in really an unprecedented way to forge an agreement and get this issue behind us.

The Mayors of Fort Worth and Dallas and community leaders met from both cities for months putting this agreement together, and they deserve much credit. Everyone gave up something for the better good, and then they gave their product to us to put into law, as is required for this to work.

Having worked and struggled with this issue for 15 years, first as Mayor and then as Congresswoman, I am more than ready to move on to something else and proudly support this legislation and urge a yes vote for its passage.

I also extend to Mr. CONYERS an invitation to come to Fort Worth. You will love it, and they will love you for helping with this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the chairman of the Judiciary Committee.

Mr. Speaker, I have heard the best arguments presented about why this is a good measure: Safety is increased, noise is decreased, congestion is mitigated, competition is increased. Is there anybody on any of the committees that wants to say something about the consumers? Is that something that hasn't been contemplated up until now?

Come on, guys. Give me a break. Consumers consist of everybody in America. They are not just in Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, I rise to urge all of my colleagues to support S. 3661. This is a fair and pro-consumer compromise that is in the public's best interests and was passed by unanimous consent this afternoon by the Senate.

Local communities should have input to limit airport size in order to deal with the issues of noise, congestion and safety. Accordingly, this bill respects the desire of the community to make sure that the more urban of its two airports does not become overbearing. Failure to do so will send a signal that the Federal Government is prepared to override every other community that wants to limit the size of its airport facilities to protect the environment for safety reasons.

I urge my colleagues to vote ''yes'' on S. 3661.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, to my brother from New York, Brother Meeks, this is a pro-consumer compromise that all the consumer organizations that I have consulted and that have consulted me are strenuously opposed to. Can anyone can explain to me how this is a pro-consumer bill?

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Mr. MICA. I am pleased at this time to yield to one of the most distinguished Members, not only of the Texas delegation but of the entire Congress, a real hero, SAM JOHNSON, for 2 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate that. And I thank the gentleman for his opposition. The fact is that you have the whole Lone Star State delegation backing a bill to repeal that outdated Wright amendment.

Back in 1979, Congress created that law. Look at there. That is what those stewardesses were wearing in those days. That is where we were from, and today is a victory for freedom and free enterprise. That was 1979. People had mood rings, Rubik's cubes, smiley face stickers, and pet rocks. Just like this picture, so much has changed since 1979; but the Wright amendment never did.

I want to commend officials in north Texas who worked tirelessly to craft a local compromise that works for all parties involved. For Texans, the traveling public, we are making history. It is not perfect. In my opinion, it doesn't do the job fast enough. But there is one thing I have learned in the people's House: you have got to give a little to get a little.

Here, compromise can save the day, and it gives me great pleasure to come into the 21 century and cast my vote to end the outdated Wright amendment once and for all.

Mr. MICA. Mr. Speaker, I have one additional speaker at this time, another great Texan, a wonderful representative from the State, Mr. SESSIONS. I yield to him 1 minute.

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

Mr. SESSIONS. Mr. Speaker, I thank all the gentlemen and ladies who are here on the floor tonight talking about the Wright amendment, that we are going to pass this amendment tonight.

But to answer the gentleman's question from Michigan, the reason why this is a pro-consumer bill is that effective immediately, when the President signs this, every single person that takes off from Love Field will be able to ticket through wherever they want to go. Today, they have to ticket through to an adjacent State that is close to them, they have to get off the airplane, they have to get their bags, and they have to reticket through.

This is a pro-consumer bill. This is the right thing to do. We have come together as a delegation. I am asking for all the Members of the United States Congress to please support the bipartisan attempt between the cities of Dallas and Fort Worth, between the airlines to do something favorable for consumers tonight.

Our majority leader, JOHN BOEHNER, was aware of this issue. It has been a continuing, simmering, boiling issue for the Texas delegation. We have asked that it be brought here. I am asking for everybody's vote. Vote tonight ''aye.''

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, some nights when I drive out of here and go home, I follow some of my Texas friends out of the garage that have a big bumper sticker that says: ''Don't Mess With Texas.'' Tonight is one of the nights where I think we ought to mess with Texas, because what is being proposed here is going to increase the fares of anybody who goes to Texas or decides to go out of the Dallas-Fort Worth area by a significant amount, because it protects monopoly status until 2025. This is the most anticonsumer, antifree enterprise legislation that has come before this House in a long time.

At Dallas-Fort Worth, approximately 85 percent of all passengers board an American or American Air regional carrier flight. This keeps American's near monopoly at DFW. And at Love Field, Southwest has a 95 percent market share.

Now, without the Wright amendment, both of those market shares are monopolistic. And despite what you hear about how this does away with the Wright amendment, it keeps these monopolies in place until the year 2025.

There has been a lawsuit that has been filed against Love Field by people who are standing up for consumers. This legislation extinguishes that lawsuit. The people who filed their lawsuit won't have a day in court to be able to get a fair determination by the judge, because what it does is it provides a backdoor antitrust exemption.

Now, we have to ask ourselves as elected representatives of the people whether we are going to allow a private group of local officials and business people in any community to come to Congress to get themselves exempted effectively from an antitrust law. What this bill does is it effectively delegates that power on this issue to the people who came to Congress, and they asked us to ratify this agreement. We shouldn't be delegating antitrust immunity to anybody. That should be determined by the court.

So if you believe in the operation of the law and letting people have their day in court, this bill ought to be voted down, particularly if you represent the 42 States that aren't covered by the Wright amendment.

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

Mr. MICA. Mr. Speaker, I submit for printing in the RECORD a statement relating to the Wright Amendment Reform Act and the antitrust issues that have been raised, and information relating to how S. 3661 will enhance airline competition and benefit consumers, in response to questions that have been raised in regard to those items.

WRIGHT AMENDMENT REFORM ACT—ANTITRUST ISSUES

The Judiciary Committee opposed the original Wright amendment bill (H.R. 5830), which was reported by the Transportation and Infrastructure Committee, because our bill included an exemption from antitrust laws.

To meet the concerns expressed by the Judiciary Committee, S. 3661 has been modified to remove the exemption.

Chairman Sensenbrenner argues that even though the antitrust exemption has been removed, S. 3661 still directs actions, such as the closing of gates, which would violate the antitrust laws if carried out through an agreement of private parties.

This is not a valid argument. Congress has the authority to direct the closing of gates for safety, environmental or economic reasons, even if private parties would not be allowed to do this under the antitrust laws.

S. 3661 WILL ENHANCE AIRLINE COMPETITION AND BENEFIT CONSUMERS

CONGRESS MUST FIX MESS THAT IT CREATED BY ENACTING AMENDMENT

The Wright amendment was intended to protect the then-new Dallas-Fort Worth International Airport, DFW.

Since DFW is now the third-largest airport in the U.S. in terms of annual passenger enplanements, the Wright amendment is no longer needed.

By restricting commercial air service out of Dallas Love Field to cities in Texas and eight surrounding states, the Wright amendment has resulted in higher fares and fewer service options for consumers in the Dallas-Fort Worth market.

IMMEDIATE REPEAL OF WRIGHT AMENDMENT NO VIABLE OPTION

Due to complex and long-standing political, economic and environmental concerns, the ideal solution—immediate repeal of the Wright Amendment—was not supported by the Cities of Dallas and Fort Worth, local communities and affected airlines.

Consequently, S. 3661 represents a locally-generated, bipartisan compromise that balances carefully the interests of the local parties.

CONSUMERS WILL BENEFIT IMMEDIATELY UNDER S. 3661

S. 3661 will intensify competition in the entire Dallas-Ft. Worth market by lifting all existing geographic restrictions on commercial air service at Dallas Love Field in eight years.

Two independent studies found that S. 3661 will increase traffic to and from North Texas by 2 million passengers annually and produce $259 million per year in fare savings immediately.

Airlines serving Dallas Love Field could immediately begin marketing connecting commercial air service from Love Field to cities outside the Wright Amendment's geographic area.

20-GATE LIMITATION AT LOVE FIELD WILL NOT HINDER COMPETITION

Due to safety and environmental concerns raised by local communities, S. 3661 would limit capacity at Dallas Love Field to 20 gates for commercial service.

S. 3661 would not reduce existing capacity at Dallas Love Field, where fewer than 20 gates are currently being used by airlines for commercial air service.

S. 3661 protects existing procedures that ensure any airline seeking to provide new commercial passenger service at Love Field may do so.

In addition to utilizing Dallas Love Field, airlines that wish to provide new commercial service to the Dallas-Fort Worth area can operate at DFW Airport, which is located just eight miles from Love Field and currently has 20 unused gates.

I am pleased now to yield 1 minute to a very distinguished member of the Transportation and Infrastructure Committee, a newer member on the team but has also heard this issue, KENNY MARCHANT, the gentleman from Texas.

Mr. MARCHANT. Mr. Speaker, the Wright amendment is the number one business issue in my district, District 24. American Airlines headquarters and Dallas-Fort Worth International Airport are both based in District 24.

The job statistics speak for themselves: American Airlines has 7,300 employees in my district, and DFW Airport itself has 16,000 jobs. The airport itself is responsible for almost 260,000 jobs in the metroplex. Therefore, it is obvious that the people of my district have a lot riding on this bill.

Mr. Speaker, the Wright amendment was a unique law created for a unique circumstance; therefore, its repeal calls for a unique solution. I think the bill before us today provides just that, and I urge the House to suspend the rules and pass the bill.

Mr. MICA. Mr. Speaker, I am very pleased to yield to the distinguished Chair of the full Transportation and Infrastructure Committee, a gentleman who has helped craft this historic agreement and codify it today, Mr. YOUNG.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I want to thank the Texas delegation for working together to bring forth this bill and solving a problem. My job is to solve problems, and this bill does solve a problem. It takes two cities and puts them together, and allows the State to go forward and we won't have this problem before us anymore.

A lot of times we lose sight of solving problems in this body by hanging up on jurisdiction or hanging up on a small clause. But we are the people that write the laws, we create the laws, and we try to make them work.

This is a bill that will take and rectify a mistake, I believe, in the past, and bring both parties together, both cities together, all airlines together, and provide for the service of the people of Texas and this Nation. I urge the passage of this bill.

Mr. COSTELLO. Mr. Speaker, I rise today to support S. 3661, the Wright Amendment Reform Act of 2006.

I'd like to thank Chairman YOUNG, Mr. MICA, Mr. OBERSTAR, and Mr. JOHNSON for their hard work on getting0legislative agreement on repealing the Wright amendment. I know there was a lot of ''give and take'' on both sides to reach this legislative agreement.

In particular, Ms. JOHNSON has been a leader on this matter and she should be commended for her hard work. Without her persistence, we would not be here today.

This legislation seeks to fully repeal the Wright amendment, with several conditions.

In 1979, the cities of Dallas and Fort Worth came together and reached an agreement to have one regional airport—Dallas/Fort Worth International Airport, DFW—thus restricting service at other local airports. This local agreement was codified by congressional action known as the Wright amendment.

The Wright amendment was a logical step when enacted in 1979. It brought stability to the north Texas air market.

As a result, I have supported the Wright amendment as a way to enhance DFW's growth and development. The airport has done its part by fueling the region's economy.

However, today, DFW is far from a small regional airport. As an international airport, its influence is far-reaching and has become a major player in markets that other airlines could not serve from Love Field.

In response, some have sought to repeal the Wright amendment through a piecemeal approach, an approach that is ineffective and very poor policy.

On June 15, 2006, it was announced that American, Southwest, DFW Airport, and the cities of Dallas and Fort Worth worked out a local agreement.

The Aviation Subcommittee held a hearing July 12, 2006, on this historic agreement where many questions, concerns, and issues were addressed.

While S. 3661 addresses many of those concerns, I must say that I have reservations that by accepting this agreement, we are restricting the aviation capacity at Love Field.

Congress, in part, will be making it harder for new airlines to enter the market—5 years, 10 years, or even 20 years from now—by allowing the infrastructure that a new competitor will need at Love Field to be destroyed.

I question the idea of restricting and destroying infrastructure that could be used in the future in order to address a problem today.

I hope the Transportation and Infrastructure Committee and the FAA will closely monitor the implementation of this legislation to ensure consumer protection, economic growth, and competition.

Mr. Speaker, that said, I will support S. 3661.

Mr. BURGESS. Mr. Speaker, I rise today in strong support of S. 3661, the Wright Amendment Reform Act of 2006. As a representative of D/FW International Airport, I have always felt strongly in protecting the economic engine of north Texas. To this day, I still believe in the integrity of the original Wright amendment; however, I am pleased that the local entities' constructed a compromise that met the needs and wishes of all parties. It was long in coming, but thorough in its mission. Not only will the airports and airlines benefit from the compromise but also the tens of thousands of employees and residents of north Texas.

I commend all the parties associated with this historic compromise. At the urging of Congress, Mayor Moncrief of Fort Worth and Mayor Miller of Dallas spent endless hours working on the best deal possible for the region. Together with DFW International Airport, American Airlines, and Southwest Airlines, they brought to Congress an agreement that will protect and benefit my constituents and allow for better service at Love Field. I sincerely thank the mayors for their commitment and dedication to this delicate and complicated task.

Also, the north Texas delegation has worked endlessly on this matter, and the passage of this legislation today is a testament to the determination and dedication of my colleagues. We have all had to make concessions, but at the end of the day, the enactment of this legislation is crucial for our districts.

I ask for my colleagues to support the north Texas delegation and as we try to solve a unique problem with this unique and important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 3661, the Wright Amendment Reform Act. This legislation implements a locally achieved compromise resolving the longstanding controversy over the 1979 Wright amendment, which imposed Federal restrictions on commercial airline service to and from Dallas Love Field.

I note Mr. Speaker that all of the key stakeholders—Southwest Airlines, Fort Worth, DFW Airport, American Airlines, and the city of Dallas—support the locally achieved Wright amendment compromise and urge Congress to approve this legislation. But as Southwest CEO, Herb Kelleher, states: ''The only victor, the only sure fire winner from this locally achieved agreement, is the public—the public citizens who will find it easier and far less expensive to travel to and from North Texas for business and personal reasons; the citizens who will reap vast economic benefits in their communities from enhanced travel and tourism, at a lower cost.''

A key component of the compromise is the change in Federal law embodied in the legislation allowing Southwest Airlines to immediately begin selling ''through tickets'' for travel to and from Dallas Love Field. This change will enable Love Field customers to travel on a one-stop basis to and from cities within our nationwide system which are outside the limited number of States Southwest currently is allowed to serve under the terms of the Wright amendment.

A recent study indicates that through ticketing at Dallas Love Field will increase passengers traveling to and from north Texas by 2 million annually and produce $259 million per year in fare savings. Additionally, the study found that through ticketing will generate over $2 billion annually in spending and related economic activity for north Texas and for many communities outside the current Wright amendment perimeter.

Because of through ticketing, the local compromise will have a very significant and widespread economic impact from the beginning. Further, the local compromise calls for the Wright amendment to be repealed in its entirety in 8 years, allowing airlines serving Love Field to fly nonstop to any domestic destination—generating substantial additional economic benefits for consumers nationwide.

Approval of this legislation by the Congress will bring to a close a dispute that preoccupied the Dallas Metroplex for nearly 30 years all the while negatively impacting the rest of the Nation. I applaud Congresswoman EDDIE BERNICE JOHNSON and other members of the Texas congressional delegation for their yeoman work in bringing this saga to a happy

conclusion. I ask my colleagues to join me in supporting this legislation. I ask you to vote for S. 3661.

Mr. HENSARLING. Mr. Speaker, as many know, last year, I authored the Right to Fly Act which would completely and immediately repeal the Wright Amendment. The legislation ignited quite a debate in the metroplex.

Within a year the cities of Dallas and Fort Worth as well as D/FW Airport, American Airlines and Southwest Airlines reached an historic consensus among them. I saluted Mayors Miller and Moncrief for their tenacity and leadership in forging that consensus. Although disappointed, I certainly was not surprised to learn that their plan did not mirror my own. Still, I stood ready to compromise and support a congressional plan that provided immediate ''through-ticketing'' and full repeal of Wright 8 years later. Then I read the fine print.

Although I respect my Congressional colleagues with differing opinions, in my view, the Wright Amendment is not really repealed under this plan. It is simply repackaged. As a fervent supporter of free markets, I simply believe that the U.S. Congress should not interfere in the market competition between airports.

Still, I have always maintained a willingness to support Wright Amendment repeal plans aside from my own as long as they met a two-fold test: (1) the plan clearly benefits consumers and (2) the plan removes Congress from the business of airport protectionism, which costs us greatly. According to the Department of Transportation, we pay about ⅓ more for long distance airfares.

With respect to consumers, I am concerned that the agreement essentially constitutes an 8 year extension of the current Wright Amendment as opposed to a gradual phase-out. One study indicated that consumers annually pay almost $700 million extra in airfares due to the Wright Amendment. An 8-year extension would cost consumers an additional $5 billion—which, even by Washington standards, is a big number and a huge burden to American families.

On the other hand, I believe immediate ''through-ticketing'' can positively impact competition and airfares. American Airlines and Southwest Airlines commissioned a study—the findings of which I announced at a recent Congressional Hearing on the Wright Amendment—that concluded that through-ticketing can produce $259 million in fare savings annually. I find it encouraging that consumers could recoup some of their losses from this part of the local agreement.

My main concern is that the agreement does not get Congress out of the business of interfering with airport competition. That is the essence of the Wright Amendment, not the specific interference of perimeter restrictions. For example, in the local agreement, the City of Dallas agrees to reduce the number of gates at Love Field from 32 to 20. Though I might not like it, I respect their right to contractually bind themselves and decide whether Love Field is limited to 20 gates, 10 gates or even shut down. It is their airport.

But I believe it is wrong for the parties to ask Congress to establish into Federal law their private contractual obligations. Those are enforceable in court. By including these privately made agreements in a new federal law, Congress would be replacing one complex set of anti-competitive rules with another. Terminating today's version of the Wright Amendment, whereby Congress imposes distance limitations on an airport, only to replace it with a new version of the Wright Amendment whereby Congress imposes gate limitations on an airport, does not constitute repeal—today, in 8 years or ever. Additionally, the unusual anti-trust exemption language is troubling.

For far too long the Wright Amendment has been a burden on both consumers and the national economy. In the spirit of compromise, I again would support a simple federal law that would enact immediate through-ticketing, fully repeal of Wright in 8 years while respecting the rights of American Airlines, Southwest Airlines, D/FW and the cities of Fort Worth and Dallas to otherwise enter into lawful contracts to mutually bind themselves as they choose.

Try as I may, I cannot in good faith support the current bill, which I fear simply replaces one version of the Wright Amendment with another.

Should this legislation become law, I hope it proves to be of significant benefit to the air traveling public. If it does, I will take some satisfaction knowing I helped play a small role as its catalyst.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, S. 3661.

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. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6203) to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes.

The Clerk read as follows:

H.R. 6203

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 ''Alternative Energy Research and Development Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term ''biomass'' has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(1));

(2) the term ''cellulosic feedstock'' has the meaning given the term ''lignocellulosic feedstock'' in section 932(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16232(a)(2));

(3) the term ''Department'' means the Department of Energy;

(4) 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));

(5) the term ''National Laboratory'' has the meaning given the term ''nonmilitary energy laboratory'' in section 903(3) of the Energy Policy Act of 2005 (42 U.S.C. 16182(3)); and

(6) the term ''Secretary'' means the Secretary of Energy.

SEC. 3. ADVANCED BIOFUEL TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for production of motor and other fuels from biomass.

(b) OBJECTIVES.—The Secretary shall design the program under this section to—

(1) develop technologies that would make ethanol produced from cellulosic feedstocks cost competitive with ethanol produced from corn by 2012;

(2) conduct research and development on how to apply advanced genetic engineering and bioengineering techniques to increase the efficiency and lower the cost of industrial-scale production of liquid fuels from cellulosic feedstocks; and

(3) conduct research and development on the production of hydrocarbons other than ethanol from biomass.

(c) INSTITUTION OF HIGHER EDUCATION GRANTS.—The Secretary shall designate not less than 10 percent of the funds appropriated under subsection (d) for each fiscal year to carry out the program for grants to competitively selected institutions of higher education around the country focused on meeting the objectives stated in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated under section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)), there are authorized to be appropriated to the Secretary to carry out this section—

(1) $150,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 and 2009.

SEC. 4. ADVANCED HYDROGEN STORAGE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for technologies to enable practical onboard storage of hydrogen for use as a fuel for light-duty motor vehicles.

(b) OBJECTIVE.—The Secretary shall design the program under this section to develop practical hydrogen storage technologies that would enable a hydrogen-fueled light-duty motor vehicle to travel 300 miles before refueling.

SEC. 5. ADVANCED SOLAR PHOTOVOLTAIC TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced solar photovoltaic technologies.

(b) OBJECTIVES.—The Secretary shall design the program under this section to develop technologies that would—

(1) make electricity generated by solar photovoltaic power cost-competitive by 2015; and

(2) enable the widespread use of solar photovoltaic power.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $148,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 through 2011.

SEC. 6. ADVANCED WIND ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application for advanced wind energy technologies.

(b) OBJECTIVES.—The Secretary shall design the program under this section to—

(1) improve the efficiency and lower the cost of wind turbines;

(2) minimize adverse environmental impacts; and

(3) develop new small-scale wind energy technologies for use in low wind speed environments.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $44,000,000 for fiscal year 2007; and

(2) such sums as may be necessary for each of the fiscal years 2008 through 2011.

SEC. 7. CONTINUING PROGRAMS.

The Secretary shall continue to carry out the research, development, demonstration, and commercial application activities authorized in sections 921(b)(1) (for distributed energy), 923 (for micro-cogeneration technology), and 931(a)(2)(C), (D),and (E)(i) (for geothermal energy, hydropower, and ocean energy) of the Energy Policy Act of 2005.

SEC. 8. PLUG-IN HYBRID ELECTRIC VEHICLE TECHNOLOGY PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Plug-In Hybrid Electric Vehicle Act of 2006''.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means a device or system for the electrochemical storage of energy.

(2) E85.—The term ''E85'' means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

(3) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use offboard electricity, including battery electric vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and electric rail; and

(B) related equipment, including electric equipment necessary to recharge a plug-in hybrid electric vehicle.

(4) FLEXIBLE FUEL PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''flexible fuel plug-in hybrid electric vehicle'' means a plug-in hybrid electric vehicle warranted by its manufacturer as capable of operating on any combination of gasoline or E85 for its onboard internal combustion or heat engine.

(5) HYBRID ELECTRIC VEHICLE.—The term ''hybrid electric vehicle'' means a vehicle that—

(A) can be propelled using liquid combustible fuel and electric power provided by an onboard battery; and

(B) utilizes regenerative power capture technology to recover energy expended in braking the vehicle for use in recharging the battery.

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a hybrid electric onroad light-duty vehicle that can be propelled solely on electric power for a minimum of 20 miles under city driving conditions, and that is capable of recharging its battery from an offboard electricity source.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on technologies needed for the development of plug-in hybrid electric vehicles and electric drive transportation, including—

(1) high capacity, high efficiency batteries, to—

(A) improve battery life, energy storage capacity, and power delivery capacity, and lower cost; and

(B) minimize waste and hazardous material production in the entire value chain, including after the end of the useful life of the batteries;

(2) high efficiency onboard and offboard charging components;

(3) high power drive train systems for passenger and commercial vehicles and for supporting equipment;

(4) onboard energy management systems, power trains, and systems integration for plug-in hybrid electric vehicles, flexible fuel plug-in hybrid electric vehicles, and hybrid electric vehicles, including efficient cooling systems and systems that minimize the emissions profile of such vehicles; and

(5) lightweight materials, including research, development, demonstration, and commercial application to reduce the cost of materials such as steel alloys and carbon fibers.

(d) PLUG-IN HYBRID ELECTRIC VEHICLE DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot demonstration program to provide not more than 25 grants annually to State governments, local governments and public entities, metropolitan transportation authorities, or combinations thereof to carry out a project or projects for demonstration of plug-in hybrid electric vehicles.

(2) APPLICATIONS.—

(A) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the demonstration pilot program. The Secretary shall require that applications, at a minimum, include a description of how data will be—

(i) collected on the—

(I) performance of the vehicle or vehicles and the components, including the battery, energy management, and charging systems, under various driving speeds, trip ranges, traffic, and other driving conditions;

(II) costs of the vehicle or vehicles, including acquisition, operating, and maintenance costs, and how the project or projects will be self-sustaining after Federal assistance is completed; and

(III) emissions of the vehicle or vehicles, including greenhouse gases, and the amount of petroleum displaced as a result of the project or projects; and

(ii) summarized for dissemination to the Department, other grantees, and the public.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project or projects under the pilot program in partnership with one or more private or nonprofit entities, which may include institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving institutions.

(3) SELECTION CRITERIA.—

(A) PREFERENCE.—When making awards under this subsection, the Secretary shall consider each applicant's previous experience involving plug-in hybrid electric vehicles and shall give preference to proposals that—

(i) provide the greatest demonstration per award dollar, with preference increasing as the number of miles that a plug-in hybrid electric vehicle can be propelled solely on electric power under city driving conditions increases; and

(ii) maximize the non-Federal share of project funding and demonstrate the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subsection is completed.

(B) BREADTH OF DEMONSTRATIONS.—In awarding grants under this subsection, the Secretary shall ensure the program will demonstrate plug-in hybrid electric vehicles under various circumstances, including—

(i) driving speeds;

(ii) trip ranges;

(iii) driving conditions;

(iv) climate conditions; and

(v) topography,

to optimize understanding and function of plug-in hybrid electric vehicles.

(4) PILOT PROJECT REQUIREMENTS.—

(A) SUBSEQUENT FUNDING.—An applicant that has received a grant in one year may apply for additional funds in subsequent years, but the Secretary shall not provide more than $10,000,000 in Federal assistance under the pilot program to any applicant for the period encompassing fiscal years 2007 through fiscal year 2011.

(B) INFORMATION.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are shared among the pilot program participants and are available to other interested parties, including other applicants.

(5) AWARD AMOUNTS.—The Secretary shall determine grant amounts, but the maximum size of grants shall decline as the cost of producing plug-in hybrid electric vehicles declines or the cost of converting a hybrid electric vehicle to a plug-in hybrid electric vehicle declines.

(e) COST SHARING.—The Secretary shall carry out the program under this section in compliance with section 988(a) through (d) and section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352(a) through (d) and 16353).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for carrying out subsection (c), $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2011; and

(2) for carrying out subsection (d), $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 9. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Solar Utilization Now Demonstration Act of 2006'' or the ''SUN Act of 2006''.

(b) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(c) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (g).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (g) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(3) FUNDING ALLOCATION.—Except as provided in subsection (d), each State submitting a proposal that meets the requirements under subsection (c) shall receive funding under the program based on the proportion of United States population in the State according to the 2000 census. In each fiscal year, the portion of funds attributable under this paragraph to States that have not submitted proposals that meet the requirements under subsection (c) in the time and manner specified by the Secretary shall be distributed pro rata to the States that have submitted proposals that meet the requirements under subsection (c) in the specified time and manner.

(d) COMPETITION.—If more than $80,000,000 is available for the program under this section for any fiscal year, the Secretary shall

allocate 75 percent of the total amount of funds available according to subsection (c)(3), and shall award the remaining 25 percent on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. In awarding funds under this subsection, the Secretary may give preference to proposals that would demonstrate the use of newer materials or technologies.

(e) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(f) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (d), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(g) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photovoltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) limit awards for any single project to a maximum of $1,000,000;

(3) prohibit any nongovernmental recipient from receiving more than $1,000,000 per year;

(4) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(5) limit State administrative costs to no more than 10 percent of the grant;

(6) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (7);

(7) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years;

(8) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application; and

(9) encourage Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving institutions to apply for grants under this program.

(h) UNEXPENDED FUNDS.—If a State fails to expend any funds received under subsection (c) or (d) within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(i) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the amount of funds that each State has not received because of a failure to submit a qualifying proposal, as described in subsection (c)(3);

(5) the results of the monitoring under subsection (g)(7); and

(6) the total amount of funds distributed, including a breakdown by State.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $50,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 10. ENERGY EFFICIENT BUILDING GRANT PROGRAM.

(a) ENERGY EFFICIENT BUILDING PILOT GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants to businesses and organizations for new construction of energy efficient buildings, or major renovations of buildings that will result in energy efficient buildings, to demonstrate innovative energy efficiency technologies, especially those sponsored by the Department.

(2) AWARDS.—The Secretary shall award grants under this subsection competitively to those applicants whose proposals—

(A) best demonstrate—

(i) likelihood to meet or exceed the standards referred to in subsection (b)(2);

(ii) likelihood to maximize cost-effective energy efficiency opportunities; and

(iii) advanced energy efficiency technologies; and

(B) maximize the leverage of private investment for costs related to increasing the energy efficiency of the building.

(3) CONSIDERATION.—The Secretary shall give due consideration to proposals for buildings that are likely to serve low and moderate income populations.

(4) AMOUNT OF GRANTS.—Grants under this subsection shall be for up to 50 percent of design and energy modeling costs, not to exceed $50,000 per building. No single grantee may be eligible for more than 3 grants per year under this program.

(5) GRANT PAYMENTS.—

(A) INITIAL PAYMENT.—The Secretary shall pay 50 percent of the total amount of the grant to grant recipients upon selection.

(B) REMAINDER OF PAYMENT.—The Secretary shall pay the remaining 50 percent of the grant only after independent certification, by a professional engineer or other qualified professional, that operational buildings are energy efficient buildings as defined in subsection (b).

(C) FAILURE TO COMPLY.—The Secretary shall not provide the remainder of the payment unless the building is certified within 6 months after operation of the completed building to meet the requirements described in subparagraph (B), or in the case of major renovations the building is certified within 6 months of the completion of the renovations.

(6) REPORT TO CONGRESS.—Not later than 3 years after awarding the first grant under this subsection, the Secretary shall transmit to Congress a report containing—

(A) the total number and dollar amount of grants awarded under this subsection; and

(B) an estimate of aggregate cost and energy savings enabled by the pilot program under this subsection.

(7) ADMINISTRATIVE EXPENSES.—Administrative expenses for the program under this subsection shall not exceed 10 percent of appropriated funds.

(b) DEFINITION OF ENERGY EFFICIENT BUILDING.—For purposes of this section the term ''energy efficient building'' means a building that—

(1) achieves a reduction in energy consumption of—

(A) at least 30 percent for new construction, compared to the energy standards set by the 2004 International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1–2004; or

(B) at least 20 percent for major renovations, compared to energy consumption before renovations are begun;

(2) is constructed or renovated in accordance with the most current, appropriate, and applicable voluntary consensus standards, as determined by the Secretary, such as those listed in the assessment under section 914(b), or revised or developed under section 914(c), of the Energy Policy Act of 2005; and

(3) after construction or renovation—

(A) uses heating, ventilating, and air conditioning systems that perform at no less than Energy Star standards; or

(B) if Energy Star standards are not applicable, uses Federal Energy Management Program recommended heating, ventilating, and air conditioning products.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section—

(1) $10,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 11. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

''SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

''(a) GRANTS.—Not later than 18 months after the date of enactment of the Alternative Energy Research and Development Act, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or universities (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In establishing the network, the Secretary shall consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit. In making awards under this section, the Secretary shall—

''(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and information about advanced energy efficiency methods and technologies;

''(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

''(A) about a variety of technologies and

''(B) in a variety of geographic areas; and

''(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region.

''(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

''(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

''(2) Carrying out demonstrations of advanced energy methods and technologies.

''(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

''(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and

cooling systems, for a wide range of energy end-users.

''(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

''(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

''(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

''(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

''(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

''(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

''(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

''(5) a description of how the applicant will assess the success of the program.

''(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

''(1) The ability of the applicant to carry out the proposed activities.

''(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, universities, and National Laboratories.

''(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

''(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

''(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

''(f) DURATION.—

''(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

''(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

''(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

''(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

''(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

''(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind and micro-combined heat and power, that is designed to serve retail electric consumers on-site.

''(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

''(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(B) 1890 Institutions (as defined in section 2 of that Act); and

''(C) 1994 Institutions (as defined in section 2 of that Act).

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.''.

SEC. 12. GREEN ENERGY EDUCATION.

(a) DEFINITION.—For the purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(b) GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.—

(1) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(c) CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.—

(1) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this section shall be to improve the ability of engineers, architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, and city, regional, or urban planning, and due consideration to applications from Historically Black Colleges and Universities and other minority serving institutions.

SEC. 13. ARPA–E STUDY.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a detailed study of, and make further recommendations on, the October 2005 National Academy of Sciences recommendation to establish an Advanced Research Projects Agency-Energy (in this section referred to as ARPA–E).

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress the study described in subsection (a) and the Secretary's response to the findings, conclusions, and recommendations of that study.

(c) TERMS OF REFERENCE.—The Secretary shall ensure that the study described in subsection (a) addresses the following questions:

(1) What basic research related to new energy technologies is occurring now, what entities are funding it, and what is preventing the results of that research from reaching the market?

(2) What economic evidence indicates that the limiting factor in the market penetration of new energy technologies is a lack of basic research on pathbreaking new technologies? What barriers do those trying to develop new energy technologies face during later stages of research and development?

(3) To what extent is the Defense Advanced Research Projects Agency an appropriate model for an energy research agency, given that the Federal Government would not be the primary customer for its technology and where cost is an important concern?

(4) How would research and development sponsored by ARPA–E differ from research and development conducted by the National Laboratories or sponsored by the Department through the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, the Office of Electricity Delivery and Energy Reliability, and the Office of Nuclear Energy?

(5) Should industry or National Laboratories be recipients of ARPA–E grants? What institutional or organizational arrangements would be required to ensure that ARPA–E sponsors transformational, rather than incremental, research and development?

SEC. 14. COAL METHANATION.

(a) PROGRAM.—The Secretary shall establish a program of research, development, demonstration, and commercial application of coal gasification facilities that convert coal into pipeline quality gaseous fuels for direct use or subsequent chemical or physical conversion.

(b) PROCEDURES.—The program established under subsection (a) shall be carried out using procedures described in title XVII of the Energy Policy Act of 2005.

SEC. 15. ALTERNATIVE BIOBASED FUELS AND ULTRA LOW SULFUR DIESEL.

