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House of Representatives

AUTHORIZING SECRETARY OF ARMY TO CARRY OUT HURRICANE AND STORM DAMAGE REDUCTION, MORGANZA TO GULF OF MEXICO, LOUISIANA

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6428) to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana.

The Clerk read as follows:

H.R. 6428

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

SECTION 1. MORGANZA TO THE GULF OF MEXICO, LOUISIANA.

(a) IN GENERAL.—The Secretary of the Army may carry out the following elements

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated August 23, 2002, and the supplemental report dated July 22, 2003:

(1) The Houma Lock feature of the project.

(2) The Reach H–3, Reach J–2, Bush Canal floodgate, Point aux Chene floodgate, Reach H–2, Reach J–3, Reach J–1, and Placid Canal structural elements of the project

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project elements the cost of design and construction work carried out by the non-Federal interest before the date of the partnership agreement for the project elements if the Secretary determines that the work is integral to the project elements.

(c) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with the feasibility report dated March 2002 and section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

(d) NAVIGATIONAL CONSISTENCY.—The Secretary shall maintain the Houma Navigation Canal at dimensions at least equal to those of the lock identified in subsection (c). The Houma Lock feature shall be implemented under an exclusive partnership agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6428 was introduced by the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. BAKER).

This bill simply authorizes the Secretary of the Army to carry out certain elements of a project known as the Morganza to the Gulf of Mexico, which was included in a report by the Chief of Engineers.

This is part of an important hurricane and storm damage reduction project that is sorely needed. I urge support of the bill.

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

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

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

Mr. OBERSTAR. Mr. Speaker, I want to thank the gentleman from Alaska, our committee chairman, for agreeing to bring this bill up in the interest of the Louisiana delegation, all of whom are concerned about moving this project ahead so it can be in line to receive funding to start work on this project before the next hurricane storm season reaches the gulf.

This project involves multiple features: 72 miles of levees south of Houma, Louisiana; pumping station protection; road closure floodgates and ramps; channel closure floodgates; and a lock structure where the project crosses the Gulf Intercoastal Waterway.

It is unfortunate we have to take this piece out of the bill that we passed twice in this body under the leadership of the distinguished chairman. The House has done its work and done its work well. We have done it over three Congresses, and the other body has failed to act. That is why we are here tonight to try to address a matter of significant importance to the people in the gulf region.

Mr. Speaker, I rise in support of H.R. 6428, a bill authorizing the Secretary of the Army to carry out certain portions of the hurricane and storm damage reduction project for the Morganza to the Gulf, Louisiana.

The Morganza to the Gulf project is vital for meeting the hurricane and storm damage protection needs of coastal Louisiana, especially its citizens in Houma, and the surrounding communities that were devastated by Hurricane Rita last year. This project is comprised of multiple project features, including approximately 72 miles of levees south of Houma, Louisiana, pumping station protection, road closure floodgates and ramps, channel closure floodgates, and a lock structure where the project crosses the Gulf Intracoastal Waterway.

The Morganza to the Gulf project was included in the Water Resources Development Act of 2000, as a conditional authorization. However, the Corps of Engineers failed to complete a favorable report of the Chief of Engineers for the project before the December 2000 deadline.

Since that time, the Congress has failed to enact any further water resources development acts. Unfortunately, tonight, we will adjourn another Congress without enacting a water resources bill.

The language in this legislation is modeled after the language contained in H.R. 2864, the Water Resources Development Act of 2005, which passed this House on July 14, 2005 by an overwhelming vote of 406–14.

While my preference would be to authorize this project through regular order in the passage of the broader Water Resources Development Act, at this late hour in the session, work will not be completed on the larger bill.

This is unfortunate because it only further delays the opportunity for the Corps of Engineers to provide essential flood control, navigation, and ecosystem restoration projects to our Nation, and vital public safety and economic benefits to our constituents.

We are now just a few days shy of six years since the last water resources bill was enacted. This is far too long.

I am certain that there will be questions as to why Congress was unable to enact a water resources bill in the 109th Congress, especially since this is the first time since 2000 that both the House and the Senate chambers were each able to approve legislation for the other body to consider.

A chief reason is that the current administration has no commitment to the Nation's premier water-related infrastructure agency.

The administration fails to understand the importance of the Corps of Engineers and the vital work that this agency does for the American people.

The administration's lack of support for a comprehensive water resources development act has only made Congress's work more difficult.

During consideration in both the House and Senate, the administration released two statements of administration policy that were highly critical of the Congress's efforts, especially over the administration's concern with the overall costs of the two bills.

However, what this administration fails to recognize is that the roughly $10 billion in project authorizations contained in the House-passed version, and the $12 billion in the Senate-passed version reflect 6 years of requests since the Water Resources Development Act of 2000.

With Congress's failure to approve the water resources development act this year, we should expect next year's bill to cost more than either the House or Senate-passed versions—perhaps as much as $15 billion.

These numbers are consistent with the historical costs of past water resources bills, and further delay only results in making these vital projects more expensive over time.

Congress must also share the blame for its failure to deliver a comprehensive water resources bill this year.

With both the House and Senate, and the White House, under Republican control, it would seem that passage of this legislation should have been achievable.

In spite of the significant efforts of both the chairman of the conference committee and my Chairman, Mr. YOUNG, the House and the Senate have been unable to reach agreement on a final package.

I am confident that our Committee will make the passage and enactment of a water resources development act a number-one priority in 2007.

Mr. Speaker, by passing this legislation tonight, the House is agreeing to allow the Morganza to the Gulf project to move forward based on its individual merit, and the need to increase the level of flood protection for coastal Louisiana.

The House has resisted the temptation to add other meritorious Corps of Engineers project authorizations to the schedule this evening. I would advise the other body to resist this temptation and not turn this authorization into an attempt to move a miniature water resources bill before the end of the session.

I urge my colleagues to support H.R. 6428.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, in the Water Resource Development Act of 2000, Congress authorized a project for hurricane protection known as Morganza to the Gulf. This contingent authorization would protect over 200,000 people in their homes, but the contingent authorization expired due to a delayed chief's report.

The citizens of Louisiana that live behind this future levee system have passed a tax on themselves that generates roughly $5 million per year in funds dedicated strictly to fund this hurricane protection system. They have waited 6 years to begin construction on this project that Congress directed to be constructed due to a delayed report from the Corps of Engineers.

H.R. 6428, introduced by Congressmen BAKER and MELANCON, authorizes only

a small portion of the project as a whole. This bill would allow the people in Terrebonne Parish to begin protecting themselves while we work towards a complete water resources bill.

The Melancon-Baker partial authorization bill includes only two reaches of levees, tying into the already existing system of levees. These levees would provide the most protection possible with the limited resources currently available.

The bill also authorizes the lock complex on the Houma Navigation Canal to protect against devastating storm surges, such as the one during Hurricane Katrina that ran up the Mississippi River-Gulf outlet and destroyed St. Bernard Parish. In addition, Houma would be protected from salt water intrusion in their drinking water and the degradation of the wetlands.

I urge passage of H.R. 6428. I wish to thank Mr. OBERSTAR and Mr. YOUNG and the committee for all of their kindnesses to help us move this forward.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to point out that I have toured St. Bernard Parish with my wife who is from New Orleans, and we have seen the extraordinary destruction caused by Hurricane Katrina to the residents and the absolute abject devastation of an area that hasn't experienced anything of this nature in 138 years.

This legislation is vitally important to correct the failures of the past and prevent them from happening in the future. The gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. BAKER), both members of our committee, have been strong advocates for this project.

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

Mr. YOUNG of Alaska. Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 6428.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DAM SAFETY ACT OF 2006

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

The Clerk read as follows:

S. 2735

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

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Dam Safety Act of 2006''.

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.''.

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking ''and target dates to'' and inserting ''performance measures, and target dates toward effectively administering this Act in order to''.

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''substantially'';

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

''(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;''; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting ''install and monitor instrumentation,'' after ''remedial work,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking ''$6,000,000 for each of fiscal years 2003 through 2006'' and inserting ''$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011'';

(2) in subsection (b), by striking ''$500,000 for each fiscal year'' and inserting ''$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011'';

(3) in subsection (c), by striking ''$1,500,000 for each of fiscal years 2003 through 2006'' and inserting ''$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011'';

(4) in subsection (d), by striking ''$500,000 for each of fiscal years 2003 through 2006'' and inserting ''$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011''; and

(5) in subsection (e), by striking ''$600,000 for each of fiscal years 2003 through 2006'' and inserting ''$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

□ 0045

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2735, known as the Dam Safety Act of 2006, reauthorizes the National Dam Safety Program for 5 years, through fiscal year 2011, and makes a number of improvements to the national inventory of dams.

I want to thank Mr. KUHL of New York for his dedication to the National Dam Safety Program. He has been a steadfast proponent of reauthorization and deserves credit for strengthening the program.

The National Dam Safety Program is administered by FEMA and was established to improve safety around dams. The program provides grants to State dam safety agencies to assist them in improving their regulatory programs, training, and research, and to create a national inventory of dams in existence.

With the passage of S. 2736 today, we clear the bill for the President and ensure authorization of this successful program through the year 2011. I support the bill and encourage my colleagues to do the same.

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

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

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

Mr. OBERSTAR. Mr. Speaker, the structural integrity of dams throughout the United States has been a concern of the Committee on Transportation and Infrastructure and its predecessors going back to the Rivers and Harbors Committee in the very beginning of this Nation. We have repeatedly visited the issue of dam safety and enacted dam safety programs in years past, reauthorizing in 1996, and this legislation is an update of the 1996 legislation.

The Corps of Engineers, at the direction of our committee and through the reauthorization we provided, working with the Federal Emergency Management Agency, has identified 79,777 public and private dams in the United States of which 11,811 are high-hazard dams. What is troubling to us on the committee is that the number of high-hazard dams has increased by over 20 percent in the last 6 years. Clearly action has to be taken. We have had 125 failures between 1999 and 2004.

This legislation will put FEMA on alert, put the Corps of Engineers on alert, raise visibility of these issues and provide the tools necessary to take action to protect citizens living below these structures from catastrophic failure that can wipe out whole communities.

Mr. Speaker, I rise in strong support of S. 2735, the National Dam Safety Program Act, which reauthorizes and amends the National Dam Safety Program. The National Dam Safety Program is a partnership of the States, Federal agencies, and other stakeholders to encourage individual and community responsibility for dam safety.

The purpose of the National Dam Safety Program is to ''reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to

bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.''

S. 2735 reauthorizes the National Dam Safety Program through fiscal year 2011. The dam safety program, administered by the Federal Emergency Management Agency (FEMA), provides grants to state regulatory agencies, funds research projects aimed at improving dam safety, and trains safety officials and dam operators.