(a) ALTERNATIVE FUEL AND ULSD INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.—The Secretary, in consultation with the National Institute of Standards and Technology, shall carry out a program of research, development, demonstration, and commercial application of materials to be added to alternative biobased fuels and Ultra Low Sulfur Diesel fuels to make them more compatible with existing infrastructure used to store and deliver petroleum-based fuels to the point of final sale. The program shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties related to low temperatures;

(F) oxidative and thermal instability in long-term storage and use;

(G) increased volatile emissions;

(H) microbial contamination;

(I) problems associated with electrical conductivity; and

(J) increased nitrogen oxide emissions;

(2) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications; and

(3) other problems as identified by the Secretary in consultation with the National Institute of Standards and Technology.

(b) SULFUR TESTING FOR DIESEL FUELS.—

(1) PROGRAM.—The Secretary, in consultation with the National Institute of Standards and Technology, shall carry out a research, development, and demonstration program on portable, low-cost, and accurate methods and technologies for testing of sulfur content in fuel, including Ultra Low Sulfur Diesel and Low Sulfur Diesel.

(2) SCHEDULE OF DEMONSTRATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin demonstrations of technologies under paragraph (1).

(c) STANDARD REFERENCE MATERIALS AND DATA BASE DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the National Institute of Standards and Technology shall develop a physical properties data base and standard reference materials for alternative fuels. Such data base and standard reference materials shall be maintained and updated as appropriate as additional alternative fuels become available.

SEC. 16. BIOENERGY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (c)(1), by inserting ''$25,000,000 for section 932(d)(1)(B)(v)'' after ''section 932(d)'';

(2) in subsection (c)(2), by inserting ''$25,000,000 for section 932(d)(1)(B)(v)'' after ''section 932(d)''; and

(3) in subsection (c)(3), by inserting ''$25,000,000 for section 932(d)(1)(B)(v)'' after ''section 932(d)''.

(b) BIOENERGY PROGRAM.—Section 932(d)(1)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)(1)(B)) is amended—

(1) by striking ''and'' at the end of clause (iii); and

(2) by adding after clause (iv) the following new clause:

''(v) biodegradable natural plastics from biomass; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. 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. 6203, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

I rise today in strong support of H.R. 6203, the Alternative Energy and Research Development Act.

As its title suggests, this bill is designed to advance development of a number of alternative energy technologies by establishing policy goals and focusing research on key technical challenges.

Building on the excellent R&D provisions the Science Committee included in the Energy Policy Act of 2005, or EPACT, H.R. 6203 supports the development of biofuels from cellulose, meaning feedstocks other than corn; biodegradable natural plastics from biomass; technologies for hydrogen storage onboard vehicles; advanced solar technologies that are economical and make solar power cost competitive in a decade; technologies that minimize the cost and environmental impact and maximize the efficiency of harnessing the power of the wind; and advanced battery technologies specifically for plug-in hybrid electric vehicles.

In addition to requiring the DOE to continue carrying out the geothermal energy, hydropower distributor and cogeneration research authorized in EPACT, H.R. 6203 supports research to convert coal into pipeline quality gaseous fuels.

The bill also promotes energy conservation in three important ways. First, it provides incentives for the construction of energy efficient buildings. Today's buildings consume 50 percent of the Nation's supply of natural gas and 70 percent of its electricity, more energy than any other sector of the economy, including industry and transportation.

Second, the bill offers grants to States who deploy solar cells and purchase plug-in hybrid electric vehicles.

Finally, it establishes a cooperative extension program to encourage the use of advanced energy technologies patterned after the successful agricultural extension programs that aided farmers in incorporating advanced technologies and food production.

H.R. 6203 is a modified version of H.R. 5656, which was approved by the Science Committee in July. Like most bills that emerge from the Science Committee, H.R. 6203 represents a compilation of great ideas from a number of members of the committee, including my colleagues from Texas, LAMAR SMITH and MIKE MCCAUL. And I would especially like to thank the ranking member, Mr. GORDON, for his leadership and his additions to the bill. The bill was further perfected in committee by Representatives RALPH HALL, DORIS MATSUI, LYNN WOOLSEY, SHEILA JACKSON-LEE, EDDIE BERNICE JOHNSON, KEN CALVERT, AL GREEN, BRIAN BAIRD, and BRAD MILLER. I want to thank my colleagues on the committee for their contributions. H.R. 6203 is the product of a truly bipartisan effort.

Mr. Speaker, high natural gas prices and the summer spike in gasoline prices serve as a stark reminder that the path to energy independence is a long and arduous one.

□ 1945

To make significant progress down this path requires a steadfast commitment from Congress and the Federal Government to support the development of advanced energy technologies and alternative fuels that will help end our addiction to oil and gasoline.

The bill we are considering today would do just that in a fiscally responsible way. In some cases, it gives new direction to research funding authorized in EPACT. In others, the House already has appropriated funds for the programs.

I urge my colleagues to support H.R. 6203.

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

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

Mr. Speaker, I rise in support of H.R. 6203. This bill is very similar to Mrs. BIGGERT's H.R. 5656 which the Science Committee passed favorably in June. We support the changes that were made and believe they express some of the concerns our Members had with H.R. 5656.

The original bill contained a number of important provisions from Democratic Members, and I want to thank Chairwoman BIGGERT for working with us to include them in this most recent version. I am especially pleased to see my bill, H.R. 5658, included as section 15 of this bill.

If our country is serious about reducing our dependency on foreign oil, we need to get serious about mobilizing the infrastructure necessary to distribute and dispense the next generation of fuels.

The bill instructs the Department of Energy and the National Institute of Standards and Technology to research fuel additives and other technologies that would make biodiesel fuels more compatible with the country's petroleum-based infrastructure.

My bill, contained in section 15, also addresses potential challenges as fuel suppliers transition to ultra-low sulfur diesel, a fuel significantly cleaner than traditional diesel.

This section instructs the Department of Energy and NIST to develop portable, low-cost, and accurate methods suppliers can use to test sulfur content in fuels. It should be noted that in

no way is this meant to interfere with the authority or activities of the EPA to continue the successful transition to ultra-low sulfur diesel or other fuels programs. It is intended to assist companies that are complying with EPA's programs, and I encourage DOE and NIST to coordinate these activities with EPA.

While I support Mrs. BIGGERT's bill, I personally believe the committee should be sending a stronger message regarding the future of high-risk, high-payoff energy R&D.

Specifically, we should move towards the establishment of an Advanced Research Projects Agency for Energy, or ARPA–E, as directed in my bill, H.R. 4435.

There is a need for an organization capable of finding and promoting research breakthroughs and converting those findings into potentially transformational energy technologies that will make this country more energy self-sufficient.

Mr. Speaker, all in all, I believe this is a good bill with some strong energy research programs. I urge its adoption.

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

Mrs. BIGGERT. Mr. Speaker, I recognize a valuable member of the Science Committee, the gentleman from Texas (Mr. SMITH) for 3 minutes.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the gentlewoman from Illinois, who is the chairman of the Science Committee's Subcommittee on Energy for yielding to me; and I want to express my appreciation to Mrs. BIGGERT for assembling this legislation, which will contribute mightily to our energy independence.

H.R. 6203, the Alternative Energy Research and Development Act, incorporates two pieces of legislation that I introduced: the Plug-in Hybrid Electric Vehicle Act of 2006 and the Solar Utilization Now, or SUN Act, of 2006. They will reduce our Nation's dependence on foreign sources of oil by promoting plug-in hybrid vehicles and the use of solar power.

The Plug-in Hybrid Electric Vehicle Act establishes a partnership between public and private entities and requires the Secretary of Energy to carry out a program of research and development for plug-in hybrid electric vehicles and electric drive transportation technology. The goal is to develop a plug-in vehicle that can travel up to 40 miles on battery power alone.

The bill also establishes a pilot program of grants to State and local governments and metropolitan transportation authorities.

Congress has a responsibility to help promote this new technology.

I introduced the SUN Act of 2006 because the answer to much of our energy needs in fact comes up every morning. The goal of this legislation is to make electricity from solar power cost-competitive by 2015. The SUN Act encourages State governments and private industry to team up to apply for Federal grants. Solar power is clean, plentiful, and it generates zero emissions and zero waste.

The Federal Government needs to ensure that the research and development of alternative energy technologies continues. Americans are concerned about high gas prices, our dependence on foreign oil and global warming. This bill addresses those concerns and is good for our energy security, national security and environmental security.

Mr. Speaker, I want to thank Congresswoman BIGGERT for taking the lead on these issues and for getting this package to the House floor.

Mr. GORDON. Mr. Speaker, we have no other requests for time, and I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I recognize another member of the Science Committee who has worked hard in this area, the gentleman from Texas (Mr. MCCALL), for 2 minutes.

Mr. MCCALL of Texas. Mr. Speaker, I want to first thank Congresswoman BIGGERT for her leadership on this bill. We have worked very hard to get to this point to get this bill on the floor. I was very proud to be a part of it. I thank you again for your leadership. And I thank Congressman KIRK for helping us in this effort and my colleague from Texas, Mr. SMITH, for his hard work.

This alternative energy legislation is crucial for America. But it isn't just an alternative energy issue. It is also very much a national security issue. For some time now, we in the Congress have been pushing towards reducing America's addiction to foreign sources of oil. This is a giant step in the right direction. This bill will provide research and development for energy independence, for clean energy technologies, for plug-in hybrid vehicles, solar power, wind, biofuels, clean coal technologies, and hydrogen.

If passed, this visionary legislation will put us on the track to provide cheaper and more reliable alternatives to fossil fuels and will work to provide a cleaner environment for our children and our grandchildren.

I want to thank our colleagues on the other side of the aisle for their strong support of this legislation as well. It is an important bill for America's energy future.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Tennessee (Mr. WAMP), who is not a member of the Science Committee but has been so helpful as a member of the Policy Committee and of the Appropriations Committee, and I yield 3 minutes.

Mr. WAMP. Mr. Speaker, I thank Mrs. BIGGERT and Mr. GORDON for their leadership.

For 6 years, I have had the privilege of serving as the co-Chair in the House of the Renewable Energy Efficiency Caucus with MARK UDALL of Colorado, which is over half of the House. They have a similar caucus in the Senate. There is widespread bipartisan support for these programs. I think it is so important that we do this.

I want to say that one of the underreported stories of the last 2 years is the impact of last year's energy bill, the final agreement. I didn't support the House bill, but I supported the final bill because the Senate made it so much better, advanced especially the production of ethanol. There are at least 41 new ethanol plants under construction across America today because alternative fuels is what we need to advance.

Leadership cries out for us to do what we need to do for the next generation with respect to energy, regardless of what energy costs today. Some people think if it is $4 a gallon you have to make changes, but if it is $2 a gallon you don't need to. No, we need to. And leadership cries out for us to be aggressive.

And I am a conservative. Sometimes conservatives forget we are supposed to conserve, to save, to be efficient. Plus our dependence on other sources of energy is causing our country to not be independent and to really be vulnerable. So this is a security issue.

I think, frankly, if we don't do things like this we are being penny-wise and pound-foolish. These initiatives are real. They are substantive. This is a great first step.

It is really a second step. I think EPACT was the first step. This is the second step. I would even argue next year we need to do a third step and continue to advance this cause.

We didn't balance the budget for 3 years by cutting spending. We did slow the rate of growth of spending, but we balanced the budget because the economy grew because we led the world in information. EARL BLUMENAUER, from out on your side of this country. The Microsoft explosion was a robust, U.S. manufacturing export-driven economy where revenues surpassed expenses and we balanced the budget.

We can do that again, solving the world's energy problems because we are the smartest people in the world. A dynamic, export-driven economy if we will invest in energy solutions for the world, and you can't just expect it to happen. The government plays a role. We have to lead on this issue.

This is a double negative, but I with close with this: We cannot afford not to do this. That is what the House needs to understand. We cannot afford not to do this. Please support this bill, move it forward, and then let's go further in the 110th Congress.

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

Mr. WAMP. I yield to the gentleman from Tennessee.

Mr. GORDON. Let me just add my voice to my friend and colleague from Tennessee to say he has been a strong, consistent leader in this area, and I want to thank you for that. It has made this Congress better for your efforts.

Mr. WAMP. Reclaiming my time, thank you for your leadership, and thank you, Mrs. BIGGERT.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Illinois (Mr. KIRK). He has been the chairman of the Suburban Caucus, and this bill has been on the Suburban Caucus list for those bills that are important to not only suburban areas but all over the country, and I yield 2 minutes.

Mr. KIRK. Mr. Speaker, I thank my colleague from Illinois who put together this legislation as a leader in Congress. Along with Congressman MCCALL of Texas, you have outlined an alternative energy and renewable fuels future for the country in a bipartisan way, along with the gentleman from Tennessee.

The U.S. imports nearly 5 billion barrels of oil a year. And there has been a recent decline in the price of gas across the United States, but we need oil independence to protect us from a volatile world of oil markets, increasing global pollution, and unstable leaders in Iran and Venezuela. We know that alternative energy and renewable fuels equals national security for the United States.

This legislation will accelerate the development of advanced and clean technologies. It promotes the implementation of solar photovoltaic, wind, geothermal and hydropower. It establishes a research and development program for the conversion of coal into pipeline-quality fuel.

In my State of Illinois, we have a 250-year American supply of coal, one of the largest supplies in the United States; and with the development of clean coal technology we can better utilize a vast resource to help out the energy independence of the United States.

The grants, incentives and programs established in this bipartisan bill have the potential to save American consumers billions of dollars, create thousands of new jobs and dramatically decrease energy consumption and pollution. In achieving the goals set forth in this bipartisan bill, we end our addiction to foreign oil and enhance our national security.

Mr. Speaker, on a day in which we look at the loss of a colleague in this House, in which we see vigorous foreign policy debate, what is being missed without a single reporter in the gallery is bipartisan legislation working on an alternative-energy future for the Nation. It is a story that should not be missed, both parties joining together to make sure that we enhance renewable and alternative fuels and that we make sure that America leads.

Mrs. BIGGERT. Mr. Speaker, I recognize the gentleman from Maryland (Mr. BARTLETT), a long-time member of the Science Committee, for 3 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, there have been in the last couple of years two major government-sponsored studies on energy. One was a big SAIC report, commonly called the Hirsch Report. The other was a more recent report by the Corps of Engineers, and both of them reached essentially the same conclusion.

□ 2000

The world has either peaked in oil production, conventional oil production, or it will shortly peak in oil production with potentially devastating consequences. The Hirsch report said that the world has never faced a problem like this, that mitigation consequences will be unprecedented.

Today I got across my desk a flyer from a group here on the Hill that said that we ought to be cautious about this suspension vote because some new programs were suggested here. I hope, Mr. Speaker, that some new programs are suggested here because the reality is the Hirsch report said if you didn't anticipate the peaking of oil, in 20 years there were going to be economic consequences.

We knew 25 years ago that this was a reality. By 1980, 1981, we absolutely knew that M. King Huppert was right. The United States had peaked in 1970. We are well down that slope now. He predicted the world would be peaking about now.

I hope, Mr. Speaker, that there are a lot of new programs in here because we don't have 10 years. We don't have 20 years. I think we have essentially run out of time. We have run out of energy.

And don't be lulled into complacency by this find of oil in the gulf. Instead of our responding, saying here is some energy and we can invest in alternatives, what we have said is, I don't need to buy that hybrid now; I can now buy an SUV. We have exactly the wrong response to this.

Please, this is a great bill. I hope there are new programs in it. My only complaint with the bill is it doesn't have enough new programs in it.

Thank you very much for a great bill. Everybody should vote ''yes'' on this.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me rise in support of this legislation and ask my colleagues to support it and thank the gentlewoman from Illinois and the gentleman from Tennessee for their leadership and to comment on how the Science Committee provides such a contribution in a bipartisan way of looking at the next generation of alternative fuels.

Representing what has been called the ''energy capital of the world,'' I know the use of fossil fuels, oil, gas, coal. And, frankly, I believe that energy connotes opportunity, new energy alternatives, and our companies are called ''energy companies.'' So this gives us the opportunity in a bipartisan way to take this country forward.

I will drop tonight legislation that deals with cellulose research on ethanol to encourage the production of ethanol in a different manner. And I hope that as we are dependent at this time on oil, gas, and coal that we will also look to the research opportunities that have been created by this legislation and the forward-thinking aspects that this legislation generates. Research, investment in research, generates value for the consumers, efficiency for the consumers, and low cost for the consumers.

And, frankly, all of the dialogue that we have had, whether we are for or against wars that are raging around the world, all of us have discussed the question of dependency on foreign energy resources. This legislation allows us in a thoughtful manner to create a pathway of independence for America.

And I want to thank the gentleman for yielding and thank the gentlewoman and ask my colleagues to support this legislation. And I hope in the Science Committee in the 110th Congress we will be in the forefront of alternative energies because I would be delighted to have those same energy companies in Houston, Texas, of which I know may be listening and certainly not fearful because we are using oil and we are using gas, but in any event to diversify and utilize alternative fuels, and I think we will be the better for it.

I ask my colleagues to support it.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentlewoman and the gentleman for yielding.

I just think there ought to be somebody who stands and says that research like this is going on in the private sector, continually, as it should be. That is where it ought to be. I hope that we can reach more energy independence. But when we look at the situation that we have now with a massive deficit and a huge debt, I think it is too much to ask, particularly given the oil prices where they are and the fact that there are huge profits being made by oil companies who have plenty of room to actually fund a lot of this research on their own, and it is a little too much to ask taxpayers, in my view, to come in. And I have heard the price tag to be somewhere around $400 million. That would seem to me to be a bit steep.

So I for one do not support the legislation. I know that it has overwhelming broad bipartisan support, and I am not hopeful that my views will prevail. But I just want to add that I think that this, for the taxpayers at this time, is not a wise move.

Mrs. BIGGERT. Mr. Speaker, I yield 1 minute to Mr. BARTLETT from Maryland.

Mr. BARTLETT of Maryland. Mr. Speaker, we have 2 percent of the nonreserves of oil. We use 25 percent of the world's oil. We import almost two-thirds of what we use. Ten years from now when we look back, our regret is going to be that there wasn't ten times as much money in this bill for these programs.

This is desperately needed. The market is neither omniscient nor omnipotent. It will not solve this problem. If this government does not solve it, it won't be solved because the private sector cannot do it. We need real leadership in this area, and that is a major responsibility of government.

And again I say mark it down. Ten years from now you will look back and say why wasn't there ten times as much money in that bill because we really needed it?

This falls far short of what we ought to be doing, but at least it is something. Please vote for it.

Mrs. BIGGERT. Before I close, Mr. Speaker, I would like to insert in the RECORD an exchange of letters between the Committees on Science and Education and the Workforce.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, 2181 RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, September 29, 2006.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, 2320 Rayburn HOB, Washington, DC.

DEAR CHAIRMAN BOEHLERT: I am writing to confirm our mutual understanding with respect to consideration of H.R. 6203, to provide for Federal energy research, development, demonstration, and commercial application, activities, and for other purposes. Education provisions in Section 12 of the bill as introduced are within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of moving this bill forward promptly, I will not request the referral of H.R. 6203 to the Committee on Education and the Workforce. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogative 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.

Finally, I ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 6203. If you have questions regarding this matter, please do not hesitate to contact me.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 29, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and the Workforce, 2181 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the consideration of H.R. 6203, the Alternative Energy Research and Development Act. I appreciate your waiving your Committee's right to a referral on this bill so that it can move expeditiously to the floor.

I recognize your Committee's jurisdiction over education provisions in Section 12 of the bill and will support any request you may make to have conferees on H.R. 6203 or similar legislation. The exchange of letters between our two committees will be included in the Congressional Record when the bill is considered on the floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

Mr. Speaker, yesterday's headlines announced that the national average price of gasoline dropped another 12 cents in the last week, the seventh straight week that gasoline prices have fallen. That is certainly good news for the American consumer in the U.S., and businesses.

However, we cannot allow ourselves to be lulled into a sense of complacency whenever the price of gasoline drops. We have to face the fact that we cannot meet today's energy needs, much less tomorrow's, with yesterday's energy infrastructure and technology. We must reduce our reliance on expensive natural gas and Mid-Eastern oil and instead encourage the use of clean, efficient alternatives like solar, wind, hydrogen, and biofuels. These advanced energy technologies offer the best hope for diversifying energy supplies. They can improve efficiency. They can promote conservation. And perhaps most importantly, they can bring us ever closer to ending our reliance on Mid-Eastern oil.

I want to thank the staff who worked so hard to bring this bill to the floor today, including Bill Koetzle in the Speaker's office and Michael Ference in the majority whip's office. And I want to thank the staff of the Science Committee for all their hard work on this bill and the many others we have worked on together over the past years. And particularly I want to commend David Goldston for his tireless efforts on behalf of the committee and its chairman. Both he and my good friend, Chairman BOEHLERT, will be missed.

Again, I urge my colleagues to support H.R. 6203.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, but I rise mostly to praise the Members who have contributed to it: Chairman JUDY BIGGERT, and Congressmen LAMAR SMITH and MIKE MCCAUL not only wrote the excellent provisions of this bill, but it's been their persistence that has enabled it to come to the floor today. I also want to recognize my ranking Member, Mr. GORDON, and his colleagues, who have also contributed provisions to this bill.

This bill should be one of the easiest votes we cast this Congress and certainly today. The bill commits our Nation to conducting more research and development on the technologies that will reduce our dependence on foreign oil. That includes biomass, solar, wind, hydrogen, and hybrid vehicle technologies. It's a non-controversial list; indeed, it's a must-do list.

Many of the provisions in the bill originated with the President's Advanced Energy Initiative.

This bill is quite frankly the bare minimum we can do; it establishes the R&D foundation we need to build from. I urge my colleagues to support this valuable measure.

Mr. HONDA. Mr. Speaker, I rise in support of H.R. 6203, which is very similar to a bill we marked up earlier this year in the Science Committee, with some of the more expensive and contentious elements taken out.

I'm pleased that this bill, which enjoys bipartisan support, contains amendments offered by a number of my colleagues in committee, including Mr. BAIRD, Ms. EDDIE BERNICE JOHNSON, Mr. BRAD MILLER, Ranking Member GORDON, Ms. MATSUI, Mr. AL GREEN, Ms. WOOLSEY, Ms. JACKSON-LEE.

The bill addresses research on a wide range of important energy technologies, including advanced biofuels, hydrogen storage, wind energy, plug in hybrid vehicles, energy efficient buildings, and alternative biobased fuels and ultra low sulfur diesel.

The bill also establishes programs for energy technology transfer and green energy education, and calls for a study of an advanced Research Projects Agency for Energy.

I'm particularly pleased that the bill includes research on advanced solar photovoltaic technologies and a photovoltaic demonstration program. In August, Chairwoman BIGGERT and I held a field hearing in my district that focused on photovoltaics.

At the hearing, the witnesses, and let me just note there were 2 Nobel Prize winners on the panel, described how the relatively high cost current supply constraints associated with currently available solar technologies are limiting adoption. But they also outlined several research directions that will help reduce costs and ease manufacturing, which will expand availability.

So I'm glad that this bill will help move that research along and establish a demonstration program to speed adoption, with the goal of making electricity generated by solar photovoltaic power cost-competitive by 2015.

I have some concerns about the ramifications of the coal methanation section in the area of greenhouse gas emissions. While I want to reduce America's dependence on foreign oil as much as anyone, in doing so we need to be mindful of the harmful effects of global climate change.

Converting coal to liquid or gaseous fuels results in much greater carbon dioxide emissions than for conventional crude oil derived hydrocarbon fuels. I hope that any plants built using such an approach will incorporate carbon capture and storage, in order to keep those gases out of our atmosphere.

The rapid development of alternative energy sources is essential to our nation's security, and while I wish we could do more, I'm happy to support the efforts included in H.R. 6203 and ask my colleagues to vote for it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 6203.

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

Mrs. BIGGERT. 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 Senate 3661.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1028) supporting the goals and ideals of Red Ribbon Week.

The Clerk read as follows:

H. Res. 1028

Whereas the purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ''Kiki'' Camarena, a Drug Enforcement Administration Special Agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families and children;

Whereas although public awareness of illicit drug abuse is increasing, the silent abuse of prescription medication, with over 6,000,000 such abusers, has gone almost unnoticed and demands attention; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages the people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New York (Mr. TOWNS) 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 in 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 Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1028, a resolution supporting the goals and ideals of Red Ribbon Week and to commemorate the life and service of DEA Special Agent Enrique ''Kiki'' Camarena, who died in the line of duty in 1985 while engaged in a battle against illicit drugs.

As my colleagues are aware, Red Ribbon Week, which will take place during the week of October 23 this year, encourages children and teens to choose a drug-free life. The resolution before us today encourages all people of the United States to promote drug-free communities and to participate in drug-free prevention activities in support of healthy, productive, drug-free lifestyles.

We know that ultimately education is the answer to preventing drugs among our children. What Red Ribbon Week does is nationally recognize the importance of keeping our youths off drugs, and I am particularly pleased that we are also commemorating Special Agent Enrique ''Kiki'' Camarena with this resolution. The agents of the Drug Enforcement Agent serve the public to make our communities a safer place to live and work. Our gratitude to them for doing their part in our communities and to keep them drug free should certainly be recognized.

Mr. Speaker, I think this is a great resolution, and I would like to commend my good friend from Indiana, Mr. SOUDER, for sponsoring this legislation and for his leadership on this issue. I would also like to commend my colleague on the Energy and Commerce Committee, Mr. TERRY from Nebraska, for serving as an original cosponsor of the legislation.

I urge my colleagues to support this important resolution.

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

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

I rise in support of H. Res. 1028, a resolution that recognizes and supports the concept of Red Ribbon Week.

The Red Ribbon campaign began in 1985 after drug traffickers in Mexico City murdered Kiki Camarena, a United States Drug Enforcement agent.

Red Ribbon Week is sponsored by the National Family Partnership. Each year more than 80 million people show their commitment to a healthy, drug-free life by wearing a red ribbon. During the last 8 days of October, those who wear the red ribbon are saying that we will not tolerate the use or sale of illicit drugs in our Nation.

Substance abuse, and the sale of illegal drugs, is a serious problem in this country. That is why it is so important that as we approach the month of October that we remember Kiki Camarena by wearing a red ribbon. Preventing substance abuse and the associated violence that took Kiki's life is of great concern to me. Let us celebrate the life and work of Kiki Camarena by passing H. Res. 1028.

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 Indiana (Mr. SOUDER), who is the sponsor of this resolution.

Mr. SOUDER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, Red Ribbon Week is a national week celebrated at the end of October that honors the sacrifice made by DEA Special Agent Enrique ''Kiki'' Camarena. It brings together local communities all over America for anti-drug abuse education and other prevention efforts.

I would like to thank all the Members who cosponsored this resolution, as well as Speaker HASTERT, Chairman JOE BARTON of the Energy and Commerce Committee, and Chairman NATHAN DEAL of the Health Subcommittee, for their assistance in bringing this resolution to the floor this evening. I would also like to thank Congressman ELIJAH CUMMINGS, the ranking Democrat on our Drug Policy Subcommittee; and Congressman LEE TERRY of Nebraska for their consistent efforts in the anti-narcotics arena.

As you have already heard, 21 years ago in March, 1985, Special Agent Enrique Camarena of the DEA was kidnapped, tortured, and murdered by drug dealers in Mexico.

□ 2015

Red Ribbon Week began as a local commemorative effort in Special Agent Camerena's hometown of Calexico, California, when Congressman DUNCAN HUNTER and Camerena's high school friend, Henry Lozano, created Camarena Clubs to preserve the agent's legacy. The National Family Partnership later formalized Red Ribbon Week as a national campaign, an 8-day event proclaimed by the U.S. Congress and chaired by then President and Mrs. Ronald Reagan.

Red Ribbon Week is dedicated to helping preserve Agent Camarena's memory and further the cause for which he gave his life, the fight against violence of drug crime and the misery of addition. By gathering together in special events and wearing a red ribbon during the last week in October, Americans from all walks of life demonstrate their opposition to illegal narcotics. Such events include organizing drug prevention events in schools, distributing educational materials to young people about the dangers of drug abuse, and other activities designed to promote healthy choices. Approximately 80 million people participate in Red Ribbon events every year.

Red Ribbon Week is also a tribute to the men and women of the Drug Enforcement Administration who daily leave their families to stand on the front lines of this Nation's counter drug efforts. Those efforts extend to Afghanistan, where DEA Special Agents operate in an increasingly hazardous environment to aid the fledgling and almost overwhelmingly anti-drug efforts in that country.

It is regrettable that the work of these agents frequently lacks the necessary assistance from the Department of Defense to complete their perilous mission. I call on the Department of Defense to increase its level of support so that the memory and sacrifices made by Kiki Camerena and others continue to have meaning and value. Drugs and terror are inexorably linked, and the fight against them should be a seamless, unified campaign, where Government agency assets complement each other so more agents do not die.

Since 1985, we have made substantial progress in the fight against drug abuse, but even today it remains our number one health problem in America, claiming well over 20,000 lives a year. Each day all over America a new person and new people are tempted and fall to narcotics abuse.

We must never slacken our efforts. We will never completely win drug war, because new people are tempted every day. But we can make progress. And when we stay at it in prevention, in treatment, interdiction, eradication and enforcement, we do, in fact, reduce the level of drug abuse in the United States, as has been the last few years.

Mr. Speaker, once again, I thank the House for joining with me in supporting this resolution recognizing the vital work of drug abuse prevention, recognizing the DEA for their leadership, and encouraging all Americans to participate in Red Ribbon Week.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this red ribbon is saying to people across this country, don't get involved with drugs. Young people, stay in school. That is what it is saying, and stay away from drugs.

So every time you see this red ribbon, especially you young people, understand that it is saying, do not get involved in drugs.

Camerena gave his life trying to make this world a better place for us to live. We should never forget that. So we should wear the red ribbon, saying to people everywhere that we will not tolerate the use of drugs in this country, illegal drugs.

Also, let me just conclude by saying that we have an obligation and a responsibility to keep the work of Camerena alive; and we need to do that by demonstrating everywhere that we go that we have this red ribbon on, and that is what it means. The red ribbon says no to drugs. Stay in school, young people.

Mr. TERRY. Mr. Speaker, I rise in strong support of H. Res. 1028 to support the goals and ideals of Red Ribbon Week.

Red Ribbon Week was established 21 years ago to honor the life of Drug Enforcement Administration Special Agent Enrique "Kiki" Camarena, who died in the line of duty while fighting illicit drugs. More than 100 organizations across the United States, including the Nation's Governors and community organizations such as Boys and Girls Clubs of America, have joined in this effort to promote drug-free communities.

As a Representative of the great State of Nebraska, I recognize the importance of such efforts to prevent abuse of dangerous drugs such as methamphetamine. The war against the rising tide of meth in the Mid-West and on the West Coast—and now even in some parts of the East Coast—can only be effectively fought through partnerships with law enforcement, government, social service agencies, communities, schools, parents and children.

The meth problem affects all aspects of our communities and requires comprehensive solutions at all levels of government and in partnership with private charities and volunteer organizations.

We need effective drug prevention and education programs; greater parental involvement and public awareness; and law enforcement and social services coordination in order to rescue our communities from the ruination and devastation of meth.

The recent survey of 500 county law enforcement officials found that meth abuse is still the number 1 drug problem nationwide. Many States, including Nebraska, have enacted laws to control access to Sudafed and other drugs that act as the basis for "cooking" meth. The number of Mom and Pop meth labs dropped by an astounding 70 percent in Nebraska and other states. However, 85 percent of law enforcement officials report the meth problem is still growing due to drug trafficking from "superlabs" in Mexico.

This Congress can best honor the memory of Agent Camarena by continuing a strong battle in the "new front" of the war against drugs: methamphetamine.

I urge my colleagues to join me today in not only supporting our law enforcement officers who risk their lives each day to keep our communities safe, but to join me and other Members of the Congressional Caucus to Fight and Control Methamphetamine by pledging to stop the scourge of meth across our Nation.

Mr. TOWNS. 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 agree to the resolution, H. Res. 1028.

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.

DISTRICT OF COLUMBIA'S 2007 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–136)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446 of The District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2007 Budget Request Act.

The proposed 2007 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2007, the District estimates total revenues and expenditures of $7.61 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 9 o'clock and 30 minutes p.m.

COMMUNICATION FROM THE HON. JOE BACA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BACA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a civil subpoena duces tecum, issued by the Superior Court of Los Angeles, California, which seeks personnel records relating to a former employee.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE BACA,
Congressman, 43rd CD.

CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. KING of New York submitted the following conference report and statement on the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes:

[Conference report will appear in Book II of the CONGRESSIONAL RECORD of September 29, 2006]

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the chairman of the Committee on Rules or his designee, without intervention of any point of order, to call up House Resolution 1064; that the resolution be considered as read; and that the resolution be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, pursuant to the previous order of the House and as the designee of the chairman of the Committee on Rules, I call up House Resolution 1064 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1064

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, 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. Pursuant to the order of the House, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Florida (Mr. HASTINGS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, I rise in support of this consent agreement providing for the consideration of a conference report for the Security and Accountability for Every Port Act. This port security bill, which has been agreed to now by the conference committee, came as a result of House action that was made on May 4 that passed this House 421–2.

Mr. Speaker, I want you to know that there are four major provisions within this SAFE Act: number one, enhancing security at U.S. ports; number two, preventing threats from reaching the United States of America; number three, tracking and protecting containers en route to the United States; and, number four, establishing the Domestic Nuclear Detection Office.

Mr. Speaker, we have spent a lot of time in this House of Representatives speaking about and working with our counterparts in the United States Senate as well as the administration on better ways that we can enhance port security. This conference report which we bring tonight, the last night before we go to recess, is an important victory for the American people. It stands to continue the safeguard position that this great Nation expects not only of its government but expects from the House of Representatives. I am proud that we are able to bring this bill forward tonight.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as has already been pointed out, today, at least tonight, we consider the conference report for the major security legislation for this year. I voted for this bill in May, and I likely will vote for this conference report.

I point out, however, that this bill could have and should have been much better. If the majority really cared about safety and security and if they cared more than they do about naked partisanship and political advantage, this would be a bill that we could all be proud to pass.

For example, Mr. Speaker, when the bill was considered this spring and again now, we were prohibited from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every shipping container be scanned and sealed before being loaded onto a ship destined for the United States. The scary fact remains that less than 5 percent of all containers coming into the United States through our ports are scanned.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I took considerable umbrage with the majority's not allowing this amendment to be considered. I take issue with your conscious decision to block the House from considering proposals which would have, without a doubt, made my constituents and the American people safer.