Of the 79,777 public and private dams in the United States, there are currently 11,811 High Hazard dams across the country. If one of these dams fails, it could cost lives and damage the economy and the environment. From 2000 to 2006, the number of hazard dams increased by almost 20 percent.

These dams can pose a significant threat. Between 1999 and 2004, States reported 1,090 dam safety incidents including 125 failures. Deficient or unsafe dams mean that these dams have been identified as having hydrologic or structural deficiencies that make them susceptible to a failure triggered by a large storm event, an earthquake, progressive deterioration, or inadequate maintenance. Currently, States have identified approximately 3,400 dams as being deficient or unsafe—an increase of 33 percent since 1998.

Since the creation of the National Dam Safety Program in 1996, dam safety inspections have increased significantly. In addition, the Program has provided funding to increase the amount and the quality of dam safety research and has increased the amount of direct assistance for training state officials and providing technical seminars and workshops.

Presently, many states lack the financial resources to effectively carry out the program and many State regulatory programs lack the support they require at a time when these critical program funds are truly needed. Clearly, there is a need for this program, the funds it provides, and the technical support it offers States.

Mr. Speaker, I support the bill and urge its approval.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2735.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bills just passed, H.R. 6428 and S. 2735.

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

There was no objection.

PROVIDING FOR CORRECTION TO ENROLLMENT OF H.R. 5946, MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 123) providing for correction to the enrollment of the bill H.R. 5946.

The Clerk read as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

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

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

There was no objection.

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

This resolution corrects the text of H.R. 5946, Magnuson-Stevens Fishery Conservation and Management Act of 2006. The Senate amendment to that bill included a provision not in the jurisdiction of the Committee on Resources, and with the passage of this resolution, that provision will be deleted when the bill is enrolled.

And, Mr. Speaker, the Magnuson-Stevens Act is an act 30 years old that manages the Nation's fisheries out 200 miles. It is a bill that deals with an industry that is nearly $100 billion annually. And what we have done with this bill, with the Members, with the chairman of the Resources Committee, Mr. POMBO; with the former chairman of the Resources Committee, Mr. DON YOUNG; Mr. RAHALL; FRANK PALLONE; JIM SAXTON; and a number of Members; and I also want to compliment the staff on the House side, the staff on both committees, personal staff. And those people who helped us with the Senate, they have made a bill that is going to be successful, the Magnuson-Stevens Act, because this act enables the management of a public resource that is worth about $100 billion to be integrated with fishermen, with processers, with distributors, with university scientists, government scientists, council members, and private citizens. The bill goes a long way to sustain and restore the Nation's fishery. It ends overfishing, rebuilds depleted stocks, improves safety and life at sea, protects fish habitat, enables us to better understand the ecology of our oceans, improves the management of our councils, fairly and equitably deals with overcapitalization, and numerous other provisions.

This is a good piece of legislation. It further restores and goes a long way into enabling us to carry out the traditions of Senator Magnuson and Senator STEVENS.

I urge my colleagues to vote for this most sustainable fisheries act.

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

Mr. RAHALL. Mr. Speaker, as I understand it, this is a technical measure, and we have no problems with it on our side. I support it.

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

Mr. GILCHREST. 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 Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 123.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006''.

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

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

''(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.''.

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (13) the following:

''(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

''(A) to meet social and economic needs in a region or subregion; and

''(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.'';

(2) by inserting after paragraph (20) the following:

''(20A) The term 'import'—

''(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

''(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.'';

(3) by inserting after paragraph (23) the following:

''(23A) The term 'limited access privilege'—

''(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

''(B) includes an individual fishing quota; but

''(C) does not include community development quotas as described in section 305(i).

''(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.''; and

(4) by inserting after paragraph (27) the following:

''(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.''.

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking ''an individual fishing quota'' and inserting ''a limited access privilege'':

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking ''individual fishing quota'' and inserting ''limited access privilege'':

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking ''individual fishing quotas,'' and inserting ''limited access privileges,''.

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

''(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal

plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.''.

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking ''shall be'' and inserting ''is'';

(2) by striking ''will not'' and inserting ''cannot, or will not,''; and

(3) by inserting after ''Act.'' the following: ''Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess domestic harvest capacity.''.

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting ''and any funds or contributions received in support of conservation and management objectives under a marine conservation plan'' after ''agreement'' in paragraph (7); and

(2) by inserting after ''paragraph (4).'' in paragraph (8) the following: ''In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

''(1) $337,844,000 for fiscal year 2007;

''(2) $347,684,000 for fiscal year 2008;

''(3) $357,524,000 for fiscal year 2009;

''(4) $367,364,000 for fiscal year 2010;

''(5) $377,204,000 for fiscal year 2011;

''(6) $387,044,000 for fiscal year 2012; and

''(7) $396,875,000 for fiscal year 2013.''.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting ''by utilizing economic and social data that meet the requirements of paragraph (2),'' after ''fishing communities''.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking ''describe the likely effects, if any, of the conservation and management measures on—'' and inserting ''analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—''.

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting ''and of commonwealths, territories, and possessions of the United States in the Caribbean Sea'' after ''seaward of such States''.

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) TRIBAL ALTERNATE ON PACIFIC COUNCIL.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

''(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.''.

(b) SCIENTIFIC AND STATISTICAL COMMITTEES.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

''(g) COMMITTEES AND ADVISORY PANELS.—

''(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

''(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

''(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

''(D) Each member of a scientific and statistical committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j). The Secretary shall keep disclosures made pursuant to this subparagraph on file.

''(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A–153).

''(F) In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.

''(G) A science and statistical committee shall hold its meetings in conjunction with the meeting of the Council, to the extent practicable.''.

(2) by striking ''other'' in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) COUNCIL FUNCTIONS.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking ''authority, and'' in paragraph (5) and inserting ''authority;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

''(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and''.

(d) SCIENTIFIC RESEARCH PRIORITIES.—Section 302(h) (16 U.S.C. 1852(h)), as amended by subsection (c), is further amended—

(1) by striking ''(g); and'' in paragraph (6) and inserting ''(g);'';

(2) by redesignating paragraph (7), as redesignated by subsection (c)(2), as paragraph (8);

(2) by inserting after paragraph (6) the following:

''(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

''(A) establish priorities for 5-year periods;

''(B) be updated as necessary; and

''(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council; and''.

(e) REGULAR AND EMERGENCY MEETINGS.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking ''published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity.'' and inserting ''provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.''.

(f) CLOSED MEETINGS.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking ''notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports,'' and inserting ''provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient,''.

(g) TRAINING.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

''(k) COUNCIL TRAINING PROGRAM.—

''(1) TRAINING COURSE.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

''(A) fishery science and basic stock assessment methods;

''(B) fishery management techniques, data needs, and Council procedures;

''(C) social science and fishery economics;

''(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

''(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

''(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

''(G) public process for development of fishery management plans;

''(H) other topics suggested by the Council; and

''(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

''(2) MEMBER TRAINING.—The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

''(3) REQUIRED TRAINING.—Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

''(l) COUNCIL COORDINATION COMMITTEE.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.''.

(h) PROCEDURAL MATTERS.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking ''to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g).'' in paragraph (1) and inserting ''to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).'';

(2) by striking ''of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):'' in paragraph (2) and inserting ''of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):''; and

(3) by inserting ''the Council Coordination Committee established under subsection (l),'' in paragraph (3)(A) after ''Council,''; and

(4) by inserting ''other committees,'' in paragraph (3)(A) after ''committee,''.

(i) CONFLICTS OF INTEREST.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting ''lobbying, advocacy,'' after ''processing,'' in paragraph (2);

(2) by striking ''jurisdiction.'' in paragraph (2) and inserting ''jurisdiction, or with respect to an individual or organization with a financial interest in such activity.'';

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

''(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and''; and

(4) by adding at the end the following:

''(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.''.

(j) GULF OF MEXICO FISHERIES MANAGEMENT COUNCIL.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

''(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

''(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

''(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

''(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

''(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

''(iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.

''(iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.''.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking ''and charter fishing'' in paragraph (5) and inserting ''charter fishing, and fish processing'';

(2) by inserting ''economic information necessary to meet the requirements of this Act,'' in paragraph (5) after ''number of hauls,'';

(3) by striking ''and'' after the semicolon in paragraph (9)(A);

(4) by inserting ''and'' after the semicolon in paragraph (9)(B);

(5) by inserting after paragraph (9)(B) the following:

''(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(6) by striking ''fishery'' the first place it appears in paragraph (13) and inserting ''fishery, including its economic impact,'';

(7) by striking ''and'' after the semicolon in paragraph (13);

(8) by striking ''allocate'' in paragraph (14) and inserting ''allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,'';

(9) by striking ''fishery.'' in paragraph (14) and inserting ''fishery and;''; and

(10) by adding at the end the following:

''(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.''.

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

(c) CLARIFICATION OF REBUILDING PROVISION.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking ''one year of'' in paragraph (3) and inserting ''2 years after'';

(2) by inserting ''and implement'' after ''prepare'' in paragraph (3);

(3) by inserting ''immediately'' after ''overfishing'' in paragraph (3)(A);

(4) by striking ''ending overfishing and'' in paragraph (4)(A); and

(5) by striking ''one-year'' in paragraph (5) and inserting ''2-year''.

(d) EFFECTIVE DATE FOR SUBSECTION (c).—The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting ''(A)'' after ''(2)'' in paragraph (2);

(2) by inserting after paragraph (2) the following:

''(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

''(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

''(i) is based on the best scientific information available;

''(ii) includes criteria to assess the conservation benefit of the closed area;

''(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

''(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;'';

(3) by striking ''fishery;'' in paragraph (5) and inserting ''fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;'';

(4) by striking paragraph (6) and inserting the following:

''(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

''(A) present participation in the fishery;

''(B) historical fishing practices in, and dependence on, the fishery;

''(C) the economics of the fishery;

''(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

''(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

''(F) the fair and equitable distribution of access privileges in the fishery; and

''(G) any other relevant considerations;'';

(5) by striking ''(other than economic data)'' in paragraph (7);

(6) by striking ''and'' after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

''(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and''.

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

''SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

''(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

''(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

''(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

''(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

''(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

''(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

''(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

''(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

''(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

''(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

''(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

''(C) promote—

''(i) fishing safety; and

''(ii) fishery conservation and management; and

''(iii) social and economic benefits;

''(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

''(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

''(F) specify the goals of the program;

''(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

''(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

''(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

''(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

''(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

''(A) the fishery has historically processed the fish outside of the United States; and

''(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

''(3) FISHING COMMUNITIES.—

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

''(I) be located within the management area of the relevant Council;

''(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

''(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

''(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

''(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

''(4) REGIONAL FISHERY ASSOCIATIONS.—

''(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

''(i) be located within the management area of the relevant Council;

''(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(iii) be a voluntary association with established by-laws and operating procedures;

''(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

''(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

''(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

''(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the administrative and fiduciary soundness of the association; and

''(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

''(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

''(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

''(i) current and historical harvests;

''(ii) employment in the harvesting and processing sectors;

''(iii) investments in, and dependence upon, the fishery; and

''(iv) the current and historical participation of fishing communities;

''(B) consider the basic cultural and social framework of the fishery, especially through—

''(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

''(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

''(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

''(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

''(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

''(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

''(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

''(6) PROGRAM INITIATION.—

''(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

''(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate

the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

''(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

''(D) NEW ENGLAND AND GULF REFERENDUM.—

''(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

''(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

''(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

''(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

''(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

''(vi) In this subparagraph, the term 'individual fishing quota' does not include a sector allocation.