Moreover, the rule this past spring prohibited the ranking Democratic member of the Homeland Security Committee, an expert in this field, BENNIE THOMPSON, from making constructive changes to the bill. Ranking Member THOMPSON's changes address the fact that we cannot continue asking Customs officials to do more with less. His amendment authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at seaports.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports. Port Everglades in Fort Lauderdale, Port of Palm Beach in Riviera Beach, and the Port of Miami, each within or just minutes from the district I am privileged to represent, have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best practices recognition.

So when I come to the floor today and consider the underlying legislation, I have to ask does this legislation get our ports to where they need to be regarding security. The answer is it gets us closer, but we can and must do better.

Mr. Speaker, we had an opportunity in May to do something about a real problem which we all know exists at America's seaports. We will accomplish some with the passage of this bill, but we must return to this topic when the new Congress convenes next January after a new direction. We can do better and we will do better for the American people. When we come next year, Democrats will give our Customs and Border Patrol officers the necessary tools and directives to do everything that they can possibly do to stop attacks from happening here in the United States. Until this time we have this bill, which is a first step, and that is all it is, a first step.

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

Mr. SESSIONS. Mr. Speaker, my colleague from Florida has pointed up not only the hard work that we have been doing on this bill, bipartisan work for a number of years, but also really about the effort or the direction, the direction that we are aiming at. And, in fact, under this SAFE Port Act of 2006, we are setting a timeline by which 100 percent of all containers will be scanned for radiation, by requiring the Department of Homeland Security to set the timeline for deploying these radiation detectors.

Mr. Speaker, we are also making sure that we are adding the number of people to the Customs and Border Patrol who will conduct these validations. We are going to make sure that we continue to add, as necessary, the numbers of people pointed at the right direction.

The gentleman from Florida is correct: we are not exactly where we want to be. But for us to think that 100 percent of everything can just be done overnight is not the reality of where the threat is at this country. I believe this President, I believe this administration, I believe this Congress have been aware of the frailties of our systems. We are trying to match our dollars, the resolve of this great Nation, with the ability on all of our borders to be able to make sure that we are looking at the threats of the 21st century that come to us as a result of terrorist organizations. We want to make sure that by doing this bill tonight that we allow and put into motion the opportunity for the Department of Homeland Security to be better prepared to face those threats that come against the United States.

This passed 421–2. It is an indication, it was in May, that we are headed in the right direction. I am confident tonight that the final answer that comes from the negotiation with the Senate can be on the President's desk as early as tomorrow, ready and waiting to protect this country.

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

Mr. HASTINGS of Florida. I heard that the conference was a farce. My colleague from Texas said we are headed in a new direction.

People don't need no new direction. What people need is an absolute destination. And the fact of the matter is

there were people who could have made this bill better and we are shut out of the process the same as we have been all the way down the line.

Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to thank my very dear friend, the outstanding congressman from Florida (Mr. HASTINGS) for yielding me this time.

On Wednesday morning I came to the floor of the House to protest the fact that the Republican leadership was holding up the Department of Defense bill because they wanted to attach a ban on Internet gaming. It was more important to the Republican leadership to keep people from playing poker on their computers in their homes than passing a defense bill that would help protect our troops serving this Nation in Iraq, Afghanistan, and the rest of the world. So the last bill that we pass before we adjourn on the vital and important issue of port security contains the ban on Internet gaming.

What does a ban on Internet gaming have to do with port security? Absolutely nothing.

This section was added to the bill in an attempt to fire up the far-right anti-gaming element of the Republican Party in time for this year's election. They could not sneak it into the defense bill, so they put it into the port security bill.

What does banning Internet gaming have to do with port security? I cannot think of a single thing.

To ensure that this provision stayed in, they actually prevented the conferees from meeting and offering amendments. That is taking partisanship to a new low even in this Congress where partisanship is the rule rather than the exception.

If we must resign ourselves to adding extraneous provisions to conference reports, why don't we add something meaningful that could actually help people? How about stopping the cut in Medicare physicians' reimbursement so that the doctors can continue to treat older Americans? How about something like that that can do millions of Americans some good? But that wouldn't please the far-right ultraconservative anti-gaming types in the Republican Party as much as preventing individuals from wagering on the Internet in the comfort of their own homes.

Mr. Speaker, I will vote for this bill because it addresses important national security issues. But I hope that the American people, those that are listening to us debate tonight, are aware of the partisan games that are being played with this bill by the Republican leadership in this Congress.

I support all of the strenuous objections you have, Mr. HASTINGS, to this piece of legislation that is important, could have been good, should have been better, and isn't.

Mr. SESSIONS. Mr. Speaker, I came down to speak about the bill, the SAFE Port Act of 2006, and to move this bill forward.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

I will be asking Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that instructs the enrolling Clerk to modify the conference report and add important provisions from the Senate version of this bill. These provisions are virtually identical to those in the motion to instruct that the House overwhelmingly adopted just 24 hours ago by a vote of 281–140.

□ 2145

Any Member who supported that motion last night should support my amendment today.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, when the House passed this bill in May, it passed by a wide bipartisan margin and focused exclusively on port security issues. When the Senate took up this bill, however, it broadened the scope of this legislation to address the gaping security holes in our country's rail, subway, bus and trucking system.

Secretary Chertoff and the House Republicans called these new sections ''goulash.'' I think they are good policy, and I think they should be part of the bill we send to the President today. If we can stick unrelated gambling legislation into this conference report, Mr. Speaker, why cannot we include legislation that will improve our mass transit and rail security?

Mr. Speaker, the 9/11 Commission noted in its final report that our surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive. We all know that Congress has not done enough to address this problem. So let's take this final opportunity to make some progress by including the Senate language.

Mr. Speaker, I want to stress that a ''no'' vote on the previous question will not stop consideration of the port security conference report, but a ''no'' vote will allow the House to include in the conference report the critical Senate provisions that were contained in yesterday's motion to instruct that passed this House by a bipartisan and overwhelming vote.

Again, vote ''no'' on the previous question.

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

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Florida, my friend, who has engaged this entire year in attempting to work with us the best as possible, despite some objections, on getting these bills to the floor.

The Rules Committee does have a job to do. That is our job tonight. Our job is to make sure that this rule is brought forward. I am asking all Members to vote ''aye'' on the previous question, to vote ''aye'' and then to get this bill on the floor with an overwhelming bipartisan vote, 421–2 the last time we voted on this bill.

It is the right thing. It makes sure that we provide the tools that are necessary to the President of the United States effective immediately. I think we are going to get it done, Mr. Speaker. I am very proud of the work that is happening in the U.S. House of Representatives.

I am proud to know that tonight we will be through, we will be home, we will be with our families, but we should not leave until we get our work done, and that we are doing.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the rule on H.R. 4954, the Security and Accountability for Every Port Act of 2006.

This rule is furtherance of a process that can be summed up in two words—a joke.

After weeks of negotiations, Republicans refused to share the final conference report on legislation that was supposed to be bipartisan.

Indeed, this is legislation that builds on what my colleague LORETTA SANCHEZ did last Congress and that JANE HARMAN took up this Congress.

Last night at 7:30, a conference report meeting was called and it was missing the key ingredient—a conference report.

After opening statements, Chairman PETER KING closed the meeting, telling us it was his intention ''that amendments would be offered.''

And, at 11:30 last night, we finally received the report with a very clear P.S. from Mr. KING—there would be no amendments offered.

His actions contradicted the will of this House, which voted yesterday 281–140 to instruct conferees to consider specific issues that the amendments to be offered would have covered.

Now, the Committee on Homeland Security has been a bipartisan committee to date. These questionable processes undermine our homeland security efforts—all in the name of politics.

I know the elections are important to my colleagues across the aisle but they should not take precedent over America's homeland security efforts.

Adding even more insult to the process, the Republicans have attached internet gambling to the port security bill.

Now, Mr. Speaker, I ask someone to explain to me how prohibiting internet gambling is more important to our homeland security than making our trains, subways, and buses safe?

You will hear excuses about why we can't do mass transit and rail security and that we will ''take it up soon.''

When?

Madrid happened in 2004. London happened in 2005. Mumbai happened only a few months ago.

Are we waiting for New York City's Long Island Railroad to be attacked to pass sensible security for trains?

If so, at least we'll have comfort in knowing that Americans can't bet on the Superbowl online.

Now, I have signed on to the conference report because there are good things, but they aren't enough.

Frankly, this body can and should do better. We need to put America's security first and foremost before politics.

I urge all Members to oppose the rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR RULE ON CONFERENCE REPORT FOR H.R. 4954—''SAFE'' PORT ACT

Strike all after the resolved clause and insert:

''That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4954) To improve maritime and cargo security through enhanced layered defenses, 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.

Sec. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution

(1) which has no preamble;

(2) the title of which is as follows: ''Providing for Corrections to the Enrollment of the Conference Report on the bill H.R. 4954''; and

(3) the text of which is as follows:

''That, in the enrollment of the bill H.R. 4954 entitled'' An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes', the Clerk of the House of Representatives is hereby authorized and directed to make the following corrections:

''(1) Insert title V of the Senate amendment to the bill (relating to the Rail Security Act of 2006).

''(2) Insert title VII of the Senate amendment to the bill (relating to mass transit security).

''(3) Insert title IX of the Senate amendment to the bill (relating to improved motor carrier, bus, and hazardous material security).

''(4) Insert the following sections of title XI of the Senate amendment to the bill:

''(A) Section 1101 (relating to certain TSA personnel limitations not to apply).

''(B) Section 1102 (relating to the Rural Policing Institute).

''(C) Section 1103 (relating to evacuation in emergencies).

___

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. Mr. 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.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 1064 will be followed by 5-minute votes on adopting House Resolution 1064, if ordered; and suspending the rules and passing S. 3661.

The vote was taken by electronic device, and there were—yeas 220, nays 189, not voting 23, as follows:

[Roll No. 512]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
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
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
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
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
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
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
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper

Costa	Kildee	Rahall
Costello	Kilpatrick (MI)	Rangel
Cramer	Kind	Reyes
Crowley	Kucinich	Ross
Cuellar	Langevin	Rothman
Cummings	Lantos	Roybal-Allard
Davis (AL)	Larsen (WA)	Ruppersberger
Davis (CA)	Larson (CT)	Rush
Davis (FL)	Lee	Ryan (OH)
Davis (IL)	Levin	Salazar
Davis (TN)	Lipinski	Sánchez, Linda T.
DeFazio	Lofgren, Zoe	Sanchez, Loretta
DeGette	Lowey	Sanders
Delahunt	Lynch	Schakowsky
DeLauro	Maloney	Schiff
Dingell	Markey	Schwartz (PA)
Doggett	Matheson	Scott (GA)
Doyle	Matsui	Scott (VA)
Edwards	McCarthy	Serrano
Emanuel	McCollum (MN)	Shays
Engel	McDermott	Sherman
Eshoo	McGovern	Skelton
Etheridge	McIntyre	Slaughter
Farr	McKinney	Smith (WA)
Fattah	McNulty	Snyder
Filner	Meek (FL)	Solis
Gonzalez	Meeks (NY)	Spratt
Gordon	Melancon	Stupak
Green, Al	Michaud	Tanner
Green, Gene	Millender-McDonald	Tauscher
Grijalva	Miller (NC)	Taylor (MS)
Harman	Miller, George	Thompson (CA)
Hastings (FL)	Mollohan	Thompson (MS)
Herseth	Moore (KS)	Tierney
Higgins	Moore (WI)	Towns
Hinchey	Murtha	Udall (CO)
Hinojosa	Nadler	Udall (NM)
Holden	Napolitano	Van Hollen
Holt	Neal (MA)	Velázquez
Honda	Oberstar	Visclosky
Hooley	Obey	Wasserman Schultz
Hoyer	Olver	Waters
Inslee	Ortiz	Watson
Israel	Owens	Watt
Jackson (IL)	Pallone	Weiner
Jackson-Lee (TX)	Pascrell	Wexler
Jefferson	Pastor	Woolsey
Johnson, E. B.	Payne	Wu
Jones (OH)	Pelosi	Wynn
Kanjorski	Peterson (MN)	
Kaptur	Pomeroy	
Kennedy (RI)	Price (NC)	

NOT VOTING—23

Case	Hyde	Nussle
Castle	Johnson (IL)	Sabo
Dicks	Jones (NC)	Stark
Evans	Lewis (GA)	Strickland
Foley	Marshall	Tancredo
Ford	Meehan	Waxman
Frank (MA)	Moran (VA)	Wilson (SC)
Gutierrez	Ney	

□ 2219

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

Mr. WALSH and Mr. BOOZMAN changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 512, on ordering the Previous Question on H. Res. 1064, waiving points of order against the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—PRIVILEGED RESOLUTION REQUIRING INVESTIGATION OF KNOWLEDGE OF OFFENSES OF REPRESENTATIVE MARK FOLEY

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House and I send to the desk a privileged resolution.

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

The Clerk read the resolution, as follows:

Whereas for more than 150 years, parents from across the country have sent their children to be pages in the U.S. Capitol, the Page School is a national treasure, and the children who attend it and work in the Congress are our special trust;

Whereas, according to press reports, Representative MARK FOLEY (R–FL) reportedly engaged in highly inappropriate and explicit communications with a former underage page;

Whereas these allegations were so severe that Representative FOLEY immediately resigned his seat;

Whereas the page worked for Congressman RODNEY ALEXANDER (R–FL) and, according to press reports, Representative ALEXANDER learned of the e-mails ''10 to 11 months ago''; (AP, September 29, 2006)

Whereas Rep. ALEXANDER has said, ''We also notified the House leadership that there might be a potential problem'', and the Democratic leadership was not informed; (AP, September 29, 2006)

Whereas all Members of Congress have a responsibility to protect their employees, especially young pages who serve this institution;

Whereas these charges demand immediate investigation, including when the e-mails were sent, who knew of the e-mails, whether there was a pattern of inappropriate activity by Mr. FOLEY involving e-mail or other contacts with pages, when the Republican leadership was notified, and what corrective action was taken once officials learned of any improper activity;

Whereas given the serious nature of these charges, the pages, their parents, the public, and our colleagues must be assured that such egregious behavior is not tolerated and will never happen again;

Therefore be it resolved,

That the Chairman and Ranking Member of the Committee on Standards of Official Conduct are directed to immediately appoint a Subcommittee, pursuant to Rule 19 of the Rules of the Committee, to fully and expeditiously determine the facts connected with Representative FOLEY's conduct and the response thereto; and

That the Chairman and Ranking Minority Member of the Committee on Standards are further directed to make a preliminary report within 10 days.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO REFER THE RESOLUTION

Mr. BOEHNER. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. BOEHNER moves that the resolution be referred to the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. The majority leader is recognized under the hour rule.

Mr. BOEHNER. Mr. Speaker and my colleagues, I think all of us realize this is a very serious matter. We have not seen this resolution nor known of its contents until this moment; and, given the seriousness of the matter, I would ask that the House refer this issue to the Committee on Ethics immediately.

Again, this is a very serious matter, and I think we all realize it is a serious matter, but I would ask we do this under the rules of the House. Referring this to the Ethics Committee is the appropriate place to do it.

Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 513]

AYES—410

Abercrombie	Cannon	Engel
Ackerman	Cantor	English (PA)
Aderholt	Capito	Eshoo
Akin	Capps	Etheridge
Alexander	Capuano	Everett
Allen	Cardin	Farr
Andrews	Cardoza	Fattah
Baca	Carnahan	Feeney
Bachus	Carson	Ferguson
Baird	Carter	Filner
Baker	Chabot	Fitzpatrick (PA)
Baldwin	Chandler	Flake
Barrett (SC)	Chocola	Forbes
Barrow	Clay	Fortenberry
Bartlett (MD)	Cleaver	Fossella
Barton (TX)	Clyburn	Foxx
Bass	Coble	Franks (AZ)
Bean	Cole (OK)	Frelinghuysen
Beauprez	Conaway	Gallegly
Becerra	Conyers	Garrett (NJ)
Berkley	Cooper	Gerlach
Berman	Costa	Gibbons
Berry	Costello	Gilchrest
Biggert	Cramer	Gillmor
Bilbray	Crenshaw	Gingrey
Bilirakis	Crowley	Gohmert
Bishop (GA)	Cubin	Gonzalez
Bishop (NY)	Cuellar	Goode
Bishop (UT)	Culberson	Goodlatte
Blackburn	Cummings	Gordon
Blumenauer	Davis (AL)	Granger
Blunt	Davis (CA)	Graves
Boehlert	Davis (FL)	Green (WI)
Boehner	Davis (IL)	Green, Al
Bonilla	Davis (KY)	Green, Gene
Bonner	Davis (TN)	Grijalva
Bono	Davis, Jo Ann	Gutknecht
Boozman	Davis, Tom	Hall
Boren	Deal (GA)	Harman
Boswell	DeFazio	Harris
Boucher	DeGette	Hart
Boustany	Delahunt	Hastings (FL)
Boyd	DeLauro	Hastings (WA)
Bradley (NH)	Dent	Hayes
Brady (PA)	Diaz-Balart, L.	Hayworth
Brady (TX)	Diaz-Balart, M.	Hefley
Brown (OH)	Dicks	Hensarling
Brown (SC)	Dingell	Herger
Brown, Corrine	Doggett	Herseth
Brown-Waite, Ginny	Doolittle	Higgins
Burgess	Doyle	Hinchey
Burton (IN)	Drake	Hinojosa
Butterfield	Dreier	Hobson
Buyer	Duncan	Hoekstra
Calvert	Edwards	Holden
Camp (MI)	Ehlers	Holt
Campbell (CA)	Emanuel	Honda
	Emerson	Hooley

Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
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 (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
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
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
Stearns
Stupak
Sullivan
Sweeney
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)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (CA)
Lewis (GA)
Meehan
Moran (VA)
Ney
Nussle
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2240

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 513, on ordering the previous question on the motion to refer the privileged resolution to the Committee on Standards of Official Conduct. Had I been present, I would have voted ''aye.''

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion that the resolution be referred to the Committee on Standards of Official Conduct.

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by a 5-minute vote on the motion to suspend on S. 3661, if arising without intervening business.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 23, as follows:

[Roll No. 514]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, 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
Forbes
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
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
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
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
McKinney
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
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
Stearns
Stupak
Sullivan
Sweeney
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)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
McKinney
Meehan
Myrick
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2257

So the motion to refer 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 for:

Mrs. MYRICK. Mr. Speaker, on rollcall No. 514, I was unable to vote due to unforeseen circumstances. Had I been present, I would have voted "yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 514, on a motion to refer the Privileged Resolution to the Committee on Standards of Official Conduct. Had I been present, I would have voted "yea."

WRIGHT AMENDMENT REFORM ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3661.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the Senate bill, S. 3661, 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 386, nays 22, not voting 24, as follows:

[Roll No. 515]

YEAS—386

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)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
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
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
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
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Serrano
Sessions
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
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
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—22

Bishop (UT)
Cannon
Coble
Conyers
Ehlers
Flake
Franks (AZ)
Gingrey
Green (WI)
Hensarling
Hinchey
Nadler
Obey
Pence
Petri
Scott (GA)
Scott (VA)
Sensenbrenner
Shadegg
Watson
Westmoreland
Wu

NOT VOTING—24

Brown, Corrine
Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
Marshall
McKinney
Meehan
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Waxman
Wilson (SC)

□ 2305

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate 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. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family matter, and subsequently missed a recorded vote on rollcall No. 515, to suspend the rules and pass S. 3661, a bill to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas. Had I been present, I would have voted "yes."

APPOINTMENT OF THE HONORABLE FRANK R. WOLF AND THE HONORABLE TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 13, 2006

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

WASHINGTON, DC,
September 29, 2006.

I hereby appoint the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 13, 2006.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3938

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 3938.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4954, SAFE PORT ACT

Mr. KING of New York. Mr. Speaker, pursuant to House Resolution 1064, I call up the conference report on the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1064, the conference report is considered read.

[For conference report and statement, see proceedings of the House of today.]

The SPEAKER pro tempore. The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of the conference report on H.R. 4954, the SAFE Port Act.

This is a night of a true success in the area of homeland security and port security. This is an issue which the country was focused on earlier this year with the whole Dubai Ports issue. It is an issue which the Homeland Security Committee addressed head on. We passed the bill out of committee. It passed the full House floor by a vote of 421–2; and now we are here tonight, Mr. Speaker, for final passage.

Let me at the outset commend the ranking member of the committee, Mr. THOMPSON of Mississippi, for the tremendous cooperation that he gave throughout the committee process on this bill; Subcommittee Chairman LUNGREN on our side for his work, the leadership he demonstrated; and also Ms. SANCHEZ and Ms. HARMAN. This was definitely and truly a bipartisan effort, and we are here tonight because both parties came together, we worked together, we realized the importance of this. We realized that homeland security should not be a partisan issue.

Mr. Speaker, I do not intend to go on at great length, but I will give just some of the highlights of the bill. It provides $400 million a year in dedicated port security grant programs, three pilot programs for 100 percent screening for nuclear and radiological material. It enhances the Container Security Initiative, CSI. It codifies and strengthens CTPAT. It also establishes the Domestic Nuclear Detection Office. It also sets deadlines for TWIC.

Mr. Speaker, this is legislation which encompasses so much of the issues that we have to address with port security. It is legislation whose time has come. It is legislation which makes our country safer or makes our ports more secure. It will enable the commerce of the country to go forward. And it is a bill which distinctly addresses the concerns raised by the American people.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again we are here on the floor debating another security bill that will not fully secure America. This bill does a lot to strengthen port security, but it leaves a number of glaring gaps.

I want to thank Ms. SANCHEZ and Ms. HARMAN. They are the chief architects of the best ideas in this bill. They have been true champions on port security since the early days of this committee. I want to thank Mr. LUNGREN and Mr. KING for working with us on this bill on a bipartisan basis, although I was very disappointed that this process broke down in the last few days.

Additionally, Homeland Security staff on both sides of the aisle made sure the process was an inclusive one. We heard positive insight from industry, first responders, port security experts. I appreciate all of them for their help.

But despite all our efforts, at the end of the day this measure falls short. Once again House Republicans have turned their back on everyday working folks who rely on buses and trains to get to work. When offered an opportunity by the Senate to secure our mass transit and rail security, they chose to do nothing.

Quite frankly, Mr. Speaker, this port bill has become just another act in the play the House Republicans have billed as ''homeland security'' month. They could have offered America a star performance, and instead, Mr. Speaker, they delivered mediocrity.

Let me serve as a narrator of this story for a few moments:

Act one, protecting ponies. The week before the fifth anniversary of 9/11, the House leadership was more concerned about protecting horses than protecting our ports.

Act two, border security. Thinking good fences make good neighbors, they squandered the little time we had left in this session to revote a fence bill. As the Senate passes the fence bill tonight, Americans should feel safe in their homes. America will have a 700-mile fence across the U.S.-Mexico border.

Well, Mr. Speaker, not really. The appropriations bill we passed today paid for barely half of that fence. I am sure terrorists and others crossing the border are quivering in their boots at this half-baked half fence.

Let us move to act three, FEMA. The Committee on Homeland Security tried to fix FEMA and give first responders the interoperability they needed. Instead of fully funding the reorganization, Republicans chose to do ''FEMA on the cheap,'' leaving our police, firefighters, and EMTs without the ability to talk to one another.

□ 2315

And here we are at this late hour beginning act four, the closing act in this political comedy, port security. H.R. 4954, as passed by the House, was a good bill overall. The Senate improved upon the bill by, among other things, addressing rail and mass transit security. Unfortunately, this sham conference process denied consideration of the Senate ideas as well as Democratic amendments to better protect our Nation. And that, after this body overwhelmingly approved my motion to instruct the conferees to accept the Senate position on rail and mass transit security, the conference Chair denied the will of this body. Why do not the Republicans want to eliminate this critical vulnerability now? We have the time. So why not now?

The American people would much rather see this body work through the night to get homeland security right than go home to run for reelections. Instead of calling this month Homeland Security Month, we should rename it Amateur Hour Month, because that is all we have seen from this Congress.

While I have enormous issues with the process and the scope of this bill, Mr. Speaker, I still intend to vote for it. I make this pledge. In the next Congress, we will absolutely be back here to finish the job and get homeland security right.

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

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that I was listening very carefully to the gentleman's remarks, and I really heard nothing at all critical of the port security bill. We are talking about other bills that maybe should be covered or other items. The fact is, on the issue of port security, this is the port security bill. It did receive wide bipartisan support. And I think, rather than go on extraneous issues and talking and talking about fences, we are talking about port security.

Mr. Speaker, I yield such time as he may consume to the prime sponsor of the port security bill, the gentleman from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for yielding.

Mr. Speaker, I want to thank Chairman KING for his leadership, Ranking Member THOMPSON, the ranking member of my subcommittee, Ms. SANCHEZ, and Congresswoman HARMAN for all of the hard work in passing this important bill to protect our ports.

Mr. Speaker, I must say that I guess I must have gotten very tired tonight, because I think I misheard my good friend, Mr. THOMPSON, in his description of this bill and about some play we are at.

I remember act one, act two, act three being consultation with the other side. I remember working very closely with Members of the other side of the aisle and their staffs. I recall us spending months working this out. I recall early morning meetings with Ms. HARMAN, joining Congresswoman HARMAN to go across the Rotunda to the other side, to try and see if we could begin our journey together, that is, to see that our bill would be close in terms of its tone, in terms of its breadth, in terms of its direction with that of our colleagues on the other side.

I can recall the next act when we brought it to the subcommittee, and I can recall getting a unanimous vote out of the subcommittee. I can recall the next act, which was the full committee. We had a 29–0 vote; and where I come from, that is pretty doggone close to unanimous.

We then had the further act which was acting on the floor of the House, and we got a 421–2 vote. It was totally bipartisan. Even the two who voted against it split one Republican and one Democrat. You cannot get much more bipartisan than that.

We have worked together to preserve the essence or the guts of the bill that we have crafted through our committee structure and which we passed on the floor. I am proud to stand here and say that we have accomplished something that many people thought could not be accomplished.

The Senate began their journey several months before we did in terms of a formed bill. Yet we leapfrogged over them in the work that was done in our subcommittee and committee. And I do believe that the actions of this House nudged, if I might use that term, our colleagues on the other side of the Rotunda such that we are able to bring this bill to the floor for completed action tonight on this side of the Rotunda and the other side of the Rotunda.

Rather than create an act of political statement, we have created an act of law. That is, this will go to the President, and the President will sign this. So I hope that all who are here in this Chamber will think of the spirit of bipartisanship with which we started this journey that will be part of the end of this journey.

Today, we have taken a solid step forward in securing our Nation. I do not think there can be any doubt about that. This is not a half measure. This is a major measure.

The sums of money authorized in here are significant. The grant program is a stream of $400 million a year for 5 years. That is a $2 billion grant program for our ports across this Nation. That is something we have been looking for for some time.

We now authorize it. We authorize other programs that Members on both sides of this aisle have spoken for for a long period of time, all to secure this Nation and particularly to secure our ports.

Our enemies have stated that they want to disrupt our economy, murder our citizens, and destroy our way of life. By passing this bill, we do not make a statement, we actually begin to protect our Nation's ports, safeguard the American people, and increase the confidence in our international trade routes.

The American people expect us to take action to protect our ports, and with this bill we have done precisely that. We have addressed the possibility of our enemies using our open society and free economy against us. We have taken away a potential weapon, one capable of causing major disruption to our economy.

In passing this bill tonight, we are taking rational action to harden our domestic critical infrastructure, ensuring that those who wish to harm us are unable to have access to those critical facilities.

But this bill is more than just protecting our local facilities. Securing international maritime trade is incredibly complex. At any one time there are hundreds of vessels and literally hundreds of thousands of containers crossing the oceans on the way to our ports.

With this bill, we have developed a strategy to implement a system to scan each container before it enters our domestic stream of commerce. We will be able to identify and track containers destined for our shores, using training and technology to identify any that may pose a risk.

We are pushing out our borders beyond our geographical limits to make a rational approach to stopping the opportunity that those who would kill us and maim us and destroy our economy would otherwise have.

We have reached out in this way to our trading partners to include them in this strategy to keep international trade flowing with minimal disruption. This strategy allows us to integrate security into international commerce, allowing us to facilitate trade rather than hinder it, so that we do not allow the terrorists to succeed.

We have given the Department of Homeland Security the tools it needs to protect against the potential of weapons of mass destruction being delivered to our shores. We have created a program for our best minds to develop even more effective and less intrusive scanning technology to make security completely transparent, seamless and even more effective.

Recognizing that technology is only as good as the people who use it, we provided a multitude of grants available to our local port facilities so that they can train their employees in emergency procedure and response. That is something that we very much wanted to emphasize, and I would like to give Congressman REICHERT credit for pursuing that in such a strong way.

The bill also provides for more Customs and border protection agents, which should enable the Department to continue its mission of both building security and facilitating legitimate trade that is critical to the Nation.

We provided for the Coast Guard to create joint port security operational centers in our Nation's major ports to coordinate effective response to any incident that threatens the security of these ports.

Some may wish to focus on what the bill does not do, when we should appreciate it for what it does. It strengthens our port facilities, it enhances the security of the international supply chain, increases the resiliency and confidence in our economy.

By doing all of this, the significant piece of legislation and all of those that worked so hard to bring it to passage, including Chairman KING, Ranking Member THOMPSON, Congresswoman HARMAN, Ranking Member SANCHEZ and our colleagues in the Senate all have joined together to increase the security of our Nation; and I, for one, am proud to have been involved.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank Mr. LUNGREN for the accurate recap of the early parts of the act. But like most early parts of the act, people forget how it ends; and what I am saying to you is, while bipartisanship might be good, the process is incomplete.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN), one of original authors of the bill.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the Ranking Member of the Full Committee for yielding to me so early in this debate.

Mr. Speaker, today, I rise in support of the conference report for the SAFE Port Act. In a month that was supposed to be all about security, this measure is the only one we have considered that will actually make America more secure.

This bill is as good as it is because it was developed through a bipartisan approach. From introduction back in March, through subcommittee and full committee mark-up, to passage by an astonishing vote of 421–2 in May, we worked on this bill together.

Sadly, as our Ranking Member has said, this bipartisanship ended in the conference. The conference agreement, while good, could have been much, much better. But the fact remains that this bill will add value. As we debate tonight, operations are ongoing at the port complex of Los Angeles and Long Beach. This complex, which adjoins my district, is the largest container complex in the Nation.

Nearly 55,000 20-foot containers were processed at this complex today. Right now, thousands of containers are being unloaded from large cargo ships by 4,000 dock workers who work every day under the threat of a terrorist attack. They will be comforted that we are closing big gaps in port security with this legislation.

Because of the SAFE Port Act, most containers will have been screened for nuclear and radiological materials at their port of embarkation, thousands of miles from us, our business and our families.

I am sure we will hear later in this debate that scanning would be better, and I agree. But we could not achieve that in this legislation. The good news is we have three pilot projects.

Because of the SAFE Port Act, a trusted company can partner with the U.S. Government to take additional steps to prevent security breaches.

Because of the SAFE Port Act, workers with access to secure areas will carry identification cards that control their access, verify their identities and background and assure they pose no threat. Right this minute, on hundreds of trucks traveling on southern California highways, containers are about

to make their way through the City of Los Angeles bound for large retailers, 'mom and pop' stores, and wholesalers across the country.

Because of the SAFE Port Act, port officials will have the technology to be sure that radiological materials do not leave our ports and enter the center of our country.

This process will be repeated millions of times every year, and each time we will significantly reduce the chance of a terrorist attack that could make 9/11 look tame.

My thanks to the co-author of this bill, Mr. LUNGREN of California, who was a terrific partner working this bill through to the conference; to the Ranking Member of the Committee, Mr. THOMPSON; of the Subcommittee, Ms. SANCHEZ; and to the Chairman of the Full Committee, Mr. KING. It is also true that our security sisters in the Senate, Senators SUSAN COLLINS and PATTY MURRAY, made a great effort to be sure that the bill would be heard in that body.

Yes, the SAFE Port Act is not perfect; and it passes late at night in a week of disappointments. But it is the real deal. One star in a dark night. Vote ''aye.''

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

□ 2330

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to note that folded into the SAFE Port Act is the Unlawful Internet Gambling Enforcement Act which is one of the most important pieces of family legislation this Congress has ever considered.

Internet gambling restraints have been under review for four Congresses. This evening we are finally poised to act decisively on this subject, and I want to extend my personal appreciation to the Speaker; to the majority leader, Mr. BOEHNER; and to the Senate majority leader, Mr. FRIST, for their steadfast support.

Companion legislation to the House product was forthrightly led in the Senate by JOHN KYL of Arizona. Many Members have played an important part over the years in this legislation, particularly MIKE OXLEY and SPENCER BACHUS from the Financial Services Committee and BOB GOODLATTE and CHRIS CANNON from Judiciary.

But I want to stress this is bipartisan legislation. The majority of Democrats voted for it just a few weeks ago. Indeed, all of us can be proud of this legislation. It should be considered a significant accomplishment of this Congress. After all, with each passing day we learn of friends and neighbors touched by devastating losses from Internet gambling. Never has it been so easy to lose so much so quickly at such a young age.

As a professor of business at the University of Illinois has noted, Internet gambling is crack cocaine for gamblers. There are no needle marks; you just click the mouse and lose your house.

The reason the NCAA, the NFL and the NBA, the NHL, and Major League Baseball support this legislation is their concern for the integrity of the games. The reason the religious community from Baptists and Methodists to Muslims has rallied to this cause is because it is concerned for the unity of the American family.

The reason we should adopt this approach is that we must be mindful of our obligations to the American family.

Mr. Speaker, I urge support for this legislation, and I will submit for the RECORD at this point its legislative history.

LEGISLATIVE HISTORY FOR THE UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT

Section 801. Short title

This Act may be cited as the 'Unlawful Internet Gambling Enforcement Act of 2006.'

Section 802. Prohibition on acceptance of any payment instrument for unlawful Internet gambling

Subsection (a) adds a new 'Subchapter IV—Prohibition on Funding of Unlawful Internet Gambling' to Chapter 53 of Title 31 (Monetary Transactions). The new subchapter will come immediately after subchapter III, covering Money Laundering and Related Financial Crimes.

Section 5361. Congressional findings and purpose

(a) Findings. The Congressional findings note that: (1) Internet gambling is primarily funded through the personal use of payment system instruments, credit cards, and wire transfers; (2) the National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites; (3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry; and (4) new mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions on the Internet, especially where such gambling crosses State or national borders.