''(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

''(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

''(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

''(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

''(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

''(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

''(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

''(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

''(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

''(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

''(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

''(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

''(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

''(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

''(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

''(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

''(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

''(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

''(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

''(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

''(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

''(i) TRANSITION RULES.—

''(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

''(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

''(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

''(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

''(2) PACIFIC GROUNDFISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.''.

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking ''management and enforcement'' and inserting ''management, data collection, and enforcement''.

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking ''section 305(h)(5)(B)'' and all that follows and inserting ''section 305(h)(5)(B).''.

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

''(i) ENVIRONMENTAL REVIEW PROCESS.—

''(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

''(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

''(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

''(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

''(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

''(A) propose revised procedures within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

''(B) provide 90 days for public review and comments; and

''(C) promulgate final procedures no later than 12 months after the date of enactment of that Act.

''(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.''.

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking ''180 days,'' the second time it appears and inserting ''186 days,''.

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting ''or interim measures'' after ''emergency regulations''.

SEC. 109. WESTERN PACIFIC AND NORTH PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

''(j) WESTERN PACIFIC AND NORTHERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

''(2) PROGRAM COMPONENTS.—The program shall—

''(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

''(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

''(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

''(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

''(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

''(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.''.

SEC. 110. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109 of this Act, is further amended by adding at the end thereof the following:

''(k) MULTISPECIES GROUNDFISH.—

''(1) IN GENERAL.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

''(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

''(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination..

''(2) CURE.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).''.

SEC. 111. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking ''and'' after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting ''and'' after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

''(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system, subject to the confidentiality provisions of section 402;'';

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

''(h) JOINT ENFORCEMENT AGREEMENTS.—

''(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

''(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

''(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

''(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

''(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

''(C) shall provide for confidentiality of data and information submitted to the State under section 402.

''(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

''(i) IMPROVED DATA SHARING.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—

''(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

''(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

''(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

''(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

''(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.''.

(b) REPORT.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using vessel monitoring systems, satellite-based maritime distress and safety systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether satellite-based maritime distress and safety systems, or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to satellite-based maritime distress and safety system or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the satellite-based maritime distress and safety system or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 112. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking ''measures;'' in subsection (a)(1)(B) and inserting ''measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;'';

(2) by striking ''1996, 1997, 1998, and 1999.'' in subsection (a)(4) and inserting ''2007 through 2013.'';

(3) by striking ''or the Governor of a State for fisheries under State authority, may conduct a fishing'' in subsection (b)(1) and inserting ''the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing'';

(4) by inserting ''practicable'' after ''entrants,'' in subsection (b)(1)(B)((i);

(5) by striking ''cost-effective and'' in subsection (b)(1)(C) and inserting ''cost-effective and, in the instance of a program involving an industry fee system, prospectively'';

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

''(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established or in any other fishery and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or'';

(7) by striking ''The Secretary shall consult, as appropriate, with Councils,'' in subsection (b)(4) and inserting ''The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,'';

(8) by adding at the end of subsection (b) the following:

''(5) PAYMENT CONDITION.—The Secretary may not make a payment under paragraph (2) with respect to a vessel that will not be scrapped unless the Secretary certifies that the vessel will not be used for fishing in the waters of a foreign nation or fishing on the high seas.

''(6) REPORT.—

''(A) IN GENERAL.—Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report—

''(i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;

''(ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

''(iii) potential sources of funding for such measures.

''(B) BASIS FOR RECOMMENDATIONS.—The Secretary shall base the recommendations made with respect to a fishery on—

''(i) the most cost effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

''(ii) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or on the high seas.'';

(9) by striking ''Secretary, at the request of the appropriate Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(10) by striking ''Secretary, in consultation with the Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(11) by striking ''a two-thirds majority of the participants voting.'' in subsection (d)(1)(B) and inserting ''at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.'';

(12) by striking ''establish;'' in subsection (d)(2)((C) and inserting ''establish, unless the Secretary determines that such fees should be collected from the seller;'' and

(13) striking subsection (e) and inserting the following:

''(e) IMPLEMENTATION PLAN.—

''(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

''(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

''(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

''(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

''(i) the requirements of this section;

''(ii) the requirements of the framework regulations;

''(iii) the characteristics of the fishery and affected fishing communities;

''(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

''(v) the general needs and desires of harvesters in the fishery;

''(vi) the need to minimize program costs; and

''(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

''(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

''(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

''(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

''(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.''.

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 113. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

''SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

''(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

''(b) PROGRAM COMPONENTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

''(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;

''(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

''(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

''(D) any other activities authorized under section 312 of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

''(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

''(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

''(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

''(A) no reasonable means are available through which applicants can meet the matching requirement; and

''(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

''(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

''(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

''(d) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

''(1) results in economic losses to coastal or fishing communities;

''(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

''(3) is determined by the Secretary to be a commercial fishery failure under section 312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).''.

(b) SALMON PLAN AND STUDY.—

(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) OREGON AND CALIFORNIA SALMON FISHERY.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 114. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) LOAN ASSISTANCE.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2007 through 2013, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) LOAN FORGIVENESS.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may, with respect to uninsured losses—

(1) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(2) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) DEFINITIONS.—In this section:

(1) DECLARED FISHERIES DISASTER AREA.—The term ''declared fisheries disaster area'' means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE HOLDER.—The term ''eligible holder'' means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) FISHERY FINANCE PROGRAM LOAN.—The term ''fishery finance program loan'' means a loan made or guaranteed under the fishery finance program under chapter 537 of title 46, United States Code.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2007 through fiscal year 2013.

SEC. 115. FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for each of fiscal years 2007 through 2012 to carry out this section.

SEC. 116. BYCATCH REDUCTION ENGINEERING PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.), as amended by section 113 of this Act, is further amended by adding at the end the following:

''SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

''(a) BYCATCH REDUCTION ENGINEERING PROGRAM.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

''(1) be regionally based;

''(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

''(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

''(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

''(b) INCENTIVES.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

''(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

''(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

''(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

''(c) COORDINATION ON SEABIRD INTERACTIONS.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

''(1) outreach to industry on new technologies and methods;

''(2) projects to mitigate for seabird mortality; and

''(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

''(d) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

''(1) describes funding provided to implement this section;

''(2) describes developments in gear technology achieved under this section; and

''(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.''.

(b) CDQ BYCATCH LIMITATIONS.—

(1) IN GENERAL.—Section 305(i) (16 U.S.C. 1855(i)) is amended—

(A) by striking ''directed fishing allocation'' and all that follows in paragraph (1)(B)(ii)(I), and inserting ''total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and'';

(B) by striking ''directed fishing allocation of 10 percent.'' in paragraph (1)(B)(ii)(II) and inserting ''total allocation (directed and nontarget combined) of 10.7 percent.'';

(C) by inserting after paragraph (1)(B)(ii) the following:

''The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded.''; and

(D) by inserting ''Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision.'' after ''2006.'' in paragraph (1)(C) .

(2) EFFECTIVE DATE.—The allocation percentage in subclause (I) of section 305(i)(1)(B)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(B)(ii)), as amended by paragraph (1) of this subsection, shall be in effect in 2007 with respect to any sector of a fishery to which such subclause applies and in which a fishing cooperative is established in 2007, and such sector's 2007 allocation shall be reduced by a pro rata amount to accomplish such increased allocation to the program. For purposes of section 305(i)(1) of that Act and of this subsection, the term ''fishing cooperative'' means a fishing cooperative whether or not authorized by a fishery management council or Federal agency, if a majority of the participants in the sector are participants in the fishing cooperative.

SEC. 117. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 118. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (O);

(2) by striking ''carcass.'' in subparagraph (P) and inserting ''carcass;''; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

''(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

''(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).''.

SEC. 119. SHARK FEEDING.

Title III (16 U.S.C. 1851 et seq.), as amended by section 116 of this Act, is further amended by adding at the end the following:

''SEC. 317. SHARK FEEDING.

''Except to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.''.

SEC. 120. CLARIFICATION OF FLEXIBILITY.

(a) IN GENERAL.—The Secretary of Commerce has the discretion under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) to extend the time for rebuilding the summer flounder fishery to not later than January 1, 2013, only if—

(1) the Secretary has determined that—

(A) overfishing is not occurring in the fishery and that a mechanism is in place to ensure overfishing does not occur in the fishery; and

(B) stock biomass levels are increasing;

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the new time for rebuilding;

(3) the extension period is based on the status and biology of the stock and the rate of rebuilding;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) AUTHORITY.—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act concerning other species.

SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.

Section 209 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Pub. L. 108–447; 118 Stat. 2884) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 209.'';

(2) by striking ''is authorized to'' in the first sentence and inserting ''shall'';

(3) by striking ''$50,000,000'' and all that follows in the first sentence and inserting ''up to $25,000,000 pursuant to section 57735 of title 46, United States Code.'';

(4) by striking the third sentence and inserting: ''The loan shall have a term of 40 years.''; and

(5) by adding at the end the following:

''(b) SOUTHEAST ALASKA FISHERIES PROGRAM.—

''(1) CONDUCT OF PROGRAM BY RSA.—The program described in subsection (a) shall be conducted under Alaska law by the Southeast Revitalization Association.

''(2) TREATMENT UNDER CHAPTER 577 OF TITLE 46.—For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

''(3) APPLICATION OF MAGNUSON-STEVENS ACT.—Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

''(c) SOUTHEAST ALASKA FISHERIES PROGRAM APPROVAL AND REFERENDUM.—

''(1) IN GENERAL.—The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association under subsection (b).

''(2) REFERENDUM.—The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that—

''(A) no Council request and no consultation shall be required; and

''(B) the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.

''(d) DISBURSAL OF LOAN PROCEEDS.—If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments. The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.)''.

SEC. 122. CONVERSION TO CATCHER/PROCESSOR SHARES.

(a) IN GENERAL.—

(1) AMENDMENT OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for the Bering Sea/Aleutian Islands King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—

(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible

entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and

(B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.