(b) Rule of Construction. No provision is to be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting or regulating gambling within the United States. This is intended to alleviate fears that this bill could have the effect of changing the legality of any gambling-related activity in the United States.

Section 5362. Definitions

This defines the term 'bet or wager' as the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance with the agreement that the winner will receive something of value in the event of a certain outcome. This subsection clarifies that 'bet or wager' does not include bona fide business transactions such as securities trading or buying or selling insurance contracts, or participation in a simulation sports game or educational game. ''Something of value'' does not include personal efforts of the participants in playing the game or contest, or points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor.

Defines the term 'unlawful Internet gambling' as placing, receiving, or transmitting a bet or wager by any means which involves the use of the Internet, where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made. Clarifies that purely intrastate transactions conducted in accordance with state laws with appropriate security controls will not be considered unlawful internet gambling. Likewise, transactions solely within Tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful. Section 5362(10)(D) addresses transactions complying with Interstate Horseracing Act (IHA) which will not be considered unlawful, because the IHA only regulates legal transactions that are lawful in each of the states involved. Also clarifies that intermediate routing of data packets does not determine the location in which bets or wagers are made.

The Internet gambling provisions do not change the legality of any gambling-related activity in the United States. For instance, if use of the Internet in connection with dog racing is approved by state regulatory agencies and does not violate any Federal law, then it is allowed under the new section 5362(10)(A) of title 31.

The Internet gambling provisions do not interfere with intrastate laws. New section 5362(10)(B) creates a safe harbor from the term ''unlawful Internet gambling'' for authorized intrastate transactions, if the state law has adequate security measures to prevent participation by minors and persons located out of the state. The safe harbor would leave intact the current interstate gambling prohibitions such as the Wire Act, federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on websites and individuals could not access these games from their homes or businesses. The safe harbor is intended to recognize current law which allows states jurisdiction over wholly intrastate activity, where bets or wagers, or information assisting in bets or wagers, do not cross state lines. This would, for example, allow retail lottery terminals to interact with a processing center within a state, and linking of terminals between separate casinos within a state if authorized by the state.

Tribal gaming laws are similarly preserved. Transactions solely within tribal lands complying with similar security requirements and the Indian Gaming Regulatory Act will not be considered unlawful, under section 5362(10)(C). Moreover, the principle of the Indian Gaming Regulatory Act is that state governments cannot apply discriminatory laws against gaming authorized by tribal governments within the state. If a state authorizes use of the Internet for gambling pursuant to this section and the tribal government also authorizes this, gambling businesses located on tribal lands within that state would be permitted to ''export'' gambling services to persons in the rest of the state, off of tribal lands, if the ''exported'' game complies with state law, pursuant to section 5362(10)(B). This does not give the state jurisdiction over the operation of the tribal gambling business, including licensing requirements, and does not allow the state to dictate tribal gaming laws. Only the game itself—including the method for playing the game—must comply with state law if a person physically located off of tribal lands places a bet that is received by a tribal gambling business. This principle also applies in reverse: if a person on tribal lands plays a gambling game with a state-based gambling

business, the game must not violate tribal law.

Section 5362 also defines the terms 'business of betting or wagering,' 'designated payment system,' 'Internet,' and 'restricted transaction.' Several additional terms are defined by reference to other sections of the U.S. Code.

Section 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

Prohibits persons engaged in the business of betting or wagering from knowingly accepting credit, funds, bank instruments, or proceeds of any other form of financial transaction in connection with the participation of another person in unlawful Internet gambling. This is called a 'restricted transaction' according to the definitions section.

Section 5364. Policies and procedures to identify and prevent restricted transactions

(a) Regulations and (b) Requirements for Policies and Procedures. Requires the Secretary of the Treasury and the Federal Reserve Board, in conjunction with the U.S. Attorney General, to prescribe regulations within nine months requiring any payment system to establish policies and procedures reasonably designed to identify and block restricted transactions, or otherwise prevent restricted transactions from entering its system.

(c) Compliance and (d) Liability. Provides persons operating financial systems with immunity from civil liability for blocking transactions that they reasonably believe are restricted transactions, or in reliance on the regulations promulgated by the Treasury Department and Federal Reserve. Though a financial institution may block additional transactions based on reasonable belief, it has no duty to do so, and may rely solely on the regulations to fully discharge its obligations.

(e) Enforcement. The Federal functional regulators and the Federal Trade Commission are given the exclusive authority to enforce this section.

Section 5365. Civil remedies

Authorizes the U.S. Attorney General and State Attorneys General to pursue civil remedies, including a preliminary injunction or injunction against any person to prevent or restrain a violation of this legislation. It clarifies that the bill does not alter, supersede or otherwise affect the Indian Gaming Regulatory Act; generally limits responsibility of an interactive computer service to the removal or disabling of access to an online site violating this section, upon proper notice; restricts the ability to bring injunctive cases against financial transaction provider activities.

Internet gambling operators primarily use the resources of two types of businesses to conduct their unlawful enterprises: payment systems and interactive computer services. The unlawful use of payment systems is addressed by section 5364, not by injunctions. The legislation addresses the unlawful use of interactive computer services through injunctions, but with appropriate limits to avoid imposing any duty to censor or monitor on these computer services. Section 5365(c)(2) also extends to interactive computer services the same immunity from liability that common carriers are afforded when complying with a notice from law enforcement pursuant to section 1084(d) of title 18 to discontinue service to a gambling business.

Section 5366. Criminal penalties

Authorizes criminal penalties for violating section 5363, including fines or imprisonment for not more than five years or both. Also authorizes permanently enjoining a person convicted under this section from engaging in gambling activities.

Section 5367. Circumventions prohibited

Provides that, notwithstanding the safe harbor provided in section 5362(2), a financial intermediary or interactive computer service or telecommunications service that has actual knowledge and control of bets and wagers, and operates or is controlled by an entity that operates, an unlawful Internet gambling site can be held criminally liable under this subchapter.

Section 803. Internet gambling in or through foreign jurisdictions

Subsection (a) provides that, in deliberations between the U.S. Government and any other country on money laundering, corruption, and crime issues, the U.S. Government should encourage cooperation by foreign governments in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes, advance policies that promote the cooperation by foreign governments in the enforcement of this Act, and encourage the Financial Action Task Force on Money Laundering to study the extent to which Internet gambling operations are being used for money laundering. It also requires the Secretary of the Treasury to submit an annual report to Congress on the deliberations between the United States and other countries on issues relating to Internet gambling.

Subsection (b) requires the Secretary of the Treasury to submit an annual report to Congress on any deliberations between the United States and other countries on tissues relating to Internet Gambling.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for the time and for the very strong statement he made earlier, the very straightforward and candid assessment of the process to which this legislation has been subjected.

While I appreciate the work of the gentleman from New York, chairman of the committee of conference, and also Chair of the Homeland Security Committee, and the gentleman from Mississippi who have done stellar work on this legislation, I am disappointed with the outcome.

There are two issues here. There are substance and process. On the substance, sure, I will vote for the conference report because what is in the bill will improve port security. What is left out is what is troubling and disappointing.

When the bill cleared the House, there was the expectation, as there always is when we pass a part in one bill and have a comparable in the other, that the missing links will be addressed in a conference committee, and in this case, the missing links in security will be addressed in conference. That did not happen.

This bill does not make improvements in rail and transit security, even though the Senate version had good provisions to address transit and intercity passenger rail security. For reasons I do not understand and no one has explained, the House Republican leadership apparently determined late at night last night that it would not attempt to work out rail and transit security in conference.

The committee of conference held a meeting. Conferees elected a chairman and made opening statements, and that was it. The supporters of rail and transit security improvements were never permitted to make proposals or offer amendments to improve rail and transit security. We expected that we were going to be able to do that, but it never happened.

The security needs in rail and transit are huge, $700 million for Amtrak, $6 billion for transit. In the wake of the Madrid, London, and Mumbai bombings, the leadership of the other party should not have passed up an opportunity to protect millions who use intercity rail and transit each day.

There is much more that we could have and should have done. We should not be kicking it over to the next Congress. That is the disappointment. We have an opportunity to make an improvement. You should seize that opportunity and move ahead.

As far as it goes, it is a useful bill. It is not what it should be.

The Committee on Transportation and Infrastructure wrote the original Marine Transportation Security Act of 2002 (MTSA). That landmark legislation significantly improved security at our Nation's ports. The conference report before us fine tunes that original security act and gives added direction to the Administration in how to carry out its multiple port security programs. It also provides a statutory framework for many regulatory initiatives established by the Department of Homeland Security, including the Container Security Initiative and the Customs Trade Partnership Against Terrorism Program (CT–PAT).

Republicans rejected the Nadler-Oberstar amendment offered during House consideration of the bill. That amendment would have required 100 percent of containers to be scanned for nuclear weapons before a container destined for the United States was loaded in a foreign port. I am pleased that the conference report adopts the Senate provision to authorize a pilot program for 100 percent scanning of containers in three foreign ports. I am also encouraged that the conference report requires the Secretary to scan 100 percent of containers entering the 22 largest container ports in the United States. What I don't understand is if we can scan 100 percent of containers when they are offloaded from a ship in a U.S. port, why can't we scan those same containers before they are loaded on that same ship in the foreign port? Why can't we continue to work to "push the borders out"?

While the conference report goes a long way toward strengthening port security, it does not do a thing for rail and transit security and other issues, which were covered in the Senate bill, and should have been included in this conference report.

Last night, the House passed, by a vote of 281–140, a motion to instruct conferees on

H.R. 4954 to adopt the Senate provisions on rail and transit security, as well as other security measures. Less than an hour later, the Conference Committee met and conferees were allowed to make statements, but not amendments to a draft conference report. In fact, the conferees had no legislative text to consider. It was obvious to all that there was no interest among House Republican conferees to have a serious discussion about including rail and transit security in this bill.

One by one, Members of the Conference Committee—House and Senate—asked the Conference Committee Chairman when we were going to be able to review the final conference report and when Members were going to be able to offer amendments to it. The gentleman from New York (Mr. KING)—and I quote—stated, ''The expectation is we will receive the final documents, go to debate and consider amendments and go forward at that time.''

Two hours later, Mr. KING's staff advised members that there would be no further meetings of the conferees. What could have possibly happened in those two hours to create such a great delay that the documents were not available for a meeting today? Why do Republicans consistently prevent Democrats from offering amendments that will make our country safer?

In the wake of the Madrid, London, and Mumbai bombings, Congress has a responsibility to the American people to assure the safety and security of our Nation's rail and transit systems. This year, the Federal government will invest $4.7 billion in aviation security improvements, while spending only $150 million on rail and transit security, even though five times as many people take trains as planes every day.

Amtrak has requested more than $100 million in security upgrades and nearly $600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transportation Association, which represents transit agencies and commuter railroads, has well-documented transit security needs that exceed $6 billion (including more than $5.2 billion of capital investment security needs).

The Senate-passed port security bill would have helped meet those needs, and the conferees should have been granted the right to vote on them before they were stripped from the final version of the bill. Do we have to wait for an attack before we take action to secure our nation's railroads and transit systems? What is wrong with providing funding for critical rail and transit security needs? What is wrong with hiring more inspectors? There are only 100 Transportation Security Administration (TSA) rail inspectors responsible for the security of our Nation's 144,000-mile freight and passenger railroad system. What is wrong with requiring development and implementation of a national rail and transit security plan to clarify the roles and responsibilities of federal, state, and local agencies in securing rail and transit systems? What is wrong with ensuring that key workers have the necessary support and training required to protect our rail and public transit systems? Nothing, the House Republican Leadership just did not want to do it.

Another example of what should have been included in this conference report and wasn't: Removal of the cap of 45,000 on TSA screeners. That cap is both arbitrary and counterintuitive, and it is also impairing security. The Aviation and Transportation Security Act (ATSA) passed by Congress in the wake of the September 11th terrorist attacks requires 100 percent electronic baggage screening. Yet, there is evidence that staffing shortages are undermining electronic screening efforts.

Staffing shortages often require TSA to use alternative screening procedures to screen checked bags, and the Government Accountability Office (GAO) reports that TSA's use of alternative screening procedures involves trade-offs in security effectiveness.

While the number of airport screeners remains static, passenger traffic grows. Airlines are expected to carry more than one billion passengers by 2015, increasing from approximately 700 million in 2004. TSA currently screens 522 million bags per year. GAO reports that TSA could be screening as many as 96 million more bags than it now screens—an 18 percent increase—by as early as 2010. According to TSA data, the use of alternative screening procedures will increase at some airports because of rising passenger traffic.

All of these issues should have been dealt with in this conference report. While I support the port security bill, it has left much work undone.

Mr. KING of New York. Mr. Speaker, could I inquire as to how much time is remaining.

The SPEAKER pro tempore. Each side has 17½ minutes remaining.

Mr. KING of New York. Could I inquire of the gentleman from Mississippi how many speakers he has remaining.

Mr. THOMPSON of Mississippi. I have four.

Mr. KING of New York. Mr. Speaker, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member from Energy and Commerce.

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

Mr. DINGELL. Mr. Speaker, well, the mountain shook, the lightning flashed, the thunder roared and the mountain gave birth to a mouse.

In last night's discussion, there was no discussion and nobody has been brought in to talk about what this legislation does, but I think we can talk about what it does not do.

First of all, it does not allow the Members opportunities to offer amendments to discuss issues of importance. It does virtually nothing to protect 25 million Amtrak riders and millions of Americans who live and work near railroad and freight tracks and passing trains carrying highly hazardous materials. It also stripped long overdue rail and mass transit measures from the final bill, as well as a number of other important security measures.

It should be noted that the bill in the Senate included provisions improving the securities of other surface transportation, including truck, bus, hazardous material transportation and pipeline security, as well as it strengthened aviation security. All gone, gone, gone.

The conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the fact that last night we heard the House express its wishes overwhelmingly when we voted for the instruction of House conferees 281–140 to accept rail and transit titles, as well as other important provisions.

We talk about this as a great bill to address the question of airport, railroad and port security. It does not. It is not.

I would note that when we showed up last night for the conference, we all sat around for a goodly while. We had no agenda. We had no business to come before the committee. We were told there would be a meeting this morning to discuss, and we would have an opportunity to amend. Somehow or another that commitment vanished, but it did not vanish so much we do not have a bill here which was drafted without any input from any Member on this side of the aisle.

So we have sent the distinguished chairman, for whom I have enormous affection, a letter. Fifteen of our colleagues on this side of the aisle joined in signing it, and we said to you: ''Dear Chairman KING: You made a personal and public commitment last night. You broke it.

''We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process. However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill.''

This is a sorry process. It is a sorry procedure. It is a sorry piece of legislation. It is inadequate, and it is another example of the majority trying to do things on the cheap and then marketing it as something good.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 2006.

Chairman PETER KING,
House of Representatives, Committee on Homeland Security, The Capitol, Washington, DC.

DEAR CHAIRMAN KING: You made a personal and public commitment last night. You broke it.

We write to protest your decision to shut down the House-Senate conference on H.R. 4954. Many of us took your word that we would have a voice in the conference process. However, your action to silence input from every Democratic member of the conference by denying the right to offer amendments effectively stripped the long-overdue rail and mass transit security measures from the final bill, as well as many other important security measures. Consequently, these important elements of our transportation systems remain vulnerable to terrorist attack.

Despite deadly attacks on transit systems worldwide—in Madrid two years ago (191 innocent civilians killed), in London last year

(52 killed), and Mumbai this year (207 killed)—Congress has not passed a transit security bill. The transit community has identified $6 billion in security needs, of which only less than a tenth has been made available by Congress. Even less has been done to protect the 25 million annual Amtrak riders and the millions of Americans that live and work near freight railroad tracks and passing trains carrying highly hazardous materials.

The Senate had included in its version of the bill comprehensive plans to improve U.S. rail security and mass transit security, the second time the Senate has passed these provisions since 9/11. In addition, the Senate included provisions improving the security of other surface transportation modes, including truck, bus, hazardous materials transportation, and pipeline security, as well as several that strengthen aviation security.

Conferees should have been granted the right to vote on these provisions before they were stripped from the final version of the bill, particularly in light of the wishes of an overwhelming majority of House members, who voted last night 281–140 to instruct House conferees to accept rail and transit titles, as well as other important provisions.

Americans expect us to help keep them safe. We can only hope that you have a good reason for denying them that peace of mind.

Sincerely,

FRANK R. LAUTENBERG.
PATTY MURRAY.
JOE LIEBERMAN.
PAUL SARBANES.
JOHN D. DINGELL.
ED MARKEY.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all thank the gentleman from Michigan for his undying affection that he shows for me so often, especially tonight. It really warms my heart, and I want to thank him especially for it.

I would, however, just like to touch on a few things. First of all, this is the SAFE Port Act. I have listened as carefully as I possibly can. I have listened; I have asked Mr. LUNGREN to listen; I have asked staff to listen. I have not heard even one remote criticism of the port security aspects of this bill. This is a port security bill. We had staff negotiations going on day after day after day.

Now, the gentleman from Michigan raised the question of last night. Let us explain this right now. It was explained before. We will try again.

The fact is last night there was no legislative text incorporating the staff recommendations. The Senate assured us they would provide it. The Senate did not have it last night. The Senate refused to provide it. The first we saw it was 3 o'clock this afternoon. What is going on in the Senate is up to them, but that is where the final text was.

Now, if the gentleman is saying that when they came back in at 3 o'clock this afternoon, rather than take advantage of a bill which has been worked on for 6 months, which has gone through subcommittee, which has gone through committee and which has gone through the House floor, which was worked out so carefully with Senator COLLINS and Senator LIEBERMAN and Senator MURRAY, which had strong bipartisan support, that because of the fact that the Senate language was not over here in time for the gentleman from Michigan, that we should put that aside, and taking the risk of not taking advantage of this moment, of not seizing the moment and passing this historic legislation to save our Nation, I have heard of people who cannot take ''yes'' for an answer.

We said last March, let us put together a port security bill. We did it. We put together a good bill and all we get tonight is begrudgery. Well, it is good, it is this, it is that, but it is not good enough because it does not cover rail, it does not cover transit or it does not cover this. Also, as the gentleman from California reminded me, it does not contain the cure for cancer either.

But the fact is it is a very good port security bill. As the gentlewoman from California said, it is the real deal. If you want to turn your back on the real deal, if you want to vote and say I really wanted something else, this is not good enough for me, the real deal should be good enough for me.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), ranking member on the subcommittee with responsibility for ports.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank my ranking member, Mr. THOMPSON.

This conference report is a culmination of many years of working on the issue of port security. I want to begin by thanking my colleague, actually JUANITA MILLENDER-MCDONALD, whose original bill was brought to me a couple of years ago, was the framework for this, and added to that were many of the port bills that I had authored were put into that; and then Ms. HARMAN put in some more and Mr. LUNGREN put in some more and Mr. THOMPSON put in some more, and pretty soon we had a pretty good port bill. I am pleased with the port bill.

Our chairman said he did not want rail or transit or any of that, which the Senate also put in their port bill, because he did not have the time, he did not want to jeopardize a port bill.

So why is there Internet gambling in our port bill? If you had time to stick Internet gambling in our port bill, then I think you could have held a meeting today, or tomorrow if we had to stay an extra day, or the next day if we had to stay an extra day to make our country safer, especially for the people who take rail and mass transit to work.

But, no, that would have been too much. This is just a port bill, plus Internet gambling. That is why people are upset. The Senate put in rail and mass transit and port. You had people last night who asked you, Will we get to make amendments, because they wanted to put in rail and mass transit like the Senate had put in, and we had the votes in the room to pass this port bill and to pass rail and mass transit.

□ 2345

But it was too much. I don't know if it was you, Mr. Chairman, or Speaker HASTERT. I don't know who is going to answer what happens if we have something that happens like happened in Madrid or London and we didn't fund rail or transit. Will we get blamed? Will you take the blame, Mr. Chairman? Or will you stand up and say it was the leadership; it wasn't me?

Who is responsible for not having done the right thing? That is what people are asking. That is why people are upset. They are not just upset on this side of the aisle because we know it is the right thing to do. They are upset in the Senate, on both sides of the aisle.

This is way too important for us to say, oh, gosh, we have got to get out of here on Friday, and let's not work another day. I would have stayed here a week. I would have stayed here a month. You know, I have been working on this for about 4 or 5 years. If we could have gotten that in, it would have been the right thing to do.

You are right, Mr. Chairman. This is a good port bill, because we took our time and we did it right. But it could have been a much better security bill, a security bill that last night the majority in this House said they wanted, a security bill not only to secure containers and freight that come into this country but a bill that would have helped the people who commute every day to work and make America go.

Mr. KING of New York. Mr. Speaker, again I inquire as to how much time remains.

The Speaker pro tempore. The gentleman from New York has 15½ minutes remaining, and the gentleman from Mississippi has 10½ minutes remaining.

Mr. KING of New York. Mr. Speaker, I would add that, again, I have been listening and listening, and there is no criticism at all of the port security. And again, rather than to take yes for an answer, we are talking about going around our committee process. The fact is, one of the reasons this bill is so good is because it was at the subcommittee level, the committee level, and then it went to the floor.

This was a long process on the port security aspect of it. Rather than just accept something coming over from the Senate at the last minute, I have enough respect for the integrity of the process of our committee that I want to replicate that when we are dealing with transit and when we are dealing with rail and working, of course, with Mr. YOUNG. I don't want to get him nervous while he is sitting here. But it is essential that we do do it in a deliberative process.

Again, it is beyond me why, after a 6-month process where there was such bipartisanship, such working together, both here and in the Senate, that the begrudgers of the world have arrived on

the floor tonight and all they can say is there is something here that is good, though they are afraid to acknowledge it, and then they talk about something which was never part of our bill to begin with.

We dedicated ourselves to port security, and we got it done. We should be proud of that. And, again, there is a special place in life for begrudgers.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the conferees on this particular bill.

Mr. PASCRELL. You know, Mr. Chairman, you sound like an Irish tenor this evening.

This is a bill which we can support. We thank both staffs on both sides of the aisle. They worked very hard on this.

Simply put, this is a good bill. Many Members on both sides of the aisle have worked tirelessly to bring the critical legislation to finality; and while I think it could have been improved if those of us on the conference committee were given a chance to offer further amendments, I wish to remind the chairman, last night, ultimately, this is still a good product.

There is no doubt that authorizing $400 million in port security grants for each of the fiscal years of 2007 to 2012 is a wise undertaking, as is creating firm deadlines to require the Department of Homeland Security to issue transportation worker identification cards to workers with access to secure areas of ports. No one should be allowed into those ports that do not have a proper card and a proper identification; and we should really carry this over to those folks who work at our airports, which we have not done.

I am particularly pleased that the two provisions I was able to secure when this bill originally came before the Homeland Security Committee remains within the legislation this evening: Section 114, which authorizes the Secretary of DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and other relevant stakeholders to coordinate appropriate response and recovery from acts of terror. Section 115, which directs the Secretary to require each high-risk facility to conduct live or full-scale exercises not less than once every 2 years in accordance with the facility security plan that this bill mandates.

Both provisions will enhance the capabilities of our Nation's seaports to prevent, prepare for, respond to and mitigate against acts of terror. I am grateful for this inclusion in the legislation.

But, as with so many things in the realm of homeland security, we have missed some opportunities. I, like most of my Democratic colleagues, would have much preferred that this bill also included improvements to security for America's rail, subway, buses, and trucking. And in all due reverence, I know that you feel the same way, Mr. Chairman.

But we've got to the best point at the best time, and we need to pass this legislation, and I want to thank the ranking member, Mr. THOMPSON.

Mr. KING of New York. Mr. Speaker, I would like to thank the gentleman from New Jersey for his kind remarks about the bill, and I especially want to tell him how much it means to me that he commented on my great Irish singing voice as I was delivering my oration tonight. So, Mr. PASCRELL, you are a man of great ethnic perspicacity and my admiration for you is unbounded.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise today in support of H.R. 4954, the SAFE Port Act, which is a comprehensive approach to securing our ports. And though not a perfect bill, it surely could have been better, it is an important first step.

One of the worst-case scenarios experts fear is that terrorists would be able to smuggle nuclear material across our ports. This is an unacceptable reality that we face today, which highlights just how important it is that we have adequate detection devices at all of our seaports and border crossings. Our radiation portal monitors are our last, best chance to prevent catastrophic nuclear or radiological attack, and our intelligence analysts continue to tell us that the threat is very real.

I am glad to see that under this bill all containers entering the U.S. through the 22 busiest seaports will be examined for radiation by the end of next year. While this is certainly a great start, we ultimately need to deploy radiation portal monitors at every point of entry to fully secure our Nation's ports.

I am also pleased to see that this bill contains provisions to strengthen the Container Security Initiative. Under the SAFE Port Act, we will have a greater ability to foster communication between the United States and the operators of foreign ports to inspect more U.S.-bound cargo before it reaches our ports. We need to continue to do everything in our power to screen cargo at its point of origin to prevent the dangerous possibility of nuclear material ever reaching our shores.

Mr. Speaker, the SAFE Port Act most certainly makes strides in terms of securing our ports, but we must acknowledge that it is just one step in a much larger process. I will continue to work with my colleagues on both sides of the aisle to secure our Nation's vulnerable ports.

I want to commend both the chairman and the ranking member for their hard work in getting us to this point today. Again, it is an important first step. Let us continue to rededicating ourselves to making sure that we are doing all we can to make sure the American people are safe.

Mr. KING of New York. Mr. Speaker, I continue to reserve the balance of my time.

Mr. THOMPSON. Might I inquire, Mr. Speaker, as to how much time remains.

The SPEAKER pro tempore. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. As there is a great deal of admiration in this room, let me say that I too admire the staff and the authors of this bill, Ms. SANCHEZ, Ms. HARMAN, Mr. THOMPSON, and the work of Mr. LUNGREN and Mr. KING, but it is obvious we could have done more. And I listened to the distinguished gentleman talking about regular order. We have not had regular order this entire day.

I do want to say the good work shows that we are concerned about port security, with $400 million in port security grants, training for port workers, such as longshoremen, transportation workers' I.D. cards, screening of the 22 busiest airports, establishing the Domestic Nuclear Detection Office, additional Customs and border protection personnel and port security plans.

But I am very proud of the language of training residents of seaport communities, that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the homeland security training program described in this bill. This was language that I included because of the area in which we live in Houston where there is sizable populations living around the community.

The port security training program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies. The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving population at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

However, I would hope that we would move toward in the next few months 100 percent screening of container cargo, which we have not done.

I also hope that we realize, as my colleagues have said and as Mr. THOMPSON's overwhelming motion to instruct said, we have to be concerned about rail security. I mentioned during his motion to instruct that rail security is

not just people riding Amtrak. It is the railroads that travel through neighborhoods throughout the regions of the Nation, including the South.

I would also note that I live around a very large port, and this will have a positive impact on the Houston port. I ask my colleagues to support it, though I am disappointed, Mr. Speaker, that we have extraneous material, such as the Internet gambling, on this bill.

I rise in support of the Conference Report to the SAFE Port Act of 2006, H.R. 4954, which represents a significant step forward toward national security and safety for our seaports. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

All of us share the common goal of all Americans of making the movement of cargo through the global supply chain as secure as possible, and are committed to doing everything feasible to ensure the security of the Nation's ports.

Many elements of this legislation are beneficial: $400 million in port security grants for each of fiscal years 2007–2012; training for port workers, such as longshoremen; Transportation Workers Identification Credential (TWIC) cards to workers with access to secure areas of ports and background checks; screening at the 22 busiest seaports; establishment of the Domestic Nuclear Detection office, DNDO, within the Department of Homeland Security; additional Customs and Border Protection personnel; requires port security plans to include training for residents of neighborhoods around facilities.

Safe and secure seaports are an essential element in building efficient and technologically advanced supply chains that move cargo quickly to distribution centers, stores, and factories around the world. Although we have made progress since the 9/11 attacks in enhancing the security of the nation's ports, we cannot afford to be complacent.

INCORPORATED AMENDMENT: TRAINING FOR RESIDENTS OF SEAPORT COMMUNITIES

I am proud and thankful that the conferees agreed that it is crucial to involve communities in disaster preparedness by providing for an annual community update to the Homeland Security Training Program described in this bill.

The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

The language I contributed extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country have a ''Neighborhood Watch'' program that teaches citizens to watch for suspicious activity or other signs of danger. This language provides for a similar ''citizens corps'' preparation program in anticipation of a national security threat. The intent is to mimic the Citizen Corps initiative begun by the White House and the Department of Homeland Security in 2002.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

Fifty-two states and territories have formed state level Citizen Corps Councils to support local efforts. My hope is that before the next disaster, our citizens will be aware and trained to react effectively and timely, and perform as local responders themselves.

MORE MUST BE DONE 100% SCREENING

While there are good elements of this bill, I am compelled to discuss the fact that this bill could have been so much more, and could have definitively contributed to national security efforts. I am dismayed at the fact that there are gaps in this report wide enough to let terrorists through.

Apparently, it is not important to know what is arriving by sea cargo.

This bill fails to require 100 percent scanning of contents bound for our borders before they leave other nations. By the time they arrive and are unloaded onto our soil, it is too late.

We have the technology to do this—the ports of Hong Kong and Boston already screen most inbound cargo for both radiation and lead shielding (to hide the radiological materials) using commercially available technology without interrupting the flow of commerce. As we continue to fight to protect our borders, we need to continue to develop cutting edge technologies to detect and defeat next generation threats to port security.

According to security expert Steve Flynn, the cost would be about $50—$100 per container—minimal compared to the $4000 per container it costs to ship from Asia to the U.S., and to the $66,000 in average worth that each container carries. This is accessible, technologically feasible, and necessary. It is beyond me why it is not a part of this bill.

RAIL AND MASS TRANSIT

It is unacceptable to consider rail and mass transit security, as Secretary Chertoff stated, ''goulash.'' I fear the day when a tragedy will strike on a subway, or on a bus, and we will suddenly discover how large a mistake it was to miss this opportunity . We know how easy a target mass transportation can be-witness Israel, London, Madrid, and Mumbai amongst so many others. We have focused so much effort on securing our borders. I wonder why Republicans are not just as concerned with securing us.

I am disappointed that this provision is not included in this conference report. At the very least, yesterday's Motion to Instruct the Conferees, which passed 281–170, instructed the conferees to accept the rail and mass transit provisions from the Senate. It takes gall to ignore an on-record vote of the House of Representatives.

HOUSTON PORT AND ECONOMIC DATA

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of 7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly $11 billion in economic impact. Additionally, more than $649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80% of those people live in the Houston metropolitan area.

Centrally located on the Gulf Coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation's largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

CONCLUSION

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest.

There are many such cities and states across the country that are vulnerable and need the federal government's leadership for security and protection. The legislation is a good start, yet it will not be sufficient. I challenge my colleagues on the Homeland Security Committee to consider this only the first step in securing and protecting our nation's ports, and a necessary gateway to addressing the vulnerabilities of rail and mass transit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Las Vegas (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I would like to thank the ranking member of Homeland Security, Mr. THOMPSON, for allowing me to speak for a minute.

I have a question to ask. I was listening to Mr. DINGELL when he spoke eloquently about his disappointment that this bill did not address security when it comes to mass transit, railroads, bus stations, and Amtrak. And when Mr. KING got up to respond, he said the reason it doesn't contain any security for mass transit, railroads, bus stations, and Amtrak is because this is a port security bill. And he said it again. This is a port security bill. And he repeated it a third time. This is a port security bill.

So can he please explain to me if this is a port security bill, that we can't put protections and security for our buses and Amtrak and mass transit and railroads, how it is that we managed to put a ban on Internet gaming?

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Mr. KING of New York. Mr. Speaker will the gentlewoman yield?

Ms. BERKLEY. I yield to the gentleman from New York.

Mr. KING of New York. First of all, I am not responsible for the germaneness rules in the Senate. Secondly, this is the bill that came back to us from the Senate.

Ms. BERKLEY. Before I yield again, I know you may not control the rules of the Senate, but how about the House? Do you have any say here?

Mr. KING of New York. I would just add, if the gentlewoman will yield, this is the bill that came back to us from the Senate, and I would remind the gentlewoman that unlike the transit and rail provisions, which never passed this House, the Internet gambling bill legislation did pass this House by a vote of 317–93. There was at least some nexus which was lacking with the others.

Ms. BERKLEY. Mr. Speaker, reclaiming my time, could you please explain the nexus to me between port security to keep this country safer and a ban on Internet gaming? Give me a break.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my chairman that the motion to instruct said to include rail and mass transit to the conferees. That is in response to your response to the gentlewoman from Las Vegas. We more or less said ''do it'' from the House perspective, and it wasn't done.

Mr. KING of New York. Mr. Speaker, if the gentleman will yield, I was just trying to answer the gentlewoman's question. She thought I was giving her a break.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 2½ minutes.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Mississippi, and I thank him for his excellent work on that legislation.

I would say that the gentlewoman made a fine point here. The Democrats waited for days to find out what was in this bill as the Republicans deliberated by themselves. Finally it comes back over, and we learn what they included.

Did it have anything on rail and rapid transit security? No. Did it have something on moving hazardous materials in a way that got them around densely populated areas? No. Did it have anything to do with ensuring that we screen for nuclear bombs on ships before they came into the ports of the United States? No.

But what did they include? Well, they included an Internet gambling bill. Now, you would think given the fact that it was a port bill, you would think they would have something in it on riverboat gambling. But, no, nothing even on that.

So, ladies and gentlemen, what they have produced is a fine piece of political pork that the Republican Party in secret has put together. Meantime, al Qaeda has their number one objective in the world still undealt with by the Republicans, and that is obtaining a nuclear weapon out of the former Soviet Union, bringing it to a port in the world, placing it in a container on that ship, bringing the ship into a port in the United States, and then detonating that nuclear bomb before it is ever taken off the ship. And the Republicans in this bill, do they require that there be screening for nuclear bombs before they leave for the United States? No.

So, ladies and gentlemen, this bill on the central issue is a failure. The number one threat to our security, a nuclear bomb in a container on a ship, no requirement at all for the screening before it comes to our port. They have the screening after the nuclear bomb reaches the port in the United States. By then it is too late.

So, ladies and gentlemen, it is like instead of buying a dog, they put up a ''beware of dog'' sign. So when the bomb has reached the port of New York or Boston or L.A., the only thing that will be there is ''beware of dog.'' They refuse to put up the protection.