(2) ELIGIBILITY AND LIMITATIONS.—

(A) The authority provided in paragraph (1)(A) shall—

(i)(I) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of less than 7 percent of the Bering Sea/Aleutian Island processor quota shares; or

(II) apply only to an entity which was initially awarded both catcher/processor owner quota shares under the plan and processor quota shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 546);

(ii) be limited to processor quota shares initially awarded to such entities and their commonly owned affiliates under the plan or section 417(a) of that Act; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(B) The authority provided in paragraph (1)(B) shall—

(i) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of more than 7 percent of the Bering Sea/Aleutian Island processor quota shares;

(ii) be limited to catcher vessel quota shares initially awarded to such entity and its commonly owned affiliates; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(3) EXCHANGE RATE.—The entities referred to in paragraph (1) shall receive under the amendment 1 unit of newly created catcher/processor owner quota shares in exchange for 1 unit of catcher vessel owner quota shares and 0.9 units of processor quota shares.

(4) AREA OF VALIDITY.—Each unit of newly created catcher/processor owner quota shares under this subsection shall only be valid for the Northern Region.

(b) FEES.—

(1) LOCAL FEES.—The holder of the newly created catcher/processor owner quota shares under subsection (a) shall pay a fee of 5 percent of the ex-vessel value of the crab harvested pursuant to those shares to any local governmental entities in the Northern Region if the processor quota shares used to produce those newly created catcher/processor owner quota shares were originally derived from the processing activities that occurred in a community under the jurisdiction of those local governmental entities.

(2) STATE FEE.—The State of Alaska may collect from the holder of the newly created catcher/processor owner quota shares under subsection (a) a fee of 1 percent of the ex-vessel value of the crab harvested pursuant to those shares.

(c) OFF-LOADING REQUIREMENT.—Crab harvested pursuant to catcher/processor owner quota shares created under this subsection shall be off-loaded in those communities receiving the local governmental entities fee revenue set forth in subsection (b)(1).

(d) PERIODIC COUNCIL REVIEW.—As part of its periodic review of the plan, the North Pacific Fishery Management Council may review the effect, if any, of this subsection upon communities in the Northern Region. If the Council determines that this section adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, such changes to the plan as are necessary to mitigate those adverse effects.

(e) USE CAPS.—

(1) IN GENERAL.—Notwithstanding sections 680.42(b)(ii)(2) and 680.7(a)(ii)(7) of title 50, Code of Federal Regulations, custom processing arrangements shall not count against any use cap for the processing of opilio crab in the Northern Region so long as such crab is processed in the Northern Region by a shore-based crab processor.

(2) SHORE-BASED CRAB PROCESSOR DEFINED.—In this paragraph, the term ''shore-based crab processor'' means any person or vessel that receives, purchases, or arranges to purchase unprocessed crab, that is located on shore or moored within the harbor.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

''(g) RECREATIONAL FISHERIES.—

''(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

''(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

''(i) in the Exclusive Economic Zone;

''(ii) for anadromous species; or

''(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

''(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

''(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

''(3) DATA COLLECTION.—

''(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

''(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including—

''(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

''(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

''(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

''(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

''(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

''(iii) collection and analysis of vessel trip report data from charter fishing vessels;

''(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

''(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

''(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

''(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.''.

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking ''(a) COUNCIL REQUESTS.—'' in the subsection heading and inserting ''(a) COLLECTION PROGRAMS.—'';

(2) by resetting the text following ''(a) COLLECTION PROGRAMS.—'' as a new paragraph 2 ems from the left margin;

(3) by inserting ''(1) COUNCIL REQUESTS.—'' before ''If a Council'';

(4) by striking ''subsection'' in the last sentence and inserting ''paragraph'';

(5) by striking ''(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)'' each place it appears; and

(6) by adding at the end the following:

''(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.''.

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

''(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

''(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

''(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

''(D) when required by court order;

''(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

''(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

''(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

''(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

''(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

''(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

''(B) when such information is necessary in proceedings to adjudicate observer certifications; or

''(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

''(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

''(ii) to validate the accuracy of the observer information collected.''; and

(3) by striking ''(1)(E).'' in paragraph (3), as redesignated, and inserting ''(2)(A).''.

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking ''under section 401''.

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 119 of this Act, is further amended by adding at the end the following:

''SEC. 318. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

''(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

''(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

''(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

''(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

''(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

''(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

''(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

''(5) Projects designed to collect and compile economic and social data.

''(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

''(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

''(f) EXEMPTED PROJECTS.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.''.

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

''SEC. 319. HERRING STUDY.

''(a) IN GENERAL.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

''(b) REPORT.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.''.

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

''SEC. 320. RESTORATION STUDY.

''(a) IN GENERAL.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.''.

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking ''and the Secretary of the Interior are'' in paragraph (1) and inserting ''is'';

(2) by striking ''not less than three and not more than five'' in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

''(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).''.

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) IN GENERAL.—The Secretary shall establish and maintain a fund, to be known as the ''Fisheries Conservation and Management Fund'', which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM FOR SUSTAINABLE PURPOSES.

Section 53706(a)(7) of title 46, United States Code, is amended to read as follows:

''(7) Financing or refinancing—

''(A) the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (including the reimbursement of obligors for expenditures previously made for such a purchase) ;

''(B) activities that assist in the transition to reduced fishing capacity; or

''(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.''.

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

''(f) REGIONAL ECOSYSTEM RESEARCH.—

''(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

''(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

''(B) recommendations for processes for incorporating broad stake holder participation;

''(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

''(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

''(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.''.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

''SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall, subject to the availability of appropriations, establish a program—

''(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

''(2) to locate and map locations of deep sea corals and submit such information to the Councils;

''(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

''(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

''(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

''(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.''.