Vote ''no'' on this terrible bill.

The SPEAKER pro tempore. The gentleman from New York has 14 minutes remaining.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the matter under consideration.

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. I assure the House I will not use the 14 minutes.

I also at this stage would like to commend the staff for the tremendous work they have done throughout this process. I would like to thank Mandy Bowers, Matt McCabe, Amanda Halpern, Kevin Gronberg, Diane Berry, Sterling Marchand, Kerry Kinirons, Mark Klaassen, Mike Power, and also the people on the minority staff.

In saying that, let me just say, Mr. MARKEY brought us into the new day, his eloquence, his soaring rhetoric brought us into the new day, but he uses the same tired arguments of yesterday, the arguments we hear time and again, the tired metaphors, the lame similes, he goes on and on.

He says Democrats were kept out of the process. Democrats were involved every step of the way, every minute, until the Internet gambling came over, which we found out about for the first time at the same time he did. Now, he may want to talk to the minority leader in the Senate and ask him why he consented to this being in, why they wanted it in. That is not my problem.

But the fact is, it is really wrong to suggest that there was any moment at all throughout the past 10 or 12 days, when at every stage of the way we ensured that the Democratic staff was there reporting back to their principals, I don't know where the gentleman from Massachusetts was. Maybe he was out buying a dog. I don't know. But the fact is if he had spoken with his staff, if he had spoken to the committee staff, if he had spoken to the ranking member, he would have known what was going on.

Also, I waited patiently for 29½ minutes listening to the opposition trying to hear one person say one negative word about the port security bill. Finally, Mr. MARKEY came up with his argument and he was talking about detecting radiation overseas.

The fact is, again in the spirit of bipartisanship and bicameralism, we adopted the language put forth by Senator LAUTENBERG in the Senate to have three pilot projects. So there we are agreeing with the Senator from New Jersey, which I guess is not good enough for the gentleman from Massachusetts.

I would also say that this legislation goes right to the heart of the issues that we are trying to address. The gentleman from Massachusetts cannot accept that.

But I will say for the other Members, certainly Mr. PASCRELL, for the contributions that he made to this bill, to the ranking member, to Mr. LANGEVIN, who has really been a leader in the whole issue of radiation portal monitors, they have been there.

So I would again say let us celebrate the fact that we are passing historic port security legislation tonight. Let us respect the fact that our committee, which is only in its second year, has passed major legislation. Let us respect the fact and acknowledge the fact that our committee paved the way. We showed the way for the Senate. We passed a bill which has been virtually intact, from the subcommittee to the committee to the House floor and now here tonight with the conference report.

And rather than begrudging, rather than saying it could have been this or it could have been that, rather than let the perfect be the enemy of the good, let's accept this good legislation, let's go forward, let us realize we made the American people far safer. And we did it because of a bipartisan effort, which should have been bipartisan right to the last moment. Unfortunately, the naysayers tried to take this over. The fact is they cannot deny the reality. This is excellent legislation that makes our country safe. We should be proud.

I urge the adoption of the resolution.

Mr. LOBIONDO. Mr. Speaker, I rise in support of the very significant provisions in the SAFE Port Act that will go a long way to make our ports and waterways secure. I thank Chairman YOUNG and Chairman KING for their hard work on this legislation.

I am particularly pleased with the inclusion of the Maritime Terminal Security Enhancement Act, legislation I authored in the wake of the Dubai Ports deal to ensure that the security at our ports remains in the hands of American citizens. The Maritime Terminal Security Enhancement Act would require Facility Security Officers to be American citizens. It would also provide for periodic, unannounced inspections of security at our port facilities, as well

as place deadlines on the deployment of the Transportation Worker Identification Card to ensure the identity of our port workers; a long range vessel tracking system that will enable the Coast Guard to further extend our borders and monitor vessels bound for U.S. ports; and requires the Department of Homeland Security to issue regulations to require foreign merchant mariners to carry an enhanced crew member identification credential when calling on U.S. ports.

The SAFE Port Act builds on the unprecedented work we did in the Maritime Transportation Security Act of 2002. I was proud to be an author of that bill and I am proud of the work we did to enhance port security in this bill.

However, I am not proud, nor do I support the decision by the leadership in the other body to attach at the last minute and without consultation, the Internet Gambling Prohibition and Enforcement Act. There is no question that Internet technology has rapidly and substantively changed over the past six years, with new advancements being made every day. It is therefore imperative that our thinking about how best to regulate activities such as Internet gaming also evolve with the times. Unfortunately, this bill does not take into account the significant advancements in the technology, nor does it include language I support to establish a commission to study whether Internet gaming can be properly regulated.

Mr. Speaker, I will be reluctantly supporting the SAFE Port Act, as I am extremely disappointed with the action of the leadership in the other body to attach this non germane issue to an otherwise tremendous piece of legislation that will strengthen and enhance our ability to keep our nation's ports and waterways secure.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I'm glad to see that we're finally seeing this very important and long overdue port security legislation on the House floor.

There are 14 major ports in my home state of Florida, with the Port of Jacksonville in my hometown. And we have failed so far in devoting the money they need to protect their facility.

Unfortunately, we're still failing to protect the 25 million passengers who ride Amtrak each year. 69,000 passengers ride Amtrak every day, and yet they don't qualify for any of the money being authorized in this bill and are offered no more protections than they have today. That is shameful.

I can't believe that anyone in this House, following the bombings in Madrid and in London, doesn't believe that terrorists would attack an Amtrak train on the Northeast corridor that connects Washington, DC, New York, and Boston.

This Republican Congress deserves an F for what they have done to protect transit and passenger rail in this country. They wasted an opportunity to protect the citizens who take public transit and passenger rail to work every day.

Mr. GIBBONS. Mr. Speaker, I rise today to state how deeply disappointed I am that the conference report for H.R. 4954, this vitally important bill that is meant to secure our ports and protect our nation from terrorists, has been amended to include internet gaming language.

Internet gaming has nothing whatsoever to do with port security. It is irresponsible to insert this non-germane language into a homeland security measure.

This Congress should not overreact by restricting the growing industry of online gaming without giving serious review to the potentially negative impacts of such a rash decision.

We know that current efforts by states and the federal government to regulate internet gaming have pushed online consumers to illegal, black market sites that have little to no regulation.

Online gaming is a potential economic opportunity for the State of Nevada and the entire country. Current estimates of online gaming revenues range from $7 billion to $10 billion for 2004 alone, with U.S. bettors providing at least $4 billion or more of that amount.

Many nations, including England, are in the process of legalizing, regulating, and taxing online gaming.

I, along with my colleagues from Nevada, Congresswoman BERKLEY and Congressman PORTER, have introduced a bill, H.R. 5474, that would establish a nine-member commission to undertake a complete study of the internet gaming issue. The results of this study would allow the President, the Congress, and every state and tribal government to make informed decisions about this issue and presents a much better alternative to a knee-jerk total ban on the activity.

I voted for H.R. 4954 because it is necessary that we secure our ports against those who wish to do us harm, but I do so with grave disappointment in the decision to add this nongermane internet gaming language.

Mr. PAUL. Mr. Speaker, I was pleased to vote for the SAFE Ports Act when it was considered by Congress in May and I intend to do so tonight. However, I am disturbed that The Internet Gambling Prohibition and Enforcement Act was added to this bill during conference. My understanding is that this provision was slipped into the bill at the conclusion of the conference even though internet gambling has nothing to do with port security.

I have long opposed The Internet Gambling Prohibition and Enforcement Act since the federal government has no constitutional authority to ban or even discourage any form of internet gambling. In addition to being unconstitutional, this provision is likely to prove ineffective at ending internet gambling. Instead, by passing law proportion to ban internet gambling Congress will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile ''war on drugs,'' shows that the government cannot eliminate demand for something like internet gambling simply by passing a law. Instead, this provision will force those who wish to gamble over the internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from internet gambling!

In conclusion, the ban on internet gambling violates the constitutional limits on federal power. Furthermore, laws such as this are ineffective in eliminating the demand for vices such as internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. It is a shame to clutter an important and good piece of legislation like the Safe Ports Act with a blatantly unconstitutional power grab over the internet like the Internet Gambling Prohibition and Enforcement Act.

Mr. LYNCH. Mr. Speaker, I'd like to thank the gentleman from Mississippi, Mr. THOMPSON, for yielding me this time.

Mr. Speaker, I rise in regards to the conference report to accompany H.R. 4954, the SAFE Port Act.

As representative of the Port of Boston—I'm pleased that today's conference report takes important steps towards better safeguarding our Nation's 361 sea and river ports—through the authorization of significant increases in port security grants for each of fiscal years 2007 through 2012, meaningful port worker security training provisions, and substantive container screening and scanning improvements.

At the same time, I must say that I'm disappointed that the agreement under consideration does not include the language to strenghten rail and transit security passed by the U.S. Senate during its consideration of port security legislation.

By including language to authorize $1.2 billion for freight and passenger rail security as well as $3.5 billion for mass transit security in a ports bill, the Senate clearly recognized that rail and mass transit have also been grossly underfunded, this in the face of repeated terrorist attacks against rail and transit systems worldwide—from Paris, Tokyo, and Moscow to Madrid, London, and most recently, Mumbai.

In furtherance of the Senate's action, just yesterday the House passed a motion to instruct the House conferees to accept the Senate's position on rail and mass transit security by a margin of 281–140. Regrettably however, the rail and transit language did not make it into this conference report.

Mr. Speaker, while this agreement is a good start towards securing our seaports and the international supply chain, I think we've missed a major opportunity to afford rail and transit similar respect.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support the Conference Report on H.R. 4954, the SAFE Port Act. This bipartisan legislation makes critical improvements to strengthen our domestic and international security efforts and provides the resources necessary to detect tampered cargo before it enters our ports. Passage of the SAFE Port Act today is vital to our national security.

For Washington state, the SAFE Port Act will bring greater regional coordination, new security grants, increased Customs personnel for Puget Sound and radiation detection equipment that is both modern and appropriate for the Port of Tacoma's increased rail capacity.

The SAFE Port Act also takes important steps to plan for and immediately recover from any incidents on our docks. With the increased role of western ports like the Port of

Tacoma and the Port of Seattle in our global economy, we must ensure the free flow of commerce.

Passage of the SAFE Port Act will help protect our communities, our critical infrastructure and our homeland. The SAFE Port Act will move America in the right direction.

Ms. LEE. Mr. Speaker, I rise in support of the conference report for H.R. 4954, the SAFE Port Act.

As a member of the Port Security Caucus and as an original co-sponsor of this legislation, I have been consistently fighting for a massive increase in funding and focus to secure our Nation's ports.

But as the 9/11 Commission's failing grades have pointed out, over the last four years, the administration and the Republican Congress have done far too little to secure our Nation's critical infrastructure.

Just earlier this week the Homeland Security Department announced its latest round of port security grants. The Port of Oakland in my district did not get a single penny even though it's the 4th busiest container port in the country and is a gateway to trade with Asia and the Pacific. That is just inexcusable.

By authorizing $400 million in annual port security grants, the SAFE Port Act takes a step in the right direction. Now we have the responsibility to fund it.

We must also fix the gaps that still remain by requiring 100% screening of cargo before it reaches our shores.

At the same time I am disappointed that the Senate language to expand funding to secure our rail and transit systems was not included in this bill.

The London and Mumbai rail and subway bombings happened on our watch. We should not adjourn this session without addressing this critical vulnerability.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am pleased the House and Senate were able to come together and address port security through the passage of H.R. 4954, the SAFE Port Act. This may be the most important piece of legislation we pass in the 109th Congress.

Clearly our Nation's ports are critical to America's economic vitality. A major attack on the U.S. maritime transportation system would simply devastate the U.S. economy. Some 95% of American trade enters the U.S. through one of 361 seaports on board 8,500 foreign vessels and makes more than 55,000 port calls per year, which total worth is nearly $1 trillion dollars. Securing these and the rest of America's ports as well as the economic contributions they make must remain a top priority for each of us.

As the proud Representative from California's 37th District, it is my responsibility to enhance the security at the Ports of Long Beach and Los Angeles, the largest port complex in the Nation and the third largest in the world. In fact, over 52% of all waterborne cargo moves through the Ports of Long Beach and Los Angeles alone.

This is a bill rooted in sound policy. Many provisions of the SAFE Port Act was language in my legislation H.R. 478, the United States Seaport Multiyear Security Enhancement Act, which I introduced in February 2005. It was imperative that Congress passed a port security bill which included multi-funding and a broad approach to securing the entire international supply chain.

I urge the President to sign the SAFE Port Act as soon as possible, as America's ports and those who live around them can wait no longer.

Mr. PORTER. Mr. Speaker, I take this opportunity to clarify my ''yes'' vote on Final Passage on the Conference Report H.R. 4954 SAFE Port Act. My ''yes'' vote is in full support of all the necessary Homeland Security and Port Security provisions included within the legislation, however, I do not support the inclusion of the non-germane and unnecessary prohibition on Internet Gaming. I am strongly opposed to the inclusion of this language and long felt that Congress does not have a comprehensive understanding of the complexities of this issue. It is based on this lack of knowledge that I introduced H.R. 5474, The Internet Gambling Study Commission Act. It is imperative that Congress fully understand the facts of internet gaming before coming to any rash decisions. The purpose of my bill is:

To establish a commission to study issues posed by the continued spread and growth of interstate commerce with respect to Internet gambling.

Although U.S. federal and state governments insist that online gambling is illegal, in reality it is thriving. There is a huge disconnect between current government policy and reality.

Millions of U.S. residents gamble online every day without the protection of reliable regulatory structures that ensure age and identity verification, the integrity and fairness of the games, or that responsible gaming policies are followed.

Neither U.S. federal nor state governments receive tax revenues from online gaming.

Disrespect spreads for laws that are neither enforced nor evidently enforceable against an activity that enjoys wide and growing popularity.

The online gaming industry creates no jobs in the United States and American businesses earn no returns from online gambling.

Current inconsistencies in U.S. Internet gambling policy could lead to sanctions by the World Trade Organization (WTO).

Again, Mr. Speaker, I am opposed to this inclusion of this language and look forward to working with my colleagues to enact my legislation, or some similar type of study legislation in the future.

Mr. THOMAS. Mr. Speaker, I am pleased to be here today to advance this important legislation. A few weeks ago, Presidnt Bush gave a speech in which he stated that our intelligence shows that al-Qaeda has two main goals—to destroy our nation physically through attacks such as 9/11; and to pursue a ''death by bleeding'' strategy in which terrorists destroy us economically. We could protect against al-Qaeda's first goal by shutting down our borders—but by cutting off America's life blood of trade, we would actually be helping al-Qaeda achieve its second goal.

This bill is the right way to protect both our borders and our economy. It utilizes innovative systems to protect our citizens, and it provides new resources along our borders. Through programs such as the Customs-Trade Partnership against Terrorism, we bring the energy and experience of the trade community into our fight against terrorism. These programs, together with the bill's provisions modernizing our international trade data systems, also show that we can facilitate legitimate trade while at the same time providing information to our law enforcement officials to identify and stop threats.

To defeat al-Qaeda and prevent it from achieving its goals of destroying America physically and economically, the Administration, Congress, our citizens in the private sector, and our international partners must work together—and trade cannot be seen as the enemy of security.

I have made it a priority in this bill to ensure that through consultation and cooperative programs, all of these key partners are brought together so that we have the most effective and unified effort we can against terror and for trade.

I congratulate all the Members of this Conference on this bill and look forward to its quick passage.

Mr. KING of New York. 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.

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

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 409, noes 2, not voting 21, as follows:

[Roll No. 516]

AYES—409

Abercrombie	Brady (PA)	Davis (AL)
Ackerman	Brady (TX)	Davis (CA)
Aderholt	Brown (OH)	Davis (FL)
Akin	Brown (SC)	Davis (IL)
Alexander	Brown, Corrine	Davis (KY)
Allen	Brown-Waite, Ginny	Davis (TN)
Andrews	Burgess	Davis, Jo Ann
Baca	Burton (IN)	Davis, Tom
Bachus	Butterfield	Deal (GA)
Baird	Buyer	DeFazio
Baker	Calvert	DeGette
Baldwin	Camp (MI)	Delahunt
Barrett (SC)	Campbell (CA)	DeLauro
Barrow	Cannon	Dent
Bartlett (MD)	Cantor	Diaz-Balart, L.
Barton (TX)	Capito	Diaz-Balart, M.
Bass	Capps	Dicks
Bean	Capuano	Dingell
Beauprez	Cardin	Doggett
Becerra	Cardoza	Doolittle
Berkley	Carnahan	Doyle
Berman	Carson	Drake
Berry	Carter	Dreier
Biggert	Chabot	Duncan
Bilbray	Chandler	Edwards
Bilirakis	Chocola	Ehlers
Bishop (GA)	Clay	Emanuel
Bishop (NY)	Cleaver	Emerson
Bishop (UT)	Clyburn	Engel
Blackburn	Coble	English (PA)
Blumenauer	Cole (OK)	Eshoo
Blunt	Conaway	Etheridge
Boehlert	Conyers	Everett
Boehner	Cooper	Farr
Bonilla	Costa	Fattah
Bonner	Costello	Feeney
Bono	Cramer	Ferguson
Boozman	Crenshaw	Filner
Boren	Crowley	Fitzpatrick (PA)
Boswell	Cubin	Forbes
Boucher	Cuellar	Fortenberry
Boustany	Culberson	Fossella
Boyd	Cummings	Foxx
Bradley (NH)		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
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
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
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
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
Stearns
Stupak
Sullivan
Sweeney
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)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Flake
Markey

NOT VOTING—21

Case
Castle
Evans
Foley
Ford
Frank (MA)
Gutierrez
Hefley
Hyde
Johnson (IL)
Jones (NC)
Lewis (GA)
Meehan
Ney
Nussle
Oxley
Sabo
Stark
Strickland
Tancredo
Wilson (SC)

□ 0032

Mr. BARRETT of South Carolina changed his vote from ''no'' to ''aye.''

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. JOHNSON of Illinois. Mr. Speaker, on September 29, 2006, I was away from my official duties due to a family mater, and subsequently missed a recorded vote on Rollcall No. 516, on final passage of H.R. 4954, a bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes. Had I been present, I would have voted ''aye.''

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title:

H. Con. Res. 483. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.''.

FEDERAL AND DISTRICT OF COLUMBIA GOVERNMENT REAL PROPERTY ACT OF 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3699) to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3699

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 ''Federal and District of Columbia Government Real Property Act of 2005''.

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term ''U.S. Reservation 13'' means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term ''Old Naval Hospital'' means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1); and

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 931).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118–A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

(d) LIMITATION ON ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law—

(1) the District of Columbia shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with the property for which title is conveyed to the Administrator of General Services under this section; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, State and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for such property shall be borne by the United States, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44–903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the ''West Campus''.

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44–908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform, or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I–395 at Washington Avenue Southwest.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106–348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.

(2) A portion of U.S. Reservation 404.

(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

(4) U.S. Reservation 251.

(5) U.S. Reservation 8.

(6) U.S. Reservations 277A and 277C.

(7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, and 247.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which the entire portion of U.S. Reservation 174 which is set aside as open space as of the date of the enactment of this Act shall continue to be set aside as open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the ''former Convention Center Site'' means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

SEC. 204. CONVEYANCE OF PORTION OF RFK STADIUM SITE FOR EDUCATIONAL PURPOSES.

Section 7 of the District of Columbia Stadium Act of 1957 (sec. 3–326, D.C. Official Code) is amended by adding at the end the following new subsection:

''(e)(1) Upon receipt of a written description from the District of Columbia of a parcel of land consisting of not more than 15 contiguous acres (hereafter in this subsection referred to as 'the described parcel'), with the longest side of the described parcel abutting one of the roads bounding the property, within the area designated 'D' on the revised map entitled 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District' and bound by Oklahoma Avenue Northeast, Benning Road Northeast, the Metro line, and Constitution Avenue Northeast, and a long-term lease executed by the District of Columbia that is contingent upon the Secretary's conveyance of the described parcel and for the purpose consistent with this paragraph, the Secretary shall convey all right, title, and interest in the described parcel to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

''(2) Upon conveyance under paragraph (1), the portion of the stadium lease that affects the described parcel and all the conditions associated therewith shall terminate, the described parcel shall be removed from the 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District', and

the long-term lease described in paragraph (1) shall take effect immediately.''.

TITLE III—POPLAR POINT

SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the land-use plan referred to in subsection (a), as identified in such land-use plan in accordance with section 302(c).

SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(b) RESERVATION OF AREAS FOR PARK PURPOSES.—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity, and shall provide that any person (including an individual or a public entity) shall have standing to enforce the requirement.

(c) IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.—

(1) IDENTIFICATION OF EXISTING FACILITIES.—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) RELOCATION TO REPLACEMENT FACILITIES.—

(A) IN GENERAL.—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.—The plan may not identify any facility or property for purposes of this paragraph which is located on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all, right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

SEC. 304. POPLAR POINT DEFINED.

In this title, ''Poplar Point'' means the parcel of land in the District of Columbia which is owned by the United States and which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term ''Administrator'' means the Administrator of General Services.

(2) The term ''Director'' means the Director of the National Park Service.

(3) The term ''Map'' means the map entitled ''Transfer and Conveyance of Properties in the District of Columbia'', numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term ''Secretary'' means the Secretary of the Interior.

SEC. 402. LIMITATION ON ENVIRONMENTAL LIABILITY.

Notwithstanding any other provision of law—

(1) the United States shall not be responsible for any environmental liability, response action, remediation, corrective action, damages, costs, or expenses associated with any property for which title is conveyed to the District of Columbia under this Act or any amendment made by this Act; and

(2) all environmental liability, responsibility, remediation, damages, costs, and expenses as required by applicable Federal, state and local law, including the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (known as Clean Water Act) (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Rivers and Harbors Act (33 U.S.C. 540 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601, et seq.), and the Oil Pollution Act (33 U.S.C. 2701 et seq.) for any such property shall be borne by the District of Columbia, which shall conduct all environmental activity with respect to such properties, and bear any and all costs and expenses of any such activity.

SEC. 403. LIMITATION ON COSTS.

The United States shall not be responsible for paying any costs and expenses incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act, including costs and expenses associated with surveys, zoning, land-use processes, transfer taxes, recording taxes, recording fees, as well as the costs associated with the relocation of the National Park Service to replacement facilities required under the land-use plan for Poplar Point described in section 302(c)(2).

SEC. 404. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

COMMITTEE AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer an amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure now printed in the bill.

The Clerk read as follows:

Committee amendment offered by Mr. TOM DAVIS of Virginia:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal and District of Columbia Government Real Property Act of 2006''.

TITLE I—REAL PROPERTY CONVEYANCES BETWEEN THE GENERAL SERVICES ADMINISTRATION AND THE DISTRICT OF COLUMBIA

SEC. 101. EXCHANGE OF TITLE OVER RESERVATION 13 AND CERTAIN OTHER PROPERTIES.

(a) CONVEYANCE OF PROPERTIES.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in—

(A) U.S. Reservation 13, subject to the conditions described in subsection (b); and

(B) Old Naval Hospital.

(2) PROPERTIES DEFINED.—In this section—

(A) the term ''U.S. Reservation 13'' means that parcel of land in the District of Columbia consisting of the approximately 66 acres which is bounded on the north by Independence Avenue Southeast, on the west by 19th Street Southeast, on the south by G Street Southeast, and on the east by United States Reservation 343, and being the same land described in the Federal transfer letter of October 25, 2002, from the United States to the District of Columbia, and subject to existing matters of record; and

(B) the term ''Old Naval Hospital'' means the property in the District of Columbia consisting of Square 948 in its entirety, together with all the improvements thereon.

(b) CONDITIONS FOR CONVEYANCE OF RESERVATION 13.—As a condition for the conveyance of U.S. Reservation 13 to the District of Columbia under this section, the District of Columbia shall agree—

(1) to set aside a portion of the property for the extension of Massachusetts Avenue Southeast and the placement of a potential commemorative work to be established pursuant to chapter 89 of title 40, United States Code, at the terminus of Massachusetts Avenue Southeast (as so extended) at the Anacostia River;

(2) to convey all right, title, and interest of the District of Columbia in the portion set aside under paragraph (1) to the Secretary of the Interior (acting through the Director of the National Park Service) at such time as the Secretary may require, if a commemorative work is established in the manner described in paragraph (1);

(3) to permit the Court Services and Offender Supervision Agency for the District of Columbia to continue to occupy a portion of the property consistent with the requirements of the District of Columbia Appropriations Act, 2002 (Public Law 107–96; 115 Stat. 931); and

(4) to develop the property consistent with the Anacostia Waterfront Corporation's Master Plan for Reservation 13 (also known as the Hill East Waterfront).

(c) DISTRICT OF COLUMBIA PROPERTY TO BE CONVEYED TO THE ADMINISTRATOR.—The property described in this subsection is the real property consisting of Building Nos. 16, 37, 38, 118, and 118–A and related improvements, together with the real property underlying those buildings and improvements, on the West Campus of Saint Elizabeths Hospital, as described in the quitclaim deed of September 30, 1987, by and between the United States and the District of Columbia and recorded in the Office of the Recorder of Deeds of the District of Columbia on October 7, 1987.

SEC. 102. TERMINATION OF CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States is not required to perform, or to reimburse the District of Columbia for the cost of performing, any of the following services:

(1) Repairs or renovations pursuant to section 4(f) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225b(f); sec. 44–903(f), D.C. Official Code).

(2) Preservation, maintenance, or repairs pursuant to a use permit executed on September 30, 1987, under which the United States (acting through the Secretary of Health and Human Services) granted permission to the District of Columbia to use and occupy portions of the Saint Elizabeths Hospital property known as the ''West Campus''.

(3) Mental health diagnostic and treatment services for referrals as described in section 9(b) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (24 U.S.C. 225g(b); sec. 44–908(b), D.C. Official Code), but only with respect to services provided on or before the date of the enactment of this Act.

(b) EFFECT ON PENDING CLAIMS.—Any claim of the District of Columbia against the United States for the failure to perform, or to reimburse the District of Columbia for the cost of performing, any service described in subsection (a) which is pending as of the date of the enactment of this Act shall be extinguished and terminated.

TITLE II—STREAMLINING MANAGEMENT OF PROPERTIES LOCATED IN THE DISTRICT OF COLUMBIA

SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

(H) Subject to paragraph (2), lands over I–395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I–295.

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106–348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that—

(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

(3) ADDITIONAL TRANSFER.—

(A) IN GENERAL.—Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I–295, the D Street Southwest ramp to I–395, and I–295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

(ii) The remaining portion is transferred to the Architect of the Capitol.

(B) RETENTION OF JURISDICTION OVER SUBSURFACE AREA.—The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

(1) A portion of U.S. Reservation 451.

(2) A portion of U.S. Reservation 404.

(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

(4) U.S. Reservation 251.

(5) U.S. Reservation 8.

(6) U.S. Reservations 277A and 277C.

(7) Portions of U.S. Reservation 470.

(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act.

SEC. 202. EXCHANGE OF TITLE OVER CERTAIN PROPERTIES.

(a) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—On the date on which the District of Columbia conveys to the Secretary all right, title, and interest of the District of Columbia in each of the properties described in subsection (b) for use as described in such subsection, the Secretary shall convey to the District of Columbia all right, title, and interest of the United States in each of the properties described in subsection (c).

(2) ADMINISTRATION BY NATIONAL PARK SERVICE.—The properties conveyed by the District of Columbia to the Secretary under this section shall be administered by the Director upon conveyance.

(b) PROPERTIES TO BE CONVEYED TO THE SECRETARY; USE.—The properties described in this subsection and their uses are as follows (as depicted on the Map):

(1) Lovers Lane Northwest, abutting U.S. Reservation 324, for the closure of a one-block long roadway adjacent to Montrose Park.

(2) Needwood, Niagara, and Pitt Streets Northwest, within the Chesapeake and Ohio Canal National Historical Park, for the closing of the rights-of-way now occupied by the Chesapeake and Ohio Canal.

(c) PROPERTIES TO BE CONVEYED TO THE DISTRICT OF COLUMBIA.—The properties described in this subsection are as follows (as depicted on the Map):

(1) U.S. Reservation 17A.

(2) U.S. Reservation 484.

(3) U.S. Reservations 243, 244, 245, 247, and 248.

(4) U.S. Reservations 128, 129, 130, 298, and 299.

(5) Portions of U.S. Reservations 343D and 343E.

(6) U.S. Reservations 721, 722, and 723.

SEC. 203. CONVEYANCE OF UNITED STATES RESERVATION 174.

(a) CONVEYANCE; USE.—If the District of Columbia enacts a final plan for the development of the former Convention Center Site which meets the requirements of subsection (b)—

(1) the Secretary shall convey all right, title, and interest of the United States in U.S. Reservation 174 (as depicted on the Map) to the District of Columbia upon the enactment of such plan; and

(2) the District shall use the property so conveyed in accordance with such plan.

(b) REQUIREMENTS FOR DEVELOPMENT PLAN.—The plan for the development of the former Convention Center Site meets the requirements of this subsection if—

(1) the plan is developed through a public process;

(2) during the process for the development of the plan, the District of Columbia considers at least one version of the plan under which U.S. Reservation 174 is set aside as public open space as of the date of the enactment of this Act and shall continue to be set aside as public open space (including a version under which facilities are built under the surface of such portion); and

(3) not less than 1¼ acres of the former Convention Center Site are set aside for public open space under the plan.

(c) FORMER CONVENTION CENTER SITE DEFINED.—In this section, the ''former Convention Center Site'' means the parcel of land in the District of Columbia which is bounded on the east by 9th Street Northwest, on the north by New York Avenue Northwest, on the west by 11th Street Northwest, and on the south by H Street Northwest.

SEC. 204. CONVEYANCE TO ARCHITECT OF THE CAPITOL.

(a) IN GENERAL.—Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act, the District of Columbia shall convey, with the approval of the Architect of the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

(b) TITLE HELD BY SECRETARY.—If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

(c) REVIEW.—If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) STUDY.—The Architect of the Capital shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

(1) A study is completed that analyzes—

(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

(2) The study is submitted to the relevant committees of Congress.

(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

TITLE III—POPLAR POINT

SEC. 301. CONVEYANCE OF POPLAR POINT TO DISTRICT OF COLUMBIA.

(a) CONVEYANCE.—Upon certification by the Secretary of the Interior (acting through the Director) that the District of Columbia has adopted a land-use plan for Poplar Point which meets the requirements of section 302, the Director shall convey to the District of Columbia all right, title, and interest of the United States in Poplar Point, in accordance with this title.

(b) WITHHOLDING OF EXISTING FACILITIES AND PROPERTIES OF NATIONAL PARK SERVICE FROM INITIAL CONVEYANCE.—The Director shall withhold from the conveyance made under subsection (a) the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service until such terms for conveyance are met under section 303.

(c) DEED RESTRICTION FOR PARK PURPOSES.—The deed for the conveyance of Poplar Point provided for in subsection (a) shall include a restriction requiring that 70 acres be maintained for park purposes in perpetuity, as identified in the land use plan required under section 302. Any person (including an individual or public entity) shall have standing to enforce the restriction.

SEC. 302. REQUIREMENTS FOR POPLAR POINT LAND-USE PLAN.

(a) IN GENERAL.—The land-use plan for Poplar Point meets the requirements of this section if the plan includes each of the following elements:

(1) The plan provides for the reservation of a portion of Poplar Point for park purposes, in accordance with subsection (b).

(2) The plan provides for the identification of existing facilities and related properties of the National Park Service, and the relocation of the National Park Service to replacement facilities and related properties, in accordance with subsection (c).

(3) Under the plan, at least two sites within the areas designated for park purposes are set aside for the placement of potential commemorative works to be established pursuant to chapter 89 of title 40, United States Code, and the plan includes a commitment by the District of Columbia to convey back those sites to the National Park Service at the appropriate time, as determined by the Secretary.

(4) To the greatest extent practicable, the plan is consistent with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(b) RESERVATION OF AREAS FOR PARK PURPOSES.—The plan shall identify a portion of Poplar Point consisting of not fewer than 70 acres (including wetlands) which shall be reserved for park purposes and shall require such portion to be reserved for such purposes in perpetuity.

(c) IDENTIFICATION OF EXISTING AND REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.—

(1) IDENTIFICATION OF EXISTING FACILITIES.—The plan shall identify the facilities and related property (including necessary easements and utilities related thereto) which are occupied or otherwise used by the National Park Service in Poplar Point prior to the adoption of the plan.

(2) RELOCATION TO REPLACEMENT FACILITIES.—

(A) IN GENERAL.—To the extent that the District of Columbia and the Director determine jointly that it is no longer appropriate for the National Park Service to occupy or otherwise use any of the facilities and related property identified under paragraph (1), the plan shall—

(i) identify other suitable facilities and related property (including necessary easements and utilities related thereto) in the District of Columbia to which the National Park Service may be relocated;

(ii) provide that the District of Columbia shall take such actions as may be required to carry out the relocation, including preparing the new facilities and properties and providing for the transfer of such fixtures and equipment as the Director may require; and

(iii) set forth a timetable for the relocation of the National Park Service to the new facilities.

(B) RESTRICTION ON USE OF PROPERTY RESERVED FOR PARK PURPOSES.—The plan may not identify any facility or property for purposes of this paragraph which is located on any portion of Poplar Point which is reserved for park purposes in accordance with subsection (b).

(3) CONSULTATION REQUIRED.—In developing each of the elements of the plan which are required under this subsection, the District of Columbia shall consult with the Director.

SEC. 303. CONVEYANCE OF REPLACEMENT FACILITIES AND PROPERTIES FOR NATIONAL PARK SERVICE.

(a) CONVEYANCE OF FACILITIES AND RELATED PROPERTIES.—Upon certification by the Director that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied or used by the National Park Service—

(1) the District of Columbia shall convey to the Director all right, title, and interest at no cost in the facilities and related property (including necessary easements and utilities related thereto) to which the National Park Service is to be relocated (without regard to whether such facilities are located in Poplar Point); and

(2) the Director shall convey to the District of Columbia all right, title, and interest in the facilities and related property which were withheld from the conveyance of Poplar Point under section 301(b) and from which the National Park Service is to be relocated.

(b) RESTRICTION ON CONSTRUCTION PROJECTS PENDING CERTIFICATION OF FACILITIES.—

(1) IN GENERAL.—The District of Columbia may not initiate any construction project with respect to Poplar Point until the Director makes the certification referred to in subsection (a).