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON COMMERCIAL AND RECREATION FISHERY HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTH PACIFIC FISHERIES CONVENTION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking ''all fisheries under the Council's jurisdiction except salmon fisheries'' in subsection (a) and inserting ''any fishery under the Council's jurisdiction except a salmon fishery'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.'';

(3) by striking ''observers'' in subsection (b)(2)(A) and inserting ''observers, or electronic monitoring systems,'';

(4) by inserting ''a fixed amount reflecting actual observer costs as described in subparagraph (A) or'' in subsection (b)(2)(E) after ''expressed as'';

(5) by inserting ''some or'' in subsection (b)(2)(F) after ''against'';

(6) by inserting ''or an electronic monitoring system'' after ''observer'' in subsection (b)(2)(F);

(7) by striking ''and'' after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

''(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and''.

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

SEC. 217. STUDY OF SHORTAGE IN THE NUMBER OF INDIVIDUALS WITH POST- BACCALAUREATE DEGREES IN SUBJECTS RELATED TO FISHERY SCIENCE.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of Education shall collaborate to conduct a study of—

(1) whether there is a shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science, including fishery oceanography, fishery ecology, and fishery anthropology, who have the ability to conduct high quality scientific research in fishery stock assessment, fishery population dynamics, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees; and

(3) what institutions of higher education, the private sector, and the Congress could do to try to increase the number of individuals with such post-baccalaureate degrees.

(b) REPORT—.Not later than 8 months after the date of enactment of this Act, the Secretaries of Commerce and Education shall transmit a report to each committee of Congress with jurisdiction over the programs referred to in subsection (a), detailing the findings and recommendations of the study under this section.

SEC. 218. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM.

Section 802 of Public Law 108-199 (118 Stat. 110) is amended by striking ''2 years'' and inserting ''5 years''.

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking ''$25,000'' and inserting ''$200,000'';

(2) by striking ''violation, the degree of culpability, and history of prior offenses, ability to pay,'' in the fifth sentence and inserting ''violator, the degree of culpability, any history of prior offenses,''; and

(3) by adding at the end the following: ''In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.''.

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

''(e) REVOCATION OR SUSPENSION OF PERMIT.—

''(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

''(A) a vessel has been used in the commission of any act prohibited under section 7;

''(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

''(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

''(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

''(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

''(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

''(C) deny such permit; or

''(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

''(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

''(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

''(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

''(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

''(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

''(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

''(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.''.

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking ''$50,000'' and inserting ''$200,000''; and

(2) by striking ''$100,000,'' and inserting ''$400,000,''.

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2007, 2008, 2009, 2010, 2011, there are authorized to be appropriated to carry out this Act—

''(1) $1,000,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.''.

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking ''$4,000,000 for each of fiscal years 2004 through 2008,'' and inserting ''$4,000,000 for each of fiscal years 2007 through 2011''.

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2007 through 2011''.

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113), and amended by Public Law 106–533 (114 Stat. 2762A–108)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking ''SEC. 623.''; and

(ii) inserting before ''(a) NORTHERN FUND AND SOUTHERN FUND.—'' the following:

''SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.''.

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by paragraph (1), is amended—

(1) by inserting ''sustainable salmon fisheries,'' after ''enhancement,'';

(2) by inserting ''2005, 2006, 2007, 2008, and 2009,'' after ''2003,''; and

(3) by inserting ''Idaho,'' after ''Oregon,''.

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking ''September 30, 2006.'' in subsection (i) and inserting ''September 30, 2016.'';

(2) by striking ''health'' in subsection (j) and inserting ''status''; and

(3) by striking ''California.'' in subsection (j) and inserting ''California, including—

''(1) stock status and trends throughout its range;

''(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

''(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.''.

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

(g) REAUTHORIZATION OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.— Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for apportionment to carry out the purposes of this title $5,000,000 for each of fiscal years 2007 through 2012.''; and

(2) by striking ''$850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006'' in subsection (c) and inserting ''$900,000 for each of fiscal years 2007 through 2012''.

(h) REAUTHORIZATION AND AMENDMENT OF THE ANADROMOUS FISH CONSERVATION ACT.—Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the purposes of this Act not to exceed $4,500,000 for each of fiscal years 2007 through 2012.''.

(i) REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking ''2006'' and inserting ''2012''.

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

''SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

''(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

''(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

''(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

''(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

''(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

''(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

''(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

''(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

''(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.''.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

''(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.''.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

''SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

''The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

''(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

''(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

''(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

''(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

''(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

''SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

''The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

''(1) urging international fishery management organizations to which the United States is a member—

''(A) to incorporate multilateral market-related measures against member or nonmember governments whose vessels engage in illegal, unreported, or unregulated fishing;

''(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

''(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under an international fishery management organization's jurisdiction;

''(D) to increase use of observers and technologies needed to monitor compliance with conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

''(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

''(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

''(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

''(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

''(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

''(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

''SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding 2 years, in illegal, unreported, or unregulated fishing; and—

''(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

''(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

''(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

''(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

''(1) notify nations listed in the report of the requirements of this section;

''(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

''(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

''(d) IUU CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining if a nation identified under subsection (a) and listed in the report under section 607 has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The certification procedure shall provide for notice and an opportunity for comment by any such nation. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

''(A) whether the government of each nation identified under subsection (a) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

''(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

''(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

''(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

''(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

''(3) EFFECT OF CERTIFICATION.—

''(A) IN GENERAL.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4))—

''(i) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection; but

''(ii) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(B) EXCEPTIONS