(2) EXCEPTION FOR PROJECTS REQUIRED TO PREPARE FACILITIES FOR OCCUPATION BY NATIONAL PARK SERVICE.—Paragraph (1) shall not apply with respect to any construction project required to ensure that the facilities and related property to which the National Park Service is to be relocated under the land-use plan under this title (in accordance with section 302(c)) are ready to be occupied by the National Park Service.

SEC. 304. POPLAR POINT DEFINED.

In this title, ''Poplar Point'' means the parcel of land in the District of Columbia which is owned by the United States and

which is under the administrative jurisdiction of the District of Columbia or the Director on the day before the date of enactment of this Act, and which is bounded on the north by the Anacostia River, on the northeast by and inclusive of the southeast approaches to the 11th Street bridges, on the southeast by and inclusive of Route 295, and on the northwest by and inclusive of the Frederick Douglass Memorial Bridge approaches to Suitland Parkway, as depicted on the Map.

TITLE IV—GENERAL PROVISIONS

SEC. 401. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term ''Administrator'' means the Administrator of General Services.

(2) The term ''Director'' means the Director of the National Park Service.

(3) The term ''Map'' means the map entitled ''Transfer and Conveyance of Properties in the District of Columbia'', numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

(4) The term ''park purposes'' includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

(5) The term ''Secretary'' means the Secretary of the Interior.

SEC. 402. LIMITATION ON COSTS.

The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act.

SEC. 403. AUTHORIZATION OF PARTIES TO ENTER INTO CONTRACTS.

An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act.

SEC. 404. NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.

Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 405. CONGRESSIONAL REPORTS.

(a) DISTRICT OF COLUMBIA.—Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act.

(b) COMPTROLLER GENERAL.—The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on—

(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

(c) SUNSET.—This section shall expire 10 years after the date of enactment of this Act.

SEC. 406. TREATMENT AS PROPERTIES TRANSFERRED TO ARCHITECT OF THE CAPITOL AS PART OF CAPITOL BUILDINGS AND GROUNDS.

Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act, the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled ''An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes'' (relating to the policing of the United States Capitol Grounds) and sections 5101 to 5107 and 5109 of title 40, United States Code (relating to prohibited acts within the United States Capitol Grounds).

SEC. 407. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.

SEC. 408. OMB REPORT.

(a) OMB REPORT ON SURPLUS AND EXCESS PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report on surplus and excess government property to Congress including—

(1) the total value and amount of surplus and excess government property, provided in the aggregate, as well as totaled by agency; and

(2) a list of the 100 most eligible surplus government properties for sale and how much they are worth.

(b) DATA SHARING AMONG FEDERAL AGENCIES.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) develop and implement procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency; and

(2) report to Congress on the development and implementation of such procedures.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure be considered as read and printed in the RECORD.

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

There was no objection.

The amendment in lieu of the amendments reported by the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 6233, SAFETEA–LU AMENDMENTS ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 491) providing for a correction to the enrollment of H.R. 6233.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 491

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 6233, the Clerk of the House of Representatives shall make the following correction: Strike section 201(m)(3)(D).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006

Mr. BUYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2562) to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2562

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' Compensation Cost-of-Living Adjustment Act of 2006''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2006, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2006, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar

amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2006, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2007.

SEC. 4. TECHNICAL AMENDMENT.

Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (as added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

Mr. BUYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2562) the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, and move for its immediate consideration in the House.

Mr. Speaker, the annual cost-of-living adjustment, S. 2562, as amended, is one of the more important bills the Congress considers each year since it was first provided in 1976. Briefly, S. 2562, as amended, would authorize a cost-of-living adjustment—COLA—to VA's disability compensation effective December 1, 2006, as well as publication of the rates.

The Congressional Budget Office currently projects the COLA will be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated in the next few weeks and the COLA will go into effect on December 1, 2006.

The cost of providing a COLA is assumed in the Administration's budget baseline. Likewise, H.R. 5385, the Military Quality of Life and Veterans Affairs, and Related Agencies Appropriations Bill, 2007, fully funds this year's veterans COLA.

Mr. Speaker, I would like to thank Ranking Member LANE EVANS for all his hard work and cooperation this Congress in his advocacy for veterans on this and other legislation. It has been truly a pleasure to work with him as Ranking Member this Congress. I do not think he ever forgot the core values shared by his family, and taught by his parents where he grew up. These same core values were polished by the United States Marine Corps. He embraced them and they were enduring and they helped guide him here in his service to country. Mr. EVANS will be missed on this Committee and in the House.

Mr. Speaker, I hope all Members will support this bill and I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on S. 2562, as amended.

Mr. MILLER of Florida. Mr. Speaker, I rise in strong support of S. 2562, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006. The House passed a similar measure, H.R. 4843, on July 26, 2006 by a vote of 408–0.

Each year since 1976, Congress has provided a cost-of-living adjustment (COLA) to the benefits provided to our Nation's disabled veterans and their survivors.

The purpose of the annual COLA is to ensure that Department of Veterans Affairs (VA) cash benefits retain their purchasing power and are not eroded by inflation.

The House and Senate Veterans' Affairs Committees are following their longstanding practice of setting the COLA by reference to the yet-to-be-determined Social Security increase.

In February 2006, the Administration projected a 2.6 percent increase; as of May 2006, the Congressional Budget Office is projecting the COLA to be 2.2 percent. However, it may be higher or lower depending on changes in the Consumer Price Index. The exact percentage will be calculated in the next few weeks and the COLA will go into effect on December 1, 2006.

As Chairman BUYER indicated, this is one of the more important pieces of legislation the Veterans' Committee brings to the floor each year, and I urge my colleagues to support the bill.

Ms. BERKLEY. Mr. Speaker, I would like to thank Chairman BUYER, Ranking Member EVANS, and our Subcommittee Chairman MILLER, as well as Senator CRAIG and Senator AKAKA on the Senate side, for moving forward on this bill. Passage of this legislation will assure most of the men and women currently receiving benefits from the Department of Veterans Affairs (VA) receive a well-deserved increase in benefits as of January 1, 2007.

We should never allow the compensation received by veterans, disabled in service to the Nation to erode in value as the cost of living rises. S. 2562, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006, will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2007 by providing for an increase in benefits.

This bill will help most, but not all, VA beneficiaries maintain the value of their benefits. Once again, I am disappointed that the bill does not include funding to allow our widows, widowers and their children to receive a cost-of-living adjustment for their supplemental transitional benefits as provided in the House passed bill. As a result, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility will erode in value in 2006.

Mr. Speaker, if we can find millions to maintain the tax cuts provided to our wealthiest citizens, surely we can find an additional five or ten dollars a month to maintain the transitional benefit paid to our surviving spouses with children at its current purchasing power. Our Gold Star Wives, husbands whose wives have perished in our current conflict and their children deserve better.

No amount of money can adequately compensate our veterans for the loss of their health, or families for the loss of a loved one. It is important that the benefits, which our Nation provides to partially compensate for such losses, do not lose their value over time.

In 2005, over 29,000 veterans in Nevada received disability compensation or pension payments from VA and thousands of Nevada family members and survivors receive VA cash benefits.

The action we are taking here today will help the Nevada veterans and families who depend on these VA benefits.

I understand the urgency of passing this COLA so that veterans and their dependents will receive a timely increase in VA benefits. I hope that before this Congress recesses for the year, the increase in DIC benefits and other provisions passed by the House and Senate can be enacted into law. Those who have served this Nation, deserve no less.

S. 2562 will receive my full support and it deserves the support of all Members of this House.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORTH KOREA NONPROLIFERATION ACT OF 2006

Mr. ROYCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3728) to promote nuclear nonproliferation in North Korea, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. KUCINICH. Reserving the right to object, Mr. Speaker, this bill will not bring relief to the millions of North Koreans who are suffering every day. It is estimated that 2 million people have died of starvation in North Korea. More than 13 million North Koreans suffer from malnutrition, including 60 percent of all children, the worst rate among 110 developing nations surveyed by the World Health Organization and UNICEF. North Korea had an infant mortality rate of 2 percent in 2000. South Korea's infant mortality rate for the same year by contrast was 0.5 percent. There are chronic shortages of food and fuel already. Heavy military spending, estimated at between one-quarter and one-third of gross domestic product, has constrained and skewed economic development. North Korea has a per capita GDP of $1,000. South Korea's per capita GDP by contrast is $18,000.

Despite significant inflows of international assistance over the past decade, harsh economic and political conditions have caused tens of thousands of persons to flee the country.

The better approach the U.S. should be supporting is the approach adhered to by the South Koreans. They have taken the approach of unification as a way to pull North Korea into the modern world. It worked for East Germany,

and it can work for North Korea again. The downside of this approach is that missile defense advocates will have to create another false reason to spend in excess of $9 billion a year on the failed system. I am confident they can conjure up some new enemy and protect defense industry profits.

Now, it is true, Mr. Speaker, that North Korea has declared that it possesses nuclear weapons, this according to a report by Dr. Hans Blix that was presented and remarked on in a congressional subcommittee the other day. He said this report says it has not provided evidence of this claim. It has violated the NPT and twice declared its withdrawal from the treaty.

It operates a nuclear fuel cycle consisting of a 5-megawatt research reactor, which uses natural uranium; a reprocessing facility which produces plutonium; and various uranium processing and fuel fabrication facilities. The United States has claimed that the country also has an enrichment capability.

In 2005 Pakistan's President Musharaff stated that the A.Q. Khan network had provided centrifuge machines and designs to North Korea, although the scale of its enrichment capability remains unknown. North Korea has not signed the Comprehensive Nuclear Test Ban Treaty.

Now, under a section called ''What Must be Done'' in the report that Dr. Blix delivered, the Weapons of Mass Destruction Commission makes many specific and detailed recommendations. The most important of them are summarized as, number one, to agree on general principles of action; number two, to reduce the danger of present arsenals, no use by states, no access by terrorists; number three, to prevent proliferation, no new weapons systems, no new possessors; number four, work towards outlawing all weapons of mass destruction once and for all, including preventing an arms race in space by prohibiting any stationing or use of weapons in outer space. I would recommend this to the reading by Members of this Congress who are concerned about nuclear proliferation.

Finally, Mr. Speaker, I think that it is time that this Congress calls for the abolition of all nuclear weapons. That, in effect, is what the Nonproliferation Treaty is all about. It is true that the use of nuclear weapons threatens the future of mass public, cities, nations, civilization itself, and, indeed, all of life on Earth. Nuclear weapons in the arsenal of any country undermine the security of all countries, including the United States. Under the Treaty of Nonproliferation of Nuclear Weapons, the NPT, all nuclear weapon states are committed to good-faith negotiations to achieve nuclear disarmament.

On June 6, 2006, the Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission, cited as their number one concern for the security of the United States the availability of nuclear weapons materials for attack upon the American people. The 2006 report of the Weapons of Mass Destruction Commission concludes: ''So long as any state has nuclear weapons, others will want to use them. So long as any weapons remain, there is a risk that they will one day be used by design or accident. Any such use will be catastrophic. The model nuclear weapons convention circulated by the United Nations demonstrates the feasibility of achieving the global elimination of nuclear weapons.''

So, Mr. Speaker, I am once again asking this House to call for the abolition of all nuclear weapons and to ask that the House call upon the President to initiate multilateral negotiations for the abolition of nuclear weapons. We can start by opening up direct negotiations with North Korea for the purpose of getting their participation, and I think that is a much better approach than the legislation that we are about to send over to the President.

And for that purpose, I withdraw my reservation of objection.

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

Mr. WU. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman what his reasoning is in moving this bill when he was so supportive of selling fissile materials to India, which, like North Korea, is not a signatory to the Comprehensive Nuclear Test Ban Treaty and, unlike North Korea, has a demonstrated nuclear capability.

Now, I was only a kid then, but I remember when we sold F–15s to Iran so that Iran could offset Soviet power in South Asia. And because we sold F–15s and other things to Iran, we wound up selling chemical weapon precursor materials to Iraq to offset Iran in the Middle East. Now we are told that we should sell fissile materials to India, which would free up Indian nuclear reactors to produce many more nuclear weapons for the Indian nuclear weapons program as an offset to Chinese power in Asia.

Mr. Chairman, if we do this with India, what it would do is encourage the Chinese to increase their nuclear arsenal, and I submit to you that we are one of the potential targets of that enhanced Chinese nuclear arsenal.

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Even more worrisome is that this Indian nuclear build-up would accelerate further the Pakistani nuclear build-up, which my friend from Ohio referred to a moment ago.

And while I have strong confidence in the stability of the Indian government, and in the stability of Indian democracy, I have much less faith in the stability of the Pakistani government, and of Pakistani democracy, and of the Pakistani government's ability to keep under control those nuclear weapons which it already has, and more of which it would be encouraged to build because of the sale of fissile material to India.

And in a military coup, if there is a military coup in Pakistan, which there has been multiple times in the last 20 years, we should be very, very concerned about the stability of not only south Asia, but of the world.

I think the chairman, as one of the subcommittee chairs of the International Relations Committee would surely agree with me that rather than sanctioning nonsignatory States, approving of nonsignatory States to those nonproliferation treaties, the better course of action is to respect these international agreements and to immediately bring to the Senate a total ban on nuclear testing, and comprehensive treaties concerning nuclear proliferation.

I would be happy to yield to the chairman for his response.

Mr. ROYCE. Yes. Let me explain to the gentleman that, first, our efforts with respect to India is to bring India into the nonproliferation regime.

Mr. WU. Reclaiming my time. Is not ultimately the big picture effect of permitting India to go forward with this basically blowing out of the water the entire treaty system with which we have tried to restrain nuclear nonproliferation in this world? I yield to the gentleman.

Mr. ROYCE. Mr. Aliberti supports, and the United Nations Security Council resolution supports actions by member States in response to North Korea pulling out of the nonproliferation agreement, to go forward and put these types of prohibitions on the transfer of technologies to North Korea that would allow it to develop these types of weapon systems.

North Korea is a proliferator, India is not.

Mr. WU. Reclaiming my time. Is the gentleman citing something from the United Nations? I yield to the the gentleman.

Mr. ROYCE. I am citing the United Nations Security Council resolution adopted on July 15, 2006.

Mr. WU. Reclaiming my time. Is this the Congress of the United States or are we abdicating responsibility to the United Nations?

Mr. ROYCE. I am pointing out that all member States, in response to the actions by North Korea to develop and to proliferate weapons of mass destruction such as long-range ballistic missiles and atomic weapons, have attempted to curtail the transfer of technologies to this State, since it has adopted a very aggressive posture and thus has become a direct threat to the United States and to our allies in northeast Asia.

Mr. WU. Reclaiming my time. It is a very short question, amenable to a ''yes'' or ''no'' answer. Is this not the United States Congress? Are we not abdicating responsibility under your comment to the United Nations rather than taking responsibility ourselves?

Mr. ROYCE. We are taking responsibility because North Korea is a direct threat to the United States.

Mr. WU. I mean taking responsibility for Indian nuclear weapons, which will be produced as a result of our sale of fissile materials to India.

Mr. ROYCE. Our attempt with respect to India is to bring India into the MPT regime and lead it to peaceful purposes of nuclear energy and away from producing weapons outside of an MPT regime.

Mr. WU. I thank the gentleman and yield to the question from Ohio.

Mr. KUCINICH. I want to say that the gentleman from Oregon's point is well taken. As someone who engaged in the debate over India, I am familiar with the concerns that he has raised. And there are concerns about the ability of the United States Congress, which is being asked to on one hand ascent to the proliferation of one group, and deny the proliferation of another, for this Congress to be in a position of trying to help this country have a consistent program of nuclear nonproliferation, which I know is exactly the point that the gentleman relates to.

In addition to that, the Weapons of Mass Destruction Commission has said that North Korea ought to be given the same kinds of guarantees that is in the agreed framework of 1994 that they are not going to be attacked. This is the same thing that has been recommended that is done with Iran as well. So we do not need to get into these nuclear crises and say that people are threats if we engage them in talks that work towards nonproliferation.

This group made recommendations, Mr. WU, that I am sure you are familiar with. They said that a negotiation with North Korea should aim at a verifiable agreement, including as a principle element, North Korea's manifestation of its adherence to the MPT and accepting the 1997 additional protocol, as well as the revival and a legal confirmation of the commitments made in the 1992 joint declaration on the denuclearization of the Korean Peninsula.

And notably saying that neither North nor South Korea shall have nuclear weapons nor nuclear reprocessing and uranium enrichment facilities, and fuel cycle services should be assured through international agreements. The agreements should also cover biological and chemical weapons as well as the comprehensive nuclear test ban treaty, thus making the Korean Peninsula a zone free of weapons of mass destruction.

So what Mr. WU is asking about, and which I certainly support, is some consistency in policy. And it beings with Congress since we are being called upon, as Mr. WU stated, to either agree or disagree with these policies.

I want to thank the gentleman for raising that, because this is the appropriate time to raise that.

Mr. WU. Reclaiming my time. I thank the gentleman. I want to make clear that I am certainly not defending the North Korea regime. But, I am calling into question the actions of this Congress and the strong advocacy of the chairman in favor of a proposed treaty with India which would have the result of starting a nuclear arms race or accelerating a nuclear arms race in south Asia and, just as importantly, which in the big picture blows out the whole treaty system for restraining the proliferation of nuclear weapons.

I would be happy to yield to the gentleman.

Mr. ROYCE. With respect to the strategy to bring India into the MPT, in our considered judgment, and the judgment of the majority of the Members of this House, it is a wiser policy to bring them into the tent, to get their cooperation and to focus on using nuclear energy to produce energy for peaceful purposes in India.

Now, with respect to North Korea, it remains a very real threat with over a million troops, possibly several nuclear weapons, and most importantly, the propensity to export these types of weapons. This is not something we have seen from India in the past.

But North Korea is an exporter of its missiles and of its technology. And for that very reason, the goal of this legislation is to put a prohibition on the transfer to North Korea of the types of technologies that could be used by North Korea in order to further develop its weapons systems. It is that simple.

It is the same with respect to Iran. It is the same with respect to Syria. Now, we are putting in place a provision stating that North Korea shall not have the ability to receive from the United States or any companies in the United States this type of technology. U.S. companies will not be able to be licensed to export this kind of technology. They will be sanctioned if they attempt it.

Mr. WU. I share with the gentleman the concerns about the export of nuclear weapons from North Korea. The point of my earlier comments is not about export from India, but because of our actions with respect to India, that we would be encouraging and accelerating the Pakistani nuclear program from which there is a real risk of exportation. I yield to the gentleman from Ohio.

Mr. KUCINICH. This is a discussion that should have been happening a long time ago in this Congress. Because no one really talked that deeply about the implication of our decision granting India the ability to gain access to fissile materials, in terms of the potential dialectic of conflict which develops between the proliferator, Pakistan, and India gaining the fissile materials.

Mr. WU has raised the point that is really central to the discussion about how do we protect world peace. How do we stop some kind of a conflagration from breaking out on the subcontinent if we do not have a consistent policy?

I mean, we know as was pointed out in the WMDC report here, that in February of 1999, India and Pakistan signed a memorandum of understanding on a variety of nuclear confidence building measures.

Both countries, however, this report says: ''Are continuing their efforts to develop and produce nuclear weapons and their delivery vehicles.'' So, Mr. WU is right on in raising this. And this is the exact time this has to be raised, even though it is almost one in the morning on Saturday. I yield.

Mr. WU. Reclaiming my time. I would be happy to yield to the chairman.

Mr. ROYCE. Yes. In response, I do not think the opposition is to this bill. But I understand the concept, and the argument relating to the nonproliferation regime as you have laid it out.

But I think we have an honest disagreement about the approach to India and whether or not that will strengthen the regime. And that is what is playing itself out in debate here.

From my standpoint, the proliferation issues have been between Pakistan and North Korea, whereas India has shown itself resistant to proliferation, and has shown a willingness to look at a way to be brought into the fold of the MPT. So I saw that earlier initiative to bring India within the framework agreement and with the MPT as a positive step forward.

And with respect to this legislation, basically what it does is to apply exactly the same system of forced compliance on companies that now exist with respect to Iran and Syria.

That is to say, that in terms of getting a licensing agreement or having the ability to ship technologies into North Korea that could be used for the purpose of eventually developing those weapon systems, that will be prohibited. That is the intent of the legislation. And I thank the gentleman for yielding.

Mr. WU. Reclaiming my time. Unlike the gentleman from Ohio, the dialectic of proliferation is way beyond me.

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I do recognize a bad idea when I see one, and encouraging India by selling it nuclear fissile materials, which would ultimately result in the increase of Chinese nuclear weapons and Pakistani nuclear weapons, is surely that bad idea.

There are times when we are all in the minority at one time or another. There was 68 of us who voted against approving the treaty to sell nuclear fissile materials to India. On that vote, I would have been happy to have been a minority of one because I do believe that it would add fuel to the fire of nuclear proliferation in south Asia in that it basically does blow out of the water any hope we have of treaty constraints on the proliferation of nuclear weapons.

I want to make it clear in this RECORD and for history that the actions of this administration in nuclear proliferation or trying to contain nuclear proliferation have been patently

irresponsible. This administration has underfunded the Nunn-Lugar legislation which seeks to purchase fissile materials, which would be otherwise available to terrorists on the open market.

This administration has proposed a treaty with India that would sell India nuclear fissile materials that would result in a nuclear arms race between India and China and India and Pakistan, and Pakistan is not a stable country. There is great danger of the leakage of nuclear weapons from Pakistan. You heard earlier from another speaker about Pakistani aid to nuclear proliferation elsewhere in the world.

Let the record show that if or when a mushroom cloud ever erupts over an American city, it will be traced back to this unwise vote in the United States Congress and to a bone-headed policy of this administration with respect to treaty rights, to Nunn-Lugar and this sale of nuclear materials to India.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, if I could make just one last comment in support of what the gentleman is saying, I am sure many are familiar that in the Hindu religion Brahma, the Creator; and Vishnu, the Preserver; and Shiva, the Destroyer exist simultaneously and represent the multiplicity of God.

We here are called upon to determine which of the principles, Creator, Preserver or Destroyer, shall work through each of us. As the gentleman from Oregon says, if we continue to pursue nuclear proliferation as embodied in the nuclear agreement with India, we will be open to the principles of destruction. At this moment when world tensions are rising and violence is cycling higher, we need to take the direction of preserving the peace and creating a new opening through the abolition of all nuclear weapons.

Again, I want to thank my friend from Oregon for raising this point at this propitious moment.

The SPEAKER pro tempore. The Chair would like to inquire as to whether or not the gentleman from Oregon is planning on withdrawing his reservation or not.

Mr. WU. Mr. Speaker, I simply wanted to yield to the chairman for any further comments he might have.

Mr. ROYCE. I am going to yield back, and I appreciate the gentleman yielding.

Mr. WU. Mr. Speaker, I appreciate the chairman's forbearance and the Speaker's forbearance.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of S. 3728, the North Korea Non-Proliferation Act of 2006. This legislation would amend the Iran and Syria Nonproliferation Act to extend the provisions of the Act to North Korea. Enactment of this legislation would impose sanctions on persons who transfer such weapons and related goods and technology to and from North Korea. This legislation would authorize sanctions that are equivalent to those required under current law for persons who are found to transfer such items to and from Iran and Syria. S. 3728 also calls on the international community to act in accordance with the provisions of United Nations Security Council Resolution 1695 (UNSCR 1695), which prevents member states from conducting missile and related transfers to or from North Korea in reaction to the tests. This bill is timely and important. It deserves steadfast support from this body.

North Korea's nuclear ambitions are destabilizing. Its recent missile tests on July 5, 2006, were conducted against the urging of the international community. Ultimately, this recent missile test was a failure. But that act, taken together with its previous tests and North Korea's intransigent behavior during international talks on this matter, is indicative of the recalcitrant nature of the North Korean regime. North Korea is in fact continuing to pursue its nuclear and ballistic missiles programs in spite of diplomatic efforts by the international community and in contradiction with North Korea's previous commitments. North Korea's pursuit of nuclear weapons and ballistic missiles technology and capabilities is an emerging danger to the national security of the United States.

North Korea's recent missile test also disappointed the international community. On July 16, 2006, the United Nations Security Council adopted UNSCR 1695 in order to prevent United Nations member states from conducting missile and related technology transfers to North Korea in reaction to the tests. UNSCR 1695 also requires North Korea to suspend all activities related to its ballistic missile program and return to the negotiating table. Enactment of S. 3728 would strengthen U.S. laws, authorizing the U.S. government to investigate, sanction, and prevent proliferation efforts made by or on behalf of the North Korean regime by government or private entities.

But sanctions alone will not ultimately solve this problem. Robust and constant diplomatic pressure on the North Korean regime must continue to be applied by the United States in coordination with the United Nations and other countries. North Korea and its pursuit of nuclear weapons and delivery vehicles is not only the United States' problem. I am encouraged by the fact that China, Japan, South Korea, and Russia remain desirous of a peaceful resolution to this problem. The Six Party Talks involving these countries and North Korea should continue.

More progress should be made toward constraining North Korea's ability to develop nuclear weapons and ballistic missile technology and capabilities while we continue diplomatic efforts to encourage that government to abandon its nuclear ambitions. S. 3728, the North Korea Non-Proliferation Act of 2006, will help to achieve those goals.

Mr. LANTOS. Mr. Speaker, I rise in strong support of S. 3728, the North Korea Non-Proliferation Act of 2006.

Mr. Speaker, Americans around the nation celebrated the Fourth of July this year by watching fireworks, hosting backyard barbecues, and spending time with their families. The North Koreans chose to observe America's birthday in a far more threatening fashion: they test launched a series of missiles, one of which was potentially capable of hitting American soil with a nuclear payload.

Pyongyang's destabilizing actions not only angered Washington, but set off alarm bells in Seoul, Tokyo, Beijing and Moscow, our partners in the Six Party Talks. The UN Security Council quickly adopted a resolution requiring all Member States to prevent overseas sales of North Korea missiles, and to stop transfers of any financial resources to North Korea related to its missile or WMD programs.

The legislation before the House today implements this groundbreaking Security Council Resolution. By adding North Korea to the Iran and Syria Nonproliferation Act, the United States will take concrete actions against foreign firms that engage in missile- and WMD-related trade with North Korea.

The Executive Branch will now be forced to review every six months all credible intelligence regarding commercial transfers to North Korea of items applicable for the development of weapons of mass destruction and ballistic missiles.

On the basis of these reviews, the President must sanction foreign firms that engaged in such trade, or explain to Congress why he has not done so.

This is Congressional direction at its best. We must remember that the Iran and Syria Nonproliferation Act, which this amends, forced the Executive Branch to take actions against firms engaging in illicit trade with both Iran and Syria, actions that the President would otherwise not have taken. Dozens of firms have been sanctioned for such Iran- and Syria-related trade in the years since, focusing global attention on their activities and on their governments.

The regime of Kim Jong-Il poses as much of a threat to international security as Iran and Syria. Common sense requires us to undertake the same review and sanctions for Pyongyang's activities and their commercial co-conspirators as we do for Iran and Syria.

Mr. Speaker, the North Korean leadership was hoping to gain the world's attention with its July missile launches. Pyongyang succeeded. But rather than forcing the world to bring a new tray of goodies to North Korea, the tests unified the world in opposition to North Korea's destabilizing actions, and brought about a new round of UN-approved sanctions.

Mr. Speaker, with the right package of carrots and sticks, I remain optimistic that the U.S. and its Six Party allies can negotiate a comprehensive and verifiable deal with North Korea. I hope that by July 4th next year, we will have such an agreement in hand. Until then, we must bring our laws in line with the recent UN Security Council resolution, and act decisively to undermine North Korea's missile and WMD programs.

Mr. Speaker, I strongly support this legislation, and am gratified that it has passed this House.

Mr. WU. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3728

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''North Korea Nonproliferation Act of 2006''.

SEC. 2. STATEMENT OF POLICY.

(a) In view of —

(1) North Korea's manifest determination to produce missiles, nuclear weapons, and other weapons of mass destruction and to proliferate missiles, in violation of international norms and expectations; and

(2) United Nations Security Council Resolution 1695, adopted on July 15, 2006, which requires all Member States, in accordance with their national legal authorities and consistent with international law, to exercise vigilance and prevent—

(A) missile and missile-related items, materials, goods, and technology from being transferred to North Korea's missile or weapons of mass destruction programs; and

(B) the procurement of missiles or missile-related items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or weapons of mass destruction programs,

it should be the policy of the United States to impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.

SEC. 3. AMENDMENTS TO IRAN AND SYRIA NONPROLIFERATION ACT.

(a) REPORTING REQUIREMENTS.—Section 2 of the Iran and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by inserting ''**, NORTH KOREA,**'' after ''**IRAN**''; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Iran, or'' and inserting ''Iran,''; and

(ii) by inserting after ''Syria'' the following: '', or on or after January 1, 2006, transferred to or acquired from North Korea'' after ''Iran''; and

(B) in paragraph (2), by inserting '', North Korea,'' after ''Iran''.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 1, by inserting '', North Korea,'' after ''Iran'';

(2) in section 5(a), by inserting '', North Korea,'' after ''Iran'' both places it appears; and

(3) in section 6(b)—

(A) in the heading, by inserting '', NORTH KOREA,'' after ''IRAN''; and

(B) by inserting '', North Korea,'' after ''Iran'' each place it appears.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION.

Congress urges all governments to comply promptly with United Nations Security Council Resolution 1695 and to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), as amended by this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Ms. PELOSI) for today until 3:30 p.m.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 3:30 p.m. and for the balance of the day on account of personal reasons.

Mr. WOLF (at the request of Mr. BOEHNER) for today until 1:00 p.m. on account of attending a funeral.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; to the Committee on Resources.

S. 1288. An act to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System; to the Committee on Resources.

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Resources.

S. 1829. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Resources.

S. 1913. An act to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

S. 4001. An Act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes; to the Committee on Resources in addition to the Committee on Agriculture 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.

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. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Mrs. Haas, Clerk of the House, also reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. TOM DAVIS of Virginia:

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area, and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction. Examined and found truly enrolled September 29, 2006.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the ''Richard L. Cevoli Post Office''.

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the ''Major George Quamo Post Office Building''.

S. 3930. An act to authorize trial by military commission or violations of the law of war, and for other purposes.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, pursuant to House Concurrent Resolution 483, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 483, 109th Congress, the House stands adjourned until 2 p.m. on Thursday, November 9, 2006.

Thereupon (at 1 o'clock and 5 minutes a.m.), pursuant to House Concurrent Resolution 483, the House adjourned until Thursday, November 9, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9716. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule—United States Standards for Soybeans (RIN: 0580–AA90) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of

Indemnity [Docket No. APHIS–2005–0109] (RIN: 0579–AB99) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9718. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle Host Material From Canada [Docket No. 00–073–3] (RIN: 0579–AB79) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9719. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date [Docket No. 1995C–0790] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9720. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon, Carboxin, Dipropyl Isocinchomeronate, Oil of Lemongrass (Oil of Lemon) and Oil of Orange, Tolerance Actions [EPA–HQ–OPP–2006–0056; FRL–8093–5] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9721. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flufenoxuron; Pesticide Tolerance [EPA–HQ–OPP–2005–0543; FRL–8092–3] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9722. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Metconazole; Pesticide Tolerance [EPA–HQ–OPP–2005–0016; FRL–8085–2] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9723. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—p-Chlorophenoxyacetic acid, Glyphosate, Difenzoquat, and Hexazinone; Tolerance Actions [EPA–HQ–OPP–2006–2006–0036; FRL–8089–6] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9724. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; pesticide Tolerance [EPA–HQ–OPP–2006–0645; FRL–8092–6] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9725. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Quizalofop ethyl; Pesticide Tolerance [EPA–HQ–OPP–2006–0204; FRL–8094–5] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9726. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumetsulam; Pesticide Tolerance [EPA–HQ–OPP–2006–0670; FRL–8092–7] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9727. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Soybean Oil; Ethoxylated; Tolerance Exemption [EPA–HQ–OPP–2006–0480; FRL–8092–4] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9728. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acetic Acid Ethenyl Ester, Polymer with 1-Ethenyl-2-Pyrrolidinone; Tolerance Exemption [EPA–HQ–OPP–2006–0368; FRL–8092–5] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9729. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323(h) Public Law 106–398, section 633 (a); to the Committee on Armed Services.

9730. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Wayne G. Shear to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9731. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Garry R. Trexler, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9732. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's report on the plan for screening military mail for chemical, biological, radiological, and explosive hazards, pursuant to Public Law 109–163, section 1071; to the Committee on Armed Services.

9733. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–7943] received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9734. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Mutual Fund Redemption Fees [Release No. IC–27504; File No. S7–06–06; File No. 04–512] (RIN:3235–AJ51) received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9735. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810–AA97) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9736. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Year 2003; to the Committee on Education and the Workforce.

9737. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9738. A letter from the Secretary, Department of Energy, transmitting the Department's report summarizing trends and shortages in the workforce of electric power and transmission engineers, in accordance with section 1101(b)(1) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

9739. A letter from the Secretary, Department of Health and Human Service, transmitting a copy of a draft bill entitled, ''United States Public Health Service Commissioned Corps Improvement Act of 2006''; to the Committee on Energy and Commerce.

9740. A letter from the Director, Regulations and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation; Withdrawal [Docket No. 2006N–0051] received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9741. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NO_X) SIP Call [EPA–R03–OAR–2006–0728; FRL–8225–1] received September 26, 2006, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Energy and Commerce.

9742. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Additional NO_X Emission Reductions to Support the Philadelphia-Trenton-Wilmington One-Hour Ozone Nonattainment Areas, and Remaining NO_X SIP Call Requirements [EPA–R03–OAR–2005–0549; FRL–8224–9] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9743. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston [EPA–R06–OAR–2005–TX–0015; FRL–8224–7] received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9744. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule National Ambient Air Quality Standards for particulate Matter [EPA–HQ–OAR–2001–0017; FRL–8225–3] (RIN: 2060–AI44) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9745. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule National Priorities List, Final Rule [EPA–HQ–SFUND–2006–0255, EPA–HQ–SFUND–2006–0252, EPA–HQ–SFUND–2006–0247, EPA–HQ–SFUND–2006–250, EPA–HQ–SFUND–2004–0012; FRL–8223–3] (RIN: 2050–AD75) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9746. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances—Fire Supression and Explosion Protection [EPA–HQ–OAR–2005–0087; FRL–8223–4] (RIN: 2060–AM24) received September 26, 2006, pursuant to 5 U.S.C.801(a)(1)(A); to the Committee on Energy and Commerce.

9747. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Protection of Stratospheric Ozone: Notice 21 for Significant New Alternatives Policy Program [EPA–HQ–OAR–2003–

0118; FRL–8223–9] (RIN: 2060–AG12) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9748. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Withdrawal of Certain Chemical Substances from Preliminary Assessment Information Reporting and Health and Safety Data Reporting Rules [EPA–HQ–OPPT–2005–0014 and EPA–HQ–OPPT–2005–0055; FRL–8096–5] (RIN: 2070–AB08) received September 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9749. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Interim Revisions to CERLA Section 122(h) Past Cost Recovery and Peripheral Party Cashout Model Administrative Agreements to Clarify Contribution Rights and Protection Under Section 113(f)—received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9750. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective August 20, 2006 the 15% Danger Pay Allowance for East Timor was terminated based on improved security conditions, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9751. A letter from the Chairman and Co-Chairman, Congressional-Executive Commission on China, transmitting the Commission's annual report for 2006, pursuant to Public Law 106–286; to the Committee on International Relations.

9752. A letter from the Director, Defense Security Cooperation, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–66, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

9753. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–71, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

9754. 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. 06–60, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services; to the Committee on International Relations.

9755. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–58, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Jordan for defense articles and services; to the Committee on International Relations.

9756. 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. 06–51, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Jordan for defense articles and services; to the Committee on International Relations.

9757. 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. 06–48, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

9758. 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. 06–54, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

9759. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–73, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9760. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–72, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

9761. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06–64, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Netherlands for defense articles and services; to the Committee on International Relations.

9762. 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. 06–52, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

9763. 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. 06–33, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on International Relations.

9764. 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. 06–70, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on International Relations.

9765. 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. 06–67, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Brazil for defense articles and services; to the Committee on International Relations.

9766. 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. 06–65, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Colombia for defense articles and services; to the Committee on International Relations.

9767. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 05–12 of 7 October 2004 and 5–29 of 8 September 2005 (Transmittal No. OB–06); to the Committee on International Relations.

9768. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed lease of defense articles to the Government of The Republic of South Korea (Transmittal No. 10–06); to the Committee on International Relations.

9769. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of Denmark (Transmittal No. 06–06); to the Committee on International Relations.

9770. 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. 06–47, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

9771. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on International Relations.

9772. 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 Israel (Transmittal No. DDTC 026–06); to the Committee on International Relations.

9773. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the United Kingdom (Transmittal No. RSAT–07–06); to the Committee on International Relations.

9774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT–06–06); to the Committee on International Relations.

9775. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT–05–06); to the Committee on International Relations.

9776. 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 license for the manufacture of defense equipment from the Government of Sweden (Transmittal No. DDTC 014–06); to the Committee on International Relations.

9777. 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 Italy (Transmittal No. DDTC 046–06); to the Committee on International Relations.

9778. 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 Jordan (Transmittal No. DDTC 021–06); to the Committee on International Relations.

9779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Partial Lifting of Arms Embargo Against Haiti—received September 28, 2006, pursuant to 5 U.S.C.801(a)(1)(A); to the Committee on International Relations.

9780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the administrative expenses of the institutes supported by the Research and Training Program for Eastern Europe and the Independent States of the Former Soviet Union for Fiscal Year 2005, pursuant to Public Law 98–164, section 807; to the Committee on International Relations.

9781. 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 Hong Kong (Transmittal No.DDTC 047–06); to the Committee on International Relations.

9782. 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 Korea (Transmittal No. DDTC 051–06); to the Committee on International Relations.

9783. 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 to the Governments of Russia and Kazakhstan (Transmittal No.DDTC 056-06); to the Committee on International Relations.

9784. 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 Governments of Australia, Canada and the United Kingdom (Transmittal No. DDTC 045–06); to the Committee on International Relations.

9785. 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 Vietnam (Transmittal No. DDTC 053–06); to the Committee on International Relations.

9786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of India (Transmittal No. DDTC 050–06); to the Committee on International Relations.

9787. 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 export defense articles or services to the Government of Canada (Transmittal No. DDTC 055–06); to the Committee on International Relations.

9788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2005 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on International Relations.

9789. 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.

9790. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9791. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Equal Opportunity Survey (RIN: 1215–AB53) received September 29, 2006, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Government Reform.

9792. A letter from the Secretary, Department of Labor, transmitting the Department's Strategic Plan for Fiscal Years 2006–2011i to the Committee on Government Reform.

9793. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9794. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9795. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9796. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998i to the Committee on Government Reform.

9797. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2006–2011 Strategic Plan, as required by the Government Performance and Results Act of 1993 (GPRA); to the Committee on Government Reform.

9798. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—Changes in NARA Research Room Hours [Docket No. NARA–06–0007] (RIN: 3095–AB52) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9799. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled ''Audit of Advisory Neighborhood Commission 8C for the Fiscal Years 2004 through 2006, as of March 31, 2006''; to the Committee on Government Reform.

9800. A letter from the Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2004 through 2006, as of March 31, 2006''; to the Committee on Government Reform.

9801. A letter from the Director, Department of the Interior, transmitting the Department's report on the Minerals Management Service Royalty-in-Kind Operation, as required by Section 342 of the Energy policy Act of 2005; to the Committee on Resources.

9802. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservation and Ceded Lands for the 2006–07 Early Season (RIN: 1018–AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9803. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018–AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9804. A letter from the Acting Assistant Secretary for Fish and wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Season and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018–AU42) received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9805. A letter from the Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Native Veteran Allotments [WO–350–1410–00–24 1A] (RIN: 1004–AD60) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9806. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule Pennsylvania Regulatory Program [PA–146–FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9807. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule— Colorado Abandoned Mine Land Reclamation Plan [CO–031–FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9808. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule Kentucky Regulatory Program [KY–250–FOR] received September 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9809. A letter from the Director, Office of Surface Mining, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 081006A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044; 6044–01; I.D. 090606B] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9811. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.060216044–6044–01; I.D. 090506C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9812. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 090606C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 090106A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9814. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Western Pacific; Omnibus Amendment for the Bottomfish and Seamount Groundfish Fisheries, Crustacean Fisheries, and Precious Coral Fisheries [Docket No. 060606149–6234–02; I.D. 052506A] (RIN: 064S–AT95) received September 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9815. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 060216044–6044–01; I.D. 090506C] received September 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9816. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 082906C] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9817. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Great South Channel Scallop Dredge Exemption [Docket No. 060621176–6219–02; I.D. 052306A] (RIN: 0648–AU50) received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9818. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045–6045–01; I.D. 083006D] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9819. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 082906D] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9820. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter III Fishery for Loligo Squid [Docket No. 051209329–6046–02; I.D. 082806A] received September 18, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9821. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No. 060314069–6069–01; I.D. 083106A] received September 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9822. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and ''Other Flatfish'' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045–6045–01; I.D. 080806B] received September 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9823. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—List of Fisheries for 2006 [Docket No. 060330090–6212–02; I.D. 021506B] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9824. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 051128313–6029–02; I.D.081506B] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9825. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 082506A] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9826. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central and Westerm Regulatory Areas of the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 081606A] received September 8, 2006, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Resources.

9827. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044–01; I.D. 082506D] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9828. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 060216044–6044–01; I.D. 082506C] received September 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9829. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045–6045–01; I.D. 081406C] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9830. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No. 060216045–6045–01; I.D. 081506A] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9831. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 43 [Docket No. 060606151–628–01; I.D. 051906A] received September 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9832. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 051104293–5344–02; I.D. 082406A] received September 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9833. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2005, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

9834. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Connecticut advisory committee; to the Committee on the Judiciary.

9835. A letter from the General Counsel, OJP, Department of Justice, transmitting the Department's final rule—International Terrorism Victim Expense Reimbursement Program [Docket No.: OJP(OJP)–1368] (RIN: 1121–AA63) received September 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9836. A letter from the Attorney Advisor, USCG, Department of Homeland Security, transmitting the Department's final rule—Deepwater Ports [USCG 1998–3884] (RIN: 1625–AA20) received September 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9837. A letter from the Dreict, Regulations Mgt., Office of Regulation Policy & Mgt., Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Clarification of a Notice of Disagreement (RIN: 2900–AL97) received September 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9838. A letter from the United States Trade Representative, Executive Office of the President, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral and functional trade committees chartered under those Acts, on the United States-Colombia Trade Promotion Agreement, pursuant to Section 2104(e) of the Trade Act of 2002 and Section 135(e) of the Trade Act of 1974, as amended; to the Committee on Ways and Means.

9839. A letter from the Chairman, United States International Trade Commission, transmitting the twelfth annual report on the Andean Trade Preference Act (ATPA) entitled ''Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution,'' pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

9840. A letter from the Secretaries, Department of Interior and the Department of Agriculture, transmitting a copy of draft legislation entitled, ''the Healthy Forests Partnership Act''; jointly to the Committees on Agriculture and Resources.

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. HUNTER: Committee of Conference. Conference report on H.R. 5122. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes (Rept. 109–702). Ordered to be printed.

Mr. COLE of Oklahoma: Committee on Rules. House Resolution 1062. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 109–703). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 6134. A bill to amend the Internal Revenue Code of 1986 to expand health coverage through the use of high deductible health plans and to encourage the use of health savings accounts; with an amendment (Rept. 109–704). 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. 5472. 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; with an amendment (Rept 109–705). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 6060. A bill to authorize certain activities by the Department of State, and for other purposes (Rept. 109–706). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. H.R. 5695. A bill to amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes; with an amendment (Rept. 109–707 Pt. 1). Ordered to be printed.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 1078. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; with an amendment (Rept. 109–708 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4880. A bill to direct the Commandant of the Coast Guard to require that a security plan for a maritime facility be resubmitted for approval upon transfer of ownership or operation of such facility, and for other purposes; with an amendment (Rept. 109–709 Pt. 1). Ordered to be printed.

Mr. GOODLATTE: Committee on Agriculture. House Concurrent Resolution 424. Resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber (Rept. 109–710 Pt. 1). Ordered to be printed.

Mr. KING of New York: Committee of Conference. Conference report on H.R. 4954. A bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes (Rept. 109–711). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 17, 2006.

H.R. 1078. Referral to the Committee on Ways and Means extended for a period ending not late than November 17, 2006.

H.R. 1317. Referral to the Committee on Armed Services and Homeland Security extended for a period ending not later than November 17, 2006.

H.R. 4880. Referral to the Committee on Homeland Security extended for a period ending not later than November 17, 2006.

H.R. 5312. Referral to the Committees on Energy and Commerce and Ways and Means extended for a period ending not later than November 17, 2006.

H.R. 5393. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 17, 2006.

H.R. 5695. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 17, 2006.

House Concurrent Resolution 424. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 17, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 6253. A bill to modernize, shorten, and simplify the Federal criminal code; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 6254. A bill to amend title 18, United States Code, to reaffirm the intent of Congress in the Sentencing Reform Act of 1984, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 6255. A bill to amend title 38, United States Code, to expand eligibility for the basic educational assistance program of the Department of Veterans Affairs; 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. WALDEN of Oregon:

H.R. 6256. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Resources.

By Mr. WAXMAN (for himself and Mr. BROWN of Ohio):

H.R. 6257. A bill to amend the Public Health Service Act to provide for the licensing of comparable biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and 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. SENSENBRENNER (for himself, Mr. HOYER, and Mr. CONYERS):

H.R. 6258. A bill to restore the intent of the Americans with Disabilities Act of 1990 to more fully remove the barriers that confront disabled Americans; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and 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. ABERCROMBIE (for himself, Mr. OXLEY, Mr. FRANK of Massachusetts, and Mr. CASE):

H.R. 6259. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Financial Services.

By Mr. BASS (for himself, Mr. LANGEVIN, Mr. RAMSTAD, Mr. FERGUSON, Mr. NUNES, Mr. ISSA, and Mr. JINDAL):

H.R. 6260. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of certain medical mobility devices approved as class III medical devices; 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. GUTKNECHT (for himself, Ms. BALDWIN, Mr. BURTON of Indiana, and Ms. WATSON):

H.R. 6261. A bill to provide for the protection of public health and the environment from mercury contamination associated

with the shipment of elemental mercury or with mercury-bearing solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 6262. A bill to provide increased benefits for public safety officers disabled in the line of duty, and for the spouses and children of public safety officers killed or disabled in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. FITZPATRICK of Pennsylvania, and Mr. SHERWOOD):

H.R. 6263. A bill to reauthorize the Delaware and Lehigh National Heritage Corridor Act of 1988, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 6264. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 6265. A bill to create a commission to develop a plan for establishing a Museum of Ideas; to the Committee on Resources, and in addition to the Committee on House Administration, 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. JACKSON-LEE of Texas (for herself, Mr. BERMAN, Ms. SOLIS, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. KUCINICH, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Ms. KILPATRICK of Michigan, Mr. RANGEL, Ms. LEE, Mr. ORTIZ, Mr. CUELLAR, Mr. REYES, Mrs. NAPOLITANO, Mr. KILDEE, Mr. LANGEVIN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. RUPPERSBERGER, and Mr. DAVIS of Illinois):

H.R. 6266. A bill to authorize the Secretary of Energy to make loan guarantees for cellulosic ethanol production technology development; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 6267. A bill to amend the Internal Revenue Code of 1986 to permanently extend the credits for residential energy efficient property and new energy efficient homes; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. TAYLOR of Mississippi):

H.R. 6268. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for expenses related to the collection and storage of umbilical cord blood; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 6269. A bill to amend the Internal Revenue Code of 1986 to expand and extend the incentives for alternative fuel vehicles and refueling property and to repeal the oil and gas production incentives added by the Energy Policy Act of 2005; to the Committee on Ways and Means.

By Mrs. BONO:

H.R. 6270. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself and Mr. STRICKLAND):

H.R. 6271. A bill to amend title 10, United States Code, to provide that, in the case of any member or former member of a reserve component of the Armed Forces who is deployed to a combat theater due to an administrative error by the Department of Defense, the member shall be given nonregular service retirement credit equal to six times the length of the mistaken deployment; to the Committee on Armed Services.

By Mr. CAMPBELL of California:

H.R. 6272. A bill to provide additional emergency and enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. CARDOZA:

H.R. 6273. A bill to direct the Secretary of Veterans Affairs to provide for enhanced protections against identity theft related to the public filing of separation forms of members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHOCOLA (for himself, Mr. SAM JOHNSON of Texas, and Mr. BRADY of Texas):

H.R. 6274. A bill to amend the Federal Unemployment Tax Act to provide for the establishment of a demonstration project program to permit States to more properly and efficiently administer the State's unemployment compensation law, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. DAVIS of Alabama, and Ms. NORTON):

H.R. 6275. A bill to improve the health of minority individuals; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, the Judiciary, 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. CLAY (for himself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 6276. A bill to amend the Internal Revenue Code of 1986 to alleviate poverty by encouraging the employment of residents by empowerment zone businesses through the employment of residents in designated areas of pervasive poverty, unemployment, and general distress; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 6277. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of disabled American financial security accounts for the care of family members with disabilities; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 6278. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6279. A bill to improve the collection of labor data by Federal agencies to better measure and evaluate the outsourcing and off-shoring of public and private sector business operations and services; to the Committee on Education and the Workforce.

By Ms. DELAURO:

H.R. 6280. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of screening tests for human papillomavirus (HPV); 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. DOGGETT (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. ALLEN, Mrs. CAPPS, Mrs. DAVIS of California, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mrs. LOWEY, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MEEHAN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Mr. ORTIZ, Mr. REYES, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY):

H.R. 6281. A bill to amend title XVIII of the Social Security Act to provide comprehensive improvements to the Medicare prescription drug program, and for other purposes; 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. GARRETT of New Jersey:

H.R. 6282. A bill to amend title 38, United States Code, to permit Medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GINGREY:

H.R. 6283. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants; to the Committee on the Judiciary.

By Mr. BECERRA:

H.R. 6284. A bill to amend the Internal Revenue Code of 1986 to allow a loss for development costs of certain creative property; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 6285. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects; to the Committee on Transportation and Infrastructure.

By Ms. HARRIS:

H.R. 6286. A bill to require the Secretary of Homeland Security to complete and submit a master plan for a headquarters location in the District of Columbia or elsewhere, within 360 days; to the Committee on Homeland Security.

By Mr. HEFLEY (for himself and Mrs. JOHNSON of Connecticut):

H.R. 6287. A bill to establish criteria for and to create a National Heritage Areas System in the United States; to the Committee on Resources.

By Mr. SAM JOHNSON of Texas:

H.R. 6288. A bill to amend the Internal Revenue Code of 1986 to improve the rules relating to income earned abroad; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 6289. A bill to establish a program to provide financial incentives for the establishment of interactive personal health records; 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 Mrs. LOWEY:

H.R. 6290. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 6291. A bill to extend the incentives for clean and renewable energy and its more efficient use; 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. LYNCH:

H.R. 6292. A bill to provide for competitive status for certain employees of the Internal Revenue Service; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. LANTOS, and Ms. JACKSON-LEE of Texas):

H.R. 6293. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted and denied their rights in foreign countries on account of gender, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, and the Judiciary, 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. MARCHANT:

H.R. 6294. A bill to provide children born in the United States with the same citizenship and immigration status as their mothers; to the Committee on the Judiciary.

By Mr. NUNES:

H.R. 6295. A bill to amend the Agricultural Adjustment Act to add clementines to the list of fruits and vegetables subject to minimum quality import requirements issued by the Secretary of Agriculture; to the Committee on Agriculture, 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. OBERSTAR:

H.R. 6296. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 6297. A bill to sunset Federal laws and regulations which treat the American people like children by denying them the opportunity to make their own decision regarding control of their bank accounts and what type of information they wish to receive from their banks, and for other purposes; to the Committee on Financial Services.

By Mr. PEARCE:

H.R. 6298. A bill to clarify congressional intent with respect to the nature of rights-of-way granted and accepted under former section 2477 of the Revised Statutes, and for other purposes; to the Committee on Resources.

By Mr. PICKERING (for himself and Mr. BACHUS):

H.R. 6299. A bill to prevent children from purchasing Internet-distributed age-restricted products and services by regulating the funding thereof and for other purposes; to the Committee on Financial Services.

By Ms. PRYCE of Ohio (for herself, Mrs. MALONEY, and Mr. LEACH):

H.R. 6300. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 75th Anniversary of the opening of the National Archives Building, and for other purposes; to the Committee on Financial Services.

By Mr. RENZI:

H.R. 6301. A bill to amend title VI of the Native American Housing and Self-Determination Act of 1996 to authorize Indian tribes to issue notes and other obligations to finance community and economic development activities, and for other purposes; to the Committee on Financial Services.

By Mr. RENZI:

H.R. 6302. A bill to remove the frequency limitation on Medicare coverage for intermittent catheterization; 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. SHAYS:

H.R. 6303. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new three-tiered approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 6304. A bill to amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 6305. A bill to provide compensation for United States citizens taken hostage by terrorists or state sponsors of terrorism; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. SPRATT:

H.R. 6306. A bill to enhance the security of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Government Reform, Armed Services, and 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. TIERNEY (for himself, Mr. CAPUANO, Mr. CONYERS, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. RANGEL, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SERRANO, Mr. STARK, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, Ms. WOOLSEY, and Mr. YOUNG of Alaska):

H.R. 6307. A bill to require the Commissioner of Labor Statistics to develop a methodology for measuring the cost of living in each State, and to require the Comptroller General to determine how certain Federal benefits would be increased if the determination of those benefits were based on that methodology; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, 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. UDALL of New Mexico:

H.R. 6308. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Resources.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE, Ms. CARSON, and Ms. JACKSON-LEE of Texas):

H.R. 6309. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require individual and group health insurance coverage and group health plans and Federal employees health benefit plans to provide coverage for routine HIV/AIDS screening; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 6310. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for the purchase of energy efficient tires; 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. WHITFIELD:

H.R. 6311. A bill to amend the USEC Privatization Act to provide an extension of the period during which individuals may bring a suit for certain violations of employee protection provisions under such Act; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 Mrs. WILSON of New Mexico:

H.R. 6312. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Ms. MCCOLLUM of Minnesota:

H.J. Res. 99. A joint resolution proposing an amendment to the Constitution of the

United States regarding healthcare; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LANTOS, Mr. GRIJALVA, Mr. DOYLE, Mr. HONDA, Mr. MCNULTY, Mr. OWENS, Mr. PAYNE, Mr. CONYERS, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. BISHOP of New York, Mrs. MCCARTHY, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ROTHMAN, Mr. CUELLAR, Mr. STARK, Mr. ACKERMAN, Mr. NADLER, and Ms. BERKLEY):

H. Con. Res. 489. Concurrent resolution expressing the sense of Congress that the people of the United States should grieve for the loss of life that defined the Third Reich and celebrate the continued education efforts for tolerance and justice, reaffirming the commitment of the United States to the fight against intolerance and prejudice in any form, and honoring the legacy of transparent procedure, government accountability, the rule of law, the pursuit of justice, and the struggle for universal freedom and human rights; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. LEWIS of Georgia, Mr. WALSH, Mr. JEFFERSON, Mr. GRIJALVA, Mr. GORDON, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. CLEAVER, Mrs. MCCARTHY, Mr. BISHOP of New York, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ROTHMAN, Mr. CUELLAR, Mr. STARK, Mr. ACKERMAN, Mr. NADLER, and Ms. BERKLEY):

H. Con. Res. 490. Concurrent resolution supporting the observance of World Stroke Awareness Day, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, 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. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H. Con. Res. 491. Concurrent resolution providing for a correction to the enrollment of H.R. 6233; considered and agreed to.

By Mr. HINCHEY (for himself, Ms. LEE, Mr. CONYERS, Mr. FARR, Ms. WATERS, Ms. SOLIS, Mr. MCNULTY, Mr. MCDERMOTT, and Mr. STARK):

H. Con. Res. 492. Concurrent resolution urging the Government of the United States to declare that it does not intend to establish a long-term or permanent military occupation of Iraq, and to work with the United Nations to convene an international conference on Iraq's future; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. MCGOVERN, Mr. WEINER, Mr. MCCOTTER, Ms. WATSON, Mrs. DRAKE, and Mr. PAYNE):

H. Con. Res. 493. Concurrent resolution urging the Republic of Turkey to comply with all European Union standards and criteria prior to its accession to the European Union; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. LATOURETTE, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ENGEL, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. PALLONE, Ms. LEE, and Mrs. LOWEY):

H. Con. Res. 494. Concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Government Reform.

By Mr. CONAWAY (for himself, Mr. AKIN, Mr. CANTOR, Mr. CHABOT, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GUTKNECHT, Mr. ISSA, Mr. JINDAL, Mr. MCHENRY, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. CAMPBELL of California, Mrs. MUSGRAVE, Mr. NEUGEBAUER, and Mr. CUELLAR):

H. Res. 1060. A resolution amending the Rules of the House of Representatives to require the reduction of section 302(b) suballocations to reflect floor amendments to general appropriation bills; to the Committee on Rules.

By Mr. FOSSELLA (for himself and Mrs. MALONEY):

H. Res. 1061. A resolution requesting the Department of Health and Human Services to outline the Federal Government's responsibilities, taking into account the responsibilities and actions of the State and local governments, to support a program for medically monitoring and treating all individuals who were exposed to the toxins of Ground Zero on 9/11; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. LANTOS, Mr. CANNON, Mr. CANTOR, Mr. WAXMAN, Mr. LATOURETTE, Mr. OLVER, Mr. LYNCH, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. MEEHAN, Mr. MARKEY, Mr. CAPUANO, Mr. LANGEVIN, and Mr. KENNEDY of Rhode Island):

H. Res. 1063. A resolution paying tribute to the Reverend Waitstill Sharp and Martha Sharp for their recognition by the Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority as Righteous Among the Nations for their heroic efforts to save Jews during the Holocaust; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 1064. A resolution waiving points of order against the conference report to accompany the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes; considered and agreed to.

By Ms. PELOSI:

H. Res. 1065. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Ms. LEE, Ms. WOOLSEY, Mr. DEFAZIO, Mr. HINCHEY, Mr. STARK, Mr. FILNER, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. UDALL of New Mexico, Mr. FARR, and Mr. GRIJALVA):

H. Res. 1066. A resolution requesting the President to provide to the House of Representatives certain documents in his possession relating to United States policy toward Iran; to the Committee on Armed Services, and in addition to the Committees on International Relations, and Intelligence (Permanent Select), 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. EHLERS (for himself and Mr. HONDA):

H. Res. 1067. A resolution recognizing Lawrence Berkeley National Laboratory as one of the world's premier science and research institutions; to the Committee on Science.

By Mr. GONZALEZ (for himself, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. FORTUÑO, Mr. HINOJOSA, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. BACA, Mr. GUTIERREZ, Mr. REYES, Mr. PASTOR, Mr. BECERRA, Ms. SOLIS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, and Mr. SERRANO):

H. Res. 1068. A resolution recognizing the Hispanic Association of Colleges and Universities for 20 years of service to Hispanic-Serving Institutions and Hispanic higher education; to the Committee on Education and the Workforce.

By Mr. HONDA (for himself, Mr. RADANOVICH, and Mr. LANTOS):

H. Res. 1069. A resolution honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian descent who fought in the Civil War; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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. HUNTER:

H. Res. 1070. A resolution expressing the sense of the House of Representatives that Members of the House should actively engage with employers and the American public at large to encourage the hiring of members and former members of the Armed Forces who were wounded in service and are facing a transition to civilian life; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. BERMAN, Mr. CUMMINGS, Mr. PAYNE, and Ms. CARSON):

H. Res. 1071. A resolution recognizing the 25th anniversary of the independence of Belize and extending best wishes to Belize for peace and further progress, development, and prosperity; to the Committee on International Relations.

By Ms. MCKINNEY (for herself, Mr. OWENS, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. MCGOVERN, and Ms. KAPTUR):

H. Res. 1072. A resolution urging the Government of Nigeria to conduct a thorough judicial review of the Ken Saro-Wiwa case; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. BUTTERFIELD, and Mr. CUMMINGS):

H. Res. 1073. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Energy and Commerce.

By Mr. POE (for himself, Mr. HOSTETTLER, Mr. AKIN, Mrs. MYRICK, Mr. MCHENRY, Mr. GOHMERT, Mr. BURTON of Indiana, Mr. WAMP, Mr. GUTKNECHT, Mrs. BLACKBURN, Mr. MARCHANT, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. TANCREDO, Mr. FEENEY, Mr. ISTOOK, Mr. BISHOP of Georgia, Mr. GOODE, Mr. GORDON, Mr. GARRETT of New Jersey, and Mr. HUNTER):

H. Res. 1074. A resolution expressing the sense of the House of Representatives that

State and local governments should be supported for taking actions to discourage illegal immigration and that legislation should be enacted to ease the burden on State and local governments for taking such actions; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. PORTER (for himself, Mr. GIBBONS, Ms. BERKLEY, Mr. MOORE of Kansas, Mr. MACK, Mr. OXLEY, Mr. WILSON of South Carolina, Mr. HOLDEN, Mr. GRIJALVA, Mr. JONES of North Carolina, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Ms. CORRINE BROWN of Florida, Mr. BEAUPREZ, Mr. CAMPBELL of California, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. CARTER, Mr. BARRETT of South Carolina, Mr. GERLACH, Mr. LATHAM, Mr. HERGER, Mr. CHOCOLA, Mr. WESTMORELAND, Mr. HINCHEY, Mr. SESSIONS, Mr. ISSA, Mr. BISHOP of Utah, Mr. PEARCE, Mr. ALEXANDER, Mr. CASTLE, Mr. BUTTERFIELD, Mr. COBLE, Mr. GONZALEZ, Mr. FOSSELLA, Mr. SHAW, and Mr. KIRK):

H. Res. 1075. A resolution congratulating Andre Agassi on his esteemed professional tennis career, thanking him for his ongoing contributions to the community of Las Vegas, Nevada, and wishing him much luck in his future endeavors; to the Committee on Government Reform.

By Mr. PORTER:

H. Res. 1076. A resolution supporting the goals and ideas of a ''National Plan Your Vacation Day''; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN:

H. Res. 1077. A resolution expressing deep concern over the use of civilians as ''human shields'' in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the recent conflict between Hezbollah and the State of Israel; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII:

1447. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 30 memorializing the Congress of the United States to eliminate the Medicare caps on accredited graduate medical education positions for the state of Michigan that were imposed as part of the Balanced Budget Amendment of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. DEGETTE.
H.R. 303: Mr. HASTINGS of Florida.
H.R. 475: Mr. INSLEE.
H.R. 517: Mr. HIGGINS, Mr. RANGEL, and Mr. WYNN.
H.R. 575: Mr. KUCINICH.
H.R. 602: Mr. WELDON of Pennsylvania and Mr. REICHERT.
H.R. 635: Mr. RAMSTAD.
H.R. 699: Mr. HOLT, Mr. MATHESON, and Ms. MCCOLLUM of Minnesota.
H.R. 772: Mr. GUTIERREZ.
H.R. 791: Mr. ALLEN.
H.R. 817: Mr. GARRETT of New Jersey.
H.R. 1020: Mr. BRADLEY of New Hampshire.
H.R. 1177: Mr. CRAMER.
H.R. 1222: Mr. HOLT.
H.R. 1227: Mr. RUSH, Mr. WU, Mr. BOUCHER, Ms. HOOLEY, and Ms. SOLIS.
H.R. 1262: Mr. SIMMONS.
H.R. 1298: Ms. HOOLEY.
H.R. 1306: Mr. SKELTON.
H.R. 1313: Mrs. BIGGERT.
H.R. 1333: Mr. REICHERT.
H.R. 1356: Mr. SMITH of New Jersey.
H.R. 1357: Mr. LIPINSKI.
H.R. 1376: Mr. PASCRELL, Mr. OWENS, Mr. LARSON of Connecticut, Mr. COSTELLO, Mrs. TAUSCHER, Ms. JACKSON-LEE of Texas, and Mr. OLVER.
H.R. 1471: Mr. EHLERS.
H.R. 1548: Mr. KILDEE.
H.R. 1549: Mr. LEWIS of California and Mr. LATOURETTE.
H.R. 1554: Mrs. LOWEY.
H.R. 1558: Mr. BARTLETT of Maryland.
H.R. 1615: Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. ACKERMAN, Mrs. LOWEY, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. WEXLER, and Ms. CORRINE BROWN of Florida.
H.R. 1619: Mr. MEEHAN.
H.R. 1621: Mr. GILLMOR and Mrs. JO ANN DAVIS of Virginia.
H.R. 1634: Mr. BARRETT of South Carolina, Mr. CANNON, Mr. WILSON of South Carolina, and Mr. OSBORNE.
H.R. 1671: Mr. LUCAS, Mr. GREEN of Wisconsin, and Mr. KENNEDY of Rhode Island.
H.R. 1687: Mr. OBEY and Mr. WYNN.
H.R. 1704: Mr. UPTON.
H.R. 1951: Mr. JOHNSON of Illinois.
H.R. 2039: Mr. CANNON.
H.R. 2047: Ms. MCCOLLUM of Minnesota.
H.R. 2051: Mr. KILDEE.
H.R. 2239: Mr. SOUDER, Mr. MOORE of Kansas, and Mr. GARRETT of New Jersey.
H.R. 2369: Mr. SMITH of Texas.
H.R. 2386: Mr. CARNAHAN.
H.R. 2421: Mr. HOLDEN, Mr. BARTLETT of Maryland, Mr. THOMPSON of California, Mr. CASE, Mr. LARSON of Connecticut, Ms. HARMAN, Mr. BASS, Mr. ISRAEL, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mrs. DRAKE, Mr. BOYD, Mr. DAVIS of Florida, Mr. HAYWORTH, Mr. DENT, and Mr. ABERCROMBIE.
H.R. 2526: Mr. WU.
H.R. 2558: Mr. RUPPERSBERGER.
H.R. 2592: Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mr. CUMMINGS.
H.R. 2662: Ms. MILLENDER-MCDONALD.
H.R. 2671: Mr. HOLT and Mr. MILLER of North Carolina.
H.R. 2694: Mr. CRAMER.
H.R. 2719: Mr. PASCRELL.
H.R. 2828: Mr. SHAYS.
H.R. 2869: Mr. KILDEE.
H.R. 2945: Mr. MCINTYRE.
H.R. 3248: Mr. RUPPERSBERGER, Ms. HOOLEY, and Mr. KENNEDY of Rhode Island.
H.R. 3326: Mr. BLUMENAUER.
H.R. 3361: Mr. KENNEDY of Rhode Island and Mr. RENZI.
H.R. 3478: Mr. RUPPERSBERGER.
H.R. 3547: Mr. WYNN.
H.R. 3559: Mr. TAYLOR of Mississippi.
H.R. 3616: Ms. SLAUGHTER.
H.R. 3617: Mr. DUNCAN.
H.R. 3715: Mr. ALLEN.
H.R. 3854: Mr. HOLT and Ms. MCCOLLUM of Minnesota.
H.R. 3954: Mr. DEFAZIO.
H.R. 4030: Mrs. MCCARTHY and Mr. MCGOVERN.
H.R. 4033: Ms. BEAN, Mr. PORTER, Ms. HOOLEY, and Mr. WATT.
H.R. 4045: Mr. ENGEL.
H.R. 4052: Mr. NADLER.
H.R. 4098: Mr. LARSON of Connecticut.
H.R. 4124: Mr. WYNN.
H.R. 4197: Ms. HERSETH.
H.R. 4331: Mr. INSLEE.
H.R. 4341: Mr. LARSEN of Washington.
H.R. 4381: Mrs. BIGGERT.
H.R. 4403: Mr. GINGREY.
H.R. 4421: Mr. AKIN.
H.R. 4560: Ms. WOOLSEY.
H.R. 4574: Mr. EMANUEL, Ms. WOOLSEY, and Mr. LANTOS.
H.R. 4597: Mr. LYNCH, Mr. ORTIZ, Mr. CLEAVER, Mr. BUTTERFIELD, and Mr. SNYDER.
H.R. 4727: Mr. BERMAN, Ms. HARMAN, Ms. LEE, and Mr. PRICE of North Carolina.
H.R. 4740: Ms. DELAURO.
H.R. 4747: Mr. PETERSON of Minnesota.
H.R. 4751: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FITZPATRICK of Pennsylvania.
H.R. 4769: Mrs. MCCARTHY.
H.R. 4770: Mr. LEACH, Mr. WATT, Ms. MATSUI, Mr. PAYNE, Mr. KUCINICH, Mr. RYAN of Ohio, and Ms. CORRINE BROWN of Florida.
H.R. 4808: Mr. CONYERS, Mr. GILLMOR, and Mr. SOUDER.
H.R. 4824: Mr. KILDEE and Mr. GINGREY.
H.R. 4834: Mr. MILLER of Florida.
H.R. 4870: Mr. SAXTON.
H.R. 4903: Ms. LORETTA SANCHEZ of California.
H.R. 4904: Mr. BERMAN.
H.R. 4910: Mr. SOUDER.
H.R. 4924: Mr. ROSS and Mr. NUNES.
H.R. 4930: Mrs. KELLY.
H.R. 4980: Mr. JACKSON of Illinois.
H.R. 4993: Mr. BERMAN.
H.R. 5022: Mr. LARSON of Connecticut and Mr. CLYBURN.
H.R. 5053: Mr. BARTLETT of Maryland and Mr. RUPPERSBERGER.
H.R. 5055: Mr. SHAYS.
H.R. 5058: Mr. RUPPERSBERGER and Mr. KIND.
H.R. 5088: Mr. KUCINICH and Mrs. CAPPS.
H.R. 5099: Mr. STRICKLAND and Mr. MCNULTY.
H.R. 5100: Mr. SIMMONS.
H.R. 5131: Ms. SOLIS.
H.R. 5134: Mr. KILDEE.
H.R. 5139: Mr. MOORE of Kansas.
H.R. 5147: Mr. LYNCH, Mr. HOLT, and Mr. RUPPERSBERGER.
H.R. 5150: Mr. SALAZAR.
H.R. 5151: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Mr. STARK, Mr. CROWLEY, Ms. MOORE of Wisconsin, and Mr. ANDREWS.
H.R. 5159: Mr. STRICKLAND.
H.R. 5161: Mr. CONYERS.
H.R. 5167: Mr. MOORE of Kansas, Mr. ALLEN, and Mr. TIBERI.
H.R. 5201: Ms. CARSON.
H.R. 5206: Mrs. BIGGERT.
H.R. 5225: Mr. HOYER.
H.R. 5242: Mr. MILLER of Florida.
H.R. 5269: Mr. ANDREWS.
H.R. 5280: Mr. ALLEN.
H.R. 5288: Mr. BERRY, Mr. DELAHUNT, Ms. SOLIS, Mr. RUPPERSBERGER, Ms. DELAURO, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mr. SANDERS, and Mr. CLAY.
H.R. 5289: Mrs. BIGGERT.
H.R. 5309: Mr. POMEROY.
H.R. 5312: Mr. MCKEON.
H.R. 5316: Mr. JACKSON of Illinois.
H.R. 5348: Ms. HOOLEY.
H.R. 5362: Mr. DAVIS of Tennessee.
H.R. 5372: Mr. PRICE of North Carolina.
H.R. 5388: Ms. BALDWIN.
H.R. 5390: Mr. BRADLEY of New Hampshire.
H.R. 5399: Mr. DUNCAN.
H.R. 5400: Mrs. CUBIN.
H.R. 5452: Mr. SMITH of New Jersey.
H.R. 5487: Mr. JACKSON of Illinois.
H.R. 5502: Mr. MCCAUL of Texas.
H.R. 5514: Mr. PETERSON of Minnesota, Mr. JEFFERSON, and Ms. BORDALLO.
H.R. 5529: Mr. TIAHRT.

H.R. 5552: Mr. GARRETT of New Jersey.
H.R. 5555: Mr. RUSH and Mr. JEFFERSON.
H.R. 5558: Mrs. CUBIN.
H.R. 5562: Mrs. DRAKE.
H.R. 5613: Mr. JINDAL.
H.R. 5624: Mr. CARDIN.
H.R. 5635: Mr. CONYERS, Mr. CARDIN, Ms. KILPATRICK of Michigan, Mr. GORDON, Mr. OBEY, Mr. DAVIS of Tennessee, Mr. KILDEE, Mr. LEVIN, Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. LIPINSKI, and Mr. STUPAK.
H.R. 5642: Ms. CARSON, Mr. JEFFERSON, Mr. THOMPSON of California, Ms. HARMAN, Mr. SHAYS, Mr. SIMMONS, and Mrs. JOHNSON of Connecticut.
H.R. 5671: Mr. PASCRELL, and Mrs. MCCARTHY.
H.R. 5698: Ms. DEGETTE.
H.R. 5702: Mr. MILLER of Florida.
H.R. 5704: Ms. GINNY BROWN-WAITE of Florida, Ms. MOORE of Wisconsin, Mr. ALLEN, Mr. MORAN of Virginia, Mrs. BLACKBURN, Mr. TERRY, Mr. SMITH of New Jersey, and Mr. GARRETT of New Jersey.
H.R. 5709: Mr. BONNER, and Mr. PLATTS.
H.R. 5727: Mr. DINGELL, Ms. DELAURO, and Ms. ESHOO.
H.R. 5729: Mr. DINGELL, Ms. DELAURO, and Ms. ESHOO.
H.R. 5738: Mr. FERGUSON, and Mr. ENGEL.
H.R. 5743: Mr. SOUDER.
H.R. 5746: Mr. MORAN of Kansas, Mr. TIERNEY, Mrs. KELLY, Mr. SCHIFF, Mr. OSBORNE, Mr. OBERSTAR, and Mr. NUSSLE.

H.R. 5770: Mr. CLYBURN.

H.R. 5771: Mr. PRICE of North Carolina, Mrs. JONES of Ohio, Mr. GENE GREEN of Texas, Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. LIPINSKI, Ms. MILLENDER-MCDONALD, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. MCNULTY, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mr. GORDON, Mr. LYNCH, Mrs. DAVIS of California, Mr. WU, Mr. DELAHUNT, Mr. BECERRA, Mr. UDALL of Colorado, Ms. PELOSI, Mr. DICKS, Mr. DINGELL, Mr. RUSH, Mr. KANJORSKI, Mr. PASTOR, Mr. LANTOS, Mr. SHERMAN, Mr. FARR, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. BAIRD, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CLAY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. VISCLOSKY, and Mr. WATT.

H.R. 5784: Ms. BORDALLO.

H.R. 5790: Mr. RANGEL and Mrs. MCCARTHY.

H.R. 5791: Mr. LARSON of Connecticut.

H.R. 5795: Mr. CAPUANO.

H.R. 5829: Mr. FORD.

H.R. 5834: Ms. HOOLEY.

H.R. 5848: Mr. KENNEDY of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mrs. MCMORRIS RODGERS, Mr. SWEENEY, Mr. KUHL of New York, and Mr. WALSH.

H.R. 5850: Mr. CLYBURN.
H.R. 5858: Mr. PRICE of North Carolina.
H.R. 5864: Mr. PALLONE, Mr. STARK, Mr. FITZPATRICK of Pennsylvania, Ms. DEGETTE, Mr. WU, Mr. GENE GREEN of Texas, Mr. LANGEVIN, and Mr. LARSON of Connecticut.
H.R. 5866: Mr. SMITH of Texas.
H.R. 5881: Mr. EDWARDS, Mrs. JO ANN DAVIS of Virginia, and Mr. FILNER.
H.R. 5888: Mr. MORAN of Kansas, Mr. GARRETT of New Jersey, and Mrs. BIGGERT.
H.R. 5894: Mr. HASTINGS of Florida.
H.R. 5897: Mr. PAYNE, Mr. OLVER, Ms. JACKSON-LEE of Texas, Ms. Velázquez, Mr. ENGEL, Mrs. NAPOLITANO, Mr. BECERRA, Mr. THOMPSON of California, Ms. MATSUI, Mr. INSLEE, Mr. DOGGETT, Ms. BERKLEY, Mrs. LOWEY, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mrs. MCCARTHY, Ms. ROYBAL-ALLARD, Mr. STARK, Mrs. CAPPS, Mr. MCDERMOTT, Mr. SABO, Ms. WATSON, Mr. FILNER, Mr. PASCRELL, Mr. VAN HOLLEN, Mr. MILLER of North Carolina, Mr. BAIRD, Mr. SCHIFF, Mr. HOLT, Ms. DEGETTE, Mr. GORDON, Mr. MOORE of Kansas, Mr. BOSWELL, Mrs. MALONEY, Mr. DEFAZIO, Mr. WU, and Mr. KENNEDY of Rhode Island.
H.R. 5900: Mr. MORAN of Kansas.
H.R. 5906: Mr. PETERSON of Minnesota.
H.R. 5908: Mr. WESTMORELAND.
H.R. 5918: Mrs. DAVIS of California.
H.R. 5940: Mr. HOLT and Mrs. BIGGERT.
H.R. 5957: Mr. FRANKS of Arizona, and Mr. SNYDER.
H.R. 5960: Mr. REYES.
H.R. 5965: Mr. DEFAZIO, Mr. SCOTT of Virginia, Mr. DAVIS of Tennessee, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. MCINTYRE, Mr. CLYBURN, Mr. ALLEN, and Mr. PASCRELL.
H.R. 5967: Mr. BARTLETT of Maryland and Mr. SOUDER.
H.R. 5968: Mr. BARTLETT of Maryland.
H.R. 5986: Mr. MILLER of Florida.
H.R. 6008: Mr. DAVIS of Illinois and Mr. CONYERS.
H.R. 6011: Mr. RUPPERSBERGER.
H.R. 6028: Ms. NORTON, Mr. ETHERIDGE, Mr. BOUCHER, Mr. CHANDLER, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. MCGOVERN, Mr. WEINER, Ms. BORDALLO, Mr. RUPPERSBERGER, and Mr. HONDA.
H.R. 6029: Mr. HERGER, Ms. BERKLEY, and Mr. FRANKS of Arizona.
H.R. 6038: Ms. CARSON, Mr. CONYERS, and Mr. CLAY.
H.R. 6040: Mr. WICKER.
H.R. 6041: Mr. LEACH, and Mr. LATHAM.
H.R. 6053: Mr. KUHL of New York.
H.R. 6057: Mr. HERGER, Mr. MILLER of Florida, Mrs. BIGGERT, Mrs. CUBIN, Mrs. MCMORRIS RODGERS, Mr. GILLMOR, and Mr. PETRI.
H.R. 6064: Mr. LEWIS of Georgia, Mrs. JOHNSON of Connecticut, and Mr. SIMMONS.
H.R. 6066: Ms. BORDALLO, Mr. BOREN, Mr. ALLEN, Mr. CLAY, Mr. REYES, Mr. LANTOS, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. LARSEN of Washington, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. SMITH of New Jersey, Mrs. MCCARTHY, Mr. RUPPERSBERGER, Mr. MACK, and Mr. MCNULTY.
H.R. 6067: Mr. KENNEDY of Rhode Island and Mr. KUCINICH.
H.R. 6093: Mr. GENE GREEN of Texas.
H.R. 6098: Mr. KENNEDY of Rhode Island and Mr. LANGEVIN.
H.R. 6104: Mr. BLUMENAUER.
H.R. 6117: Mr. WELDON of Pennsylvania.
H.R. 6118: Mr. ENGLISH of Pennsylvania.
H.R. 6119: Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. BAIRD, Mr. REICHERT, Mr. HASTINGS of Washington, Mr. INSLEE, and Mr. LARSEN of Washington.
H.R. 6122: Mr. DAVIS of Florida.
H.R. 6124: Mr. BISHOP of New York, Mr. ACKERMAN, Mr. HINCHEY, Mr. PASCRELL, Mr. MCNULTY, Mr. MEEHAN, Mr. CROWLEY, Mr. OWENS, and Mr. MEEKS of New York.
H.R. 6130: Mr. KIND.
H.R. 6132: Mrs. CUBIN, Mr. UPTON, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. ALLEN, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. WALDEN of Oregon, Mr. PEARCE, Mr. SHAYS, Mr. LOBIONDO, Mr. MCGOVERN, Ms. BALDWIN, Mr. MARSHALL, Mr. MILLER of North Carolina, and Mr. CAPUANO.
H.R. 6134: Mr. PAUL.
H.R. 6135: Mr. SMITH of New Jersey.
H.R. 6136: Mr. SALAZAR, Mrs. JOHNSON of Connecticut, Mr. TANCREDO, Mr. MORAN of Kansas, Mr. COSTELLO, Mr. BUTTERFIELD, Mr. KOLBE, and Mr. LATHAM.
H.R. 6140: Mr. MILLER of North Carolina, Mr. FILNER, and Mr. FRANK of Massachusetts.
H.R. 6147: Mr. JEFFERSON and Mr. FILNER.
H.R. 6157: Mr. SOUDER, Mr. MILLER of Florida, Mr. PITTS, and Mr. LINDER.
H.R. 6172: Mrs. MILLER of Michigan, and Mr. GARRETT of New Jersey.
H.R. 6175: Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. BOUSTANY, Mr. RUPPERSBERGER, Mr. LIPINSKI, and Mr. OBERSTAR.
H.R. 6178: Mr. OBERSTAR, Mr. GRIJALVA, and Mr. LEACH.
H.R. 6180: Mr. SMITH of Washington, Mr. BISHOP of Georgia, and Mr. SMITH of New Jersey.
H.R. 6184: Mr. ALLEN.
H.R. 6187: Mr. CLEAVER, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, Ms. MCKINNEY, Ms. ESHOO, Ms. BALDWIN, Ms. KAPTUR, and Mr. TIERNEY.
H.R. 6188: Mr. POMEROY and Mr. BOUCHER.
H.R. 6191: Ms. CORRINE BROWN of Florida.
H.R. 6193: Mrs. CAPPS.
H.R. 6196: Mr. BOEHLERT, Mr. SAXTON, Mr. JENKINS, Mr. PEARCE, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. BILIRAKIS, Mr. CAMP of Michigan, Mr. BUTTERFIELD, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. BISHOP of New York, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Ms. DELAURO, and Mr. TAYLOR of North Carolina.
H.R. 6203: Mr. SHAYS, Mr. MURPHY, and Ms. JACKSON-LEE of Texas.
H.R. 6206: Mr. CARNAHAN.
H.R. 6212: Mrs. MCCARTHY and Mr. HINOJOSA.
H.R. 6227: Mr. MACK and Mr. JEFFERSON.
H.R. 6228: Mr. MEEKS of New York, Mr. PAUL, and Mr. ORTIZ.
H.R. 6234: Mr. PEARCE.
H.R. 6235: Mrs. MALONEY.
H.R. 6237: Mr. MARKEY.
H.R. 6242: Mr. BEAUPREZ.
H.R. 6248: Mr. EHLERS.
H.R. 6250: Mr. EVANS.
H. Con. Res. 340: Mr. SHAYS and Ms. HOOLEY.
H. Con. Res. 348: Mr. DEFAZIO.
H. Con. Res. 397: Mr. AL GREEN of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. FORTENBERRY, Ms. WATSON, Mr. HONDA, and Mr. WATT.
H. Con. Res. 404: Ms. HOOLEY.
H. Con. Res. 424: Mr. BUTTERFIELD, Mr. TIAHRT, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STRICKLAND.
H. Con. Res. 453: Mr. CLAY, Ms. KAPTUR, and Mr. CLEAVER.
H. Con. Res. 457: Mr. GOODE.
H. Con. Res. 465: Mr. KILDEE and Mr. CLAY.
H. Con. Res. 470: Mr. CONYERS, Mr. MCDERMOTT, Ms. BALDWIN, Mr. HONDA, Mr. MEEHAN, and Mr. MARKEY.
H. Con. Res. 476: Mrs. CHRISTENSEN, Mr. TOM DAVIS of Virginia, and Mr. SESSIONS.
H. Con. Res. 482: Mr. SAXTON.
H. Con. Res. 484: Mr. WALSH.
H. Res. 466: Mr. MILLER of North Carolina.
H. Res. 518: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAYS, Mr. BURTON of Indiana, Mr. ORTIZ, Ms. HOOLEY, and Mr. BLUMENAUER.
H. Res. 787: Mr. FILNER.
H. Res. 863: Mr. BOSWELL.
H. Res. 888: Mr. FILNER.
H. Res. 960: Mr. MCCOTTER.
H. Res. 961: Mr. RAHALL.
H. Res. 962: Ms. ROS-LEHTINEN.
H. Res. 975: Mr. CAMPBELL OF CALIFORNIA.
H. Res. 977: Mr. SCHIFF, Mr. HONDA, and Mr. INSLEE.
H. Res. 1005: Mr. CARNAHAN.
H. Res. 1028: Mr. RUPPERSBERGER.

H. Res. 1033: Mr. STEARNS.
H. Res. 1043: Mr. MICHAUD.
H. Res. 1050: Mrs. JONES of Ohio.
H. Res. 1055: Ms. LEE.
H. Res. 1056: Ms. MATSUI and Mr. EDWARDS.
H. Res. 1059: Mr. NADLER.

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. 3938: Mr. WELDON of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 16, September 25, 2006, by Mr. JOHN BARROW on House Resolution 998, was signed by he following Members: John Barrow, Grace F. Napolitano, Lincoln Davis, Michael H. Michaud, Leonard L. Boswell, Brian Higgins, Diane E. Watson, Nydia M. Velazquez, Doris O. Matsui, Michael R. McNulty, Bob Etheridge, Eddie Bernice Johnson, David Scott, Lois Capps, Hilda L. Solis, Ron Kind, Shelley Berkley, Peter A. DeFazio, Adam B. Schiff, Earl Pomeroy, Sam Farr, Collin C. Peterson, Janice D. Schakowsky, Ben Chandler, Charlie Melancon, Mike Ross, Henry Cuellar, Tim Ryan, Sanford D. Bishop, Jr., G.K. Butterfield, Stephanie Herseth, Marion Berry, Jesse L. Jackson, Jr., Lynn C. Woolsey, Mike McIntyre, John Lewis, Marcy Kaptur, Sheila Jackson-Lee, Russ Carnahan, Robert C. Scott, Barney Frank, Major R. Owens, Thomas H. Allen, Alcee L. Hastings, Joe Baca, Louise McIntosh Slaughter, Carolyn McCarthy, Charles B. Rangel, John Conyers, Jr., Ellen O. Tauscher, Tammy Baldwin, David E. Price, Zoe Lofgren, Steny H. Hoyer, Joseph Crowley, John W. Olver, Loretta Sanchez, Lucille Roybal-Allard, Rick Larsen, Dennis Moore, Bart Stupak, Carolyn B. Maloney, James R. Langevin, Mark Udall, Gary L. Ackerman, Tom Udall, Debbie Wasserman Schultz, Tim Holden, Jim Costa, Brad Miller, Steven R. Rothman, John S. Tanner, Danny K. Davis, Artur Davis, Allyson Y. Schwartz, Michael M. Honda, Charles A. Gonzalez, John D. Dingell, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Anna G. Eshoo, Bernard Sanders, Edolphus Towns, David R. Obey, Julia Carson, Betty McCollum, William D. Delahunt, Rosa L. DeLauro, Jay Inslee, Maurice D. Hinchey, John B. Larson, Ike Skelton, Emanuel Cleaver, James L. Oberstar, Xavier Becerra, James E. Clyburn, Bennie G. Thompson, Jerrold Nadler, Bob Filner, Eliot L. Engel, George Miller, Robert E. Andrews, Chet Edwards, Carolyn C. Kilpatrick, Dennis A. Cardoza, Sander M. Levin, Neil Abercrombie, Barney Frank, C.A. Dutch Ruppersberger, Dennis J. Kucinich, Howard L. Berman, Ruben Hinojosa, Solomon P. Ortiz, Mike Thompson, Donald M. Payne, Ed Case, Susan A. Davis, Stephen F. Lynch, Jane Harman, Patrick J. Kennedy, David Wu, Sherrod Brown, Frank Pallone, Jr., Robert A. Brady, Chaka Fattah, Dan Boren, Gregory W. Meeks, Tom Lantos, Timothy H. Bishop, Bart Gordon, Jim McDermott, Nita M. Lowey, Al Green, Robert E. (Bud) Cramer, Jr., Vic Snyder, Diana DeGette, Gene Green, Marilyn N. Musgrave, Jerry F. Costello, Martin Olav Sabo, Barbara Lee, James P. McGovern, John T. Salazar, Jim Marshall, Lane Evans, Silvestre Reyes, Nick J. Rahall II, William J. Jefferson, Nick J. Rahall II, William J. Jefferson, Dale E. Kildee, Nancy Pelosi, Stephanie Tubbs Jones, Jim Cooper, Bobby L. Rush, Lloyd Doggett, Chris Van Hollen, Benjamin L. Cardin, Rush D. Holt, Michael E. Capuano, John F. Tierney, Melissa L. Bean, Ed Pastor, Jim Davis, Corrine Brown, Raul M. Grijalva, Daniel Lipinski, Brian Baird, Allen Boyd, Wm. Lacy Clay, Bill Pascrell, Jr., Norman D. Dicks, Brad Sherman, Juanita Millender-McDonald, Rahm Emanuel, Albert Russell Wynn, José E. Serrano, Steve Israel, Jim Matheson, Darlene Hooley, Maxine Waters, Linda T. Sánchez, Anthony D. Weiner, Michael F. Doyle, Kendrick B. Meek, John M. Spratt, Jr., Luis V. Gutierrez, Robert Wexler, Gene Taylor, Gwen Moore, Elijah E. Cummings, Richard E. Neal, Melvin L. Watt, Adam Smith, Alan B. Mollohan, Harold E. Ford, Jr., Cynthia McKinney, Edward J. Markey, and Ralph M. Hall.

Petition 17, Wednesday, September 27, 2006, by Mrs. NITA M. LOWEY on House Resolution 1007, was signed by the following Members: Nita M. Lowey, JOe Baca, Artur Davis, Lois Capps, Gene Green, Charles B. Rangel, Robert A. Brady, Eddie Bernice Johnson, Leonard L. Boswell, Michael H. Michaud, Carolyn C. Kilpatrick, Maurice D. Hinchey, Jerry F. Costello, Tom Udall, Michael R. McNulty, Adam B. Schiff, Barbara Lee, James P. McGovern, Sanford D. Bishop, Jr., Lane Evans, Silvestre Reyes, Russ Carnahan, Bob Filner, John Barrow, Zoe Lofgren, Charlie Melancon, John W. Olver, William J. Jefferson, Donald M. Payne, Ben Chandler, Mike Ross, Dale E. Kildee, Elijah E. Cummings, Nancy Pelosi, Stephanie Tubbs Jones, Carolyn B. Maloney, Sheila Jackson-Lee, Stephanie Herseth, James R. Langevin, James E. Clyburn, David Scott, Robert Wexler, Lucille Roybal-Allard, Susan A. Davis, Sam Farr, Benjamin L. Cardin, Rush D. Holt, Timothy H. Bishop, John D. Dingell, Ed Pastor, Steven R. Rothman, Major R. Owens, Corrine Brown, Rick Larsen, Betty McCollum, Fortney Pete Stark, Michael M. Honda, Ellen O. Tauscher, Raul M. Grijalva, Janice D. Schakowsky, Peter A. DeFazio, Hilda L. Solis, Alcee L. Hastings, Brian Baird, Ruben Hinojosa, Doris O. Matsui, Wm. Lacy Clay, Bob Etheridge, Gary L. Ackerman, Juanita Millender-McDonald, Sherrod Brown, C.A. Dutch Ruppersberger, Maxine Waters, William D. Delahunt, Stephen F. Lynch, James P. Moran, Brian Higgins, Robert C. Scott, Anthony D. Weiner, Nydia M. Velazquez, Tammy Baldwin, Charles A. Gonzalez, Debbie Wasserman Schultz, David R. Obey, Henry Cuellar, Darlene Hooley, David Wu, Albert Russell Wynn, Rosa L. DeLauro, Marion Berry, Julia Carson, Shelley Berkley, Jim Davis, Howard L. Berman, Henry A. Waxman, Bart Stupak, Chet Edwards, Edward J. Markey, Frank Pallone, Jr., and Jerrold Nadler.

Petition 18. Thursday, September 28, 2006, by Mr. PATRICK J. KENNEDY on H.R. 1402, was signed by the following Members: Patrick J. Kennedy, Jim F. Ramstad, Betty McCollum, Fortney Pete Stark, Bob Filner, Michael M. Honda, Ellen O. Tauscher, Raul M. Grijalva, Janice D. Schakowsky, Anna G. Eshoo, Christopher Shays, Artur Davis, Peter A. DeFazio, James R. Langevin, Hilda L. Solis, Mike Thompson, James A. Leach, Jim McDermott, Gene Green, Alcee L. Hastings, Brian Baird, Marcy Kaptur, Lucille Roybal-Allard, Ruben Hinojosa, Collin C. Peterson, Michael R. McNulty, Sam Farr, Xavier Becerra, Wm. Lacy Clay, George Miller, Bill Pascrell, Jr., John Sullivan, Dennis Moore, Steny H. Hoyer, Robert Wexler, Juanita Millender-McDonald, Carolyn McCarthy, Gary L. Ackerman, Rahm Emanuel, Lloyd Doggett, Thomas H. Allen, Jo Ann Emerson, Sherrod Brown, John F. Tierney, William D. Delahunt, David R. Obey, Rush D. Holt, Lois Capps, Stephen F. Lynch, Jerry F. Costello, Henry Cuellar, Bobby L. Rush, James P. Moran, Tom Udall, Sheila Jackson-Lee, Joseph Crowley, Brian Higgins, James E. Clyburn, Sanford D. Bishop, Jr., Michael H. Michaud, Anthony D. Weiner, Steven R. Rothman, Carolyn B. Maloney, Robert E. Andrews, Benjamin L. Cardin, Danny K. Davis, Diane E. Watson, Emanuel Cleaver, Ed Case, Russ Carnahan, Steve Israel, John W. Olver, John M. Spratt, Jr., Neil Abercrombie, Doris O. Matsui, Nydia M. Velazquez, Jim Costa, Dan Boren, Jim Davis, Ron Kind, Henry A. Waxman, Charles A. Gonzalez, Lynn C. Woolsey, Grace F. Napolitano, Nita M. Lowey, Brad Sherman, Adam B. Schiff, Maurice D. Hinchey, Susan A. Davis, Dennis A. Cardoza, Dennis J. Kucinich, Elijah E. Cummings, John B. Larson, Debbie Wasserman Schultz, Joe Baca, Sander M. Levin, Martin Olav Sabo, Earl Blumenauer, Barney Frank, David E. Price, James P. McGovern, Chris Van Hollen, Rosa L. DeLauro, Bart Gordon, Michael E. Capuano, David Wu, Melvin L. Watt, Alan B. Mollohan, Richard E. Neal, Gwen Moore, Julia Carson, Vic Snyder, Shelley Berkley, C.A. Dutch Ruppersberger, Dale E. Kildee, Harold E. Ford, Jr., Cynthia McKinney, Howard L. Berman, John Conyers, Jr., Bart Stupak, Edolphus Towns, Daniel Lipinski, William J. Jefferson, David Scott, Louise McIntosh Slaughter, Gregory W. Meeks, Silvestre Reyes, Ed Pastor, Norman D. Dicks, Jay Inslee, Tom Lantos, Corrine Brown, John Barrow, G.K. Butterfield, Albert Russell Wynn, Chaka Fattah, Nancy Pelosi, Frank Pallone, Jr., Stephanie Herseth, Robert A. Brady, Tim Holden, Melissa L. Bean, Timothy H. Bishop, Tammy Baldwin, Edward J. Markey, Leonard L. Boswell, Jane Harman, Michael F. Doyle, Donald M. Payne, Ike Skelton, Diana DeGette, Jim Cooper, Bob Etheridge, Brad Miller, Robert C. Scott, Tim Ryan, Charlie Melancon, Jim Matheson, Nick J. Rahall II, Loretta Sanchez, Marion Berry, Jose E. Serrano, Tom Udall, Darlene Hooley, and Jerrold Nadler.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 5 by Mr. WAXMAN on House Resolution 537: Rosa L. DeLauro.

Petition 8 by Mr. WAXMAN on House Resolution 570: Rosa L. DeLauro.

Petition 10 by Ms. HERSETH on House Resolution 585: Kendrick B. Meek.

Petition 12 by Mr. MARKEY on House bill H.R. 4263: Henry A. Waxman, Marcy Kaptur, John B. Larson, Joe Baca, Michael R. McNulty, Stephanie Tubbs Jones, Maxine Waters, Stephen F. Lynch, Rosa L. DeLauro, and Cynthia McKinney.

Petition 14 by Mr. FILNER on House Resolution 917: Grace F. Napolitano, Lois Capps, Peter A. DeFazio, Jane Harman, Carolyn McCarthy, Charles B. Rangel, John Conyers, Jr., Ellen O. Tauscher, Allen Boyd, Dennis Moore, Shelley Berkley, Bart Stupak, Jim Costa, Brad Miller, Steven R. Rothman, John S. Tanner, Danny K. Davis, Artur Davis, Allyson Y. Schwartz, Michael M. Honda, Charles A. Gonzalez, Hilda L. Solis, Russ Carnahan, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Bernard Sanders, Edolphus Towns, William D. Delahunt, Rosa L. DeLauro, Marcy Kaptur, Jay Inslee, Maurice D. Hinchey, John B. Larson, Jerrold Nadler, Eliot L. Engel, George Miller, Diane E. Watson, Alcee L. Hastings, Robert E. Andrews, Bennie G. Thompson, Chet Edwards, Carolyn C. Kilpatrick, Dennis A. Cardoza, Mike Ross, Neil Abercrombie, C. A. Dutch Ruppersberger, Dennis J. Kucinich, Howard L. Berman, Gary L. Ackerman, James R.

Langevin, Rubén Hinojosa, Solomon P. Ortiz, Mike Thompson, Donald M. Payne, Ed Case, Tom Lantos, Lloyd Doggett, David Scott, Patrick J. Kennedy, Sherrod Brown, Janice D. Schakowsky, Frank Pallone, Jr., Stephanie Herseth, Robert A. Brady, Chaka Fattah, Nydia M. Velázquez, Bill Pascrell, Jr., Jim McDermott, Nita M. Lowey, Al Green, Charlie Melancon, Robert E. (Bud) Cramer, Jr., Joe Baca, Vic Snyder, Louise McIntosh Slaughter, Diana DeGette, Loretta Sánchez, Leonard L. Boswell, Jerry F. Costello, Tom Udall, Martin Olav Sabo, Michael R. McNulty, Adam B. Schiff, James P. McGovern, Sanford D. Bishop, Jr., Lane Evans, Silvestre Reyes, John W. Olver, Nick J. Rahall II, Gregory W. Meeks, William J. Jefferson, Ben Chandler, Paul E. Kanjorski, Robert C. Scott, Henry Cuellar, Dale E. Kildee, G. K. Butterfield, Elijah E. Cummings, Steny H. Hoyer, Stephanie Tubbs Jones, Carolyn B. Maloney, Jim Cooper, Bobby L. Rush, James E. Clyburn, Lucille Roybal-Allard, Benjamin L. Cardin, Rush D. Holt, Chris Van Hollen, Michael E. Capuano, Adam Smith, Timothy H. Bishop, Debbie Wasserman Schultz, Lincoln Davis, Albert Russell Wynn, Ed Pastor, Collin C. Peterson, Major R. Owens, Richard E. Neal, Jim Davis, Corrine Brown, Rick Larsen, Daniel Lipinski, Luis V. Gutierrez, Gene Green, Brian Baird, James L. Oberstar, Tim Holden, Wm. Lacy Clay, Bob Etheridge, Raul M. Grijalva, Norman D. Dicks, Brad Sherman, Juanita Millender-McDonald, Kendrick B. Meek, Thomas H. Allen, Xavier Becerra, Steve Israel, Maxine Waters, Brian Higgins, Tim Ryan, Joseph Crowley, Linda T. Sánchez, Anthony D. Weiner, John T. Salazar, Ron Kind, John M. Spratt, Jr., Tammy Baldwin, Mike McIntyre, Darlene Hooley, Melvin L. Watt, Harold E. Ford, Jr., Cynthia McKinney, Jim Matheson, Rahm Emanuel, Nancy Pelosi, and Edward J. Markey.

Petition 15 by Mr. DOGGETT on House Resolution 987: Grace F. Napolitano, Lois Capps, Shelley Berkley, Peter A. DeFazio, James P. McGovern, Janice D. Schakowsky, Tim Ryan, Sanford D. Bishop, Jr., G. K. Butterfield, Barney Frank, Albert Russell Wynn, Thomas H. Allen, Carolyn McCarthy, Charles B. Rangel, Doris O. Matsui, Tammy Baldwin, David E. Price, Mike Thompson, Lynn C. Woolsey, Linda T. Sánchez, Loretta Sanchez, Rick Larsen, Michael E. Capuano, Dennis Moore, Robert Wexler, Gary L. Ackerman, Tom Udall, Tim Holden, Adam B. Schiff, Steven R. Rothman, Michael M. Honda, Charles A. Gonzalez, Hilda L. Solis, Russ Carnahan, Fortney Pete Stark, James P. Moran, Henry A. Waxman, Anna G. Eshoo, William D. Delahunt, Rosa L. DeLauro, Marcy Kaptur, Maurice D. Hinchey, John B. Larson, Xavier Becerra, Jerrold Nadler, Bob Filner, Eliot L. Engel, George Miller, Robert E. Andrews, Chet Edwards, David Wu, Sherrod Brown, Frank Pallone, Jr., Robert A. Brady, Chaka Fattah, Nita M. Lowey, Charlie Melancon, Joe Baca, John Conyers, Jr., Michael R. McNulty, Patrick J. Kennedy, Lane Evans, Dan Boren, Elijah E. Cummings, Stephanie Tubbs Jones, Carolyn B. Maloney, Lucille Roybal-Allard, John W. Olver, Rush D. Holt, Chris Van Hollen, Melissa L. Bean, Luis V. Gutierrez, Alcee L. Hastings, Juanita Millender-McDonald, Kendrick B. Meek, Maxine Waters, Brian Higgins, Anthony D. Weiner, Jim Davis, Jerry F. Costello, Cynthia McKinney, Daniel Lipinski, Rahm Emanuel, Christopher Shays, Edward J. Markey, and Ralph M. Hall.

The following Member's name was withdrawn from the following discharge petition:

Petition 16 by Mr. JOHN BARROW on House Resolution 998: Barney Frank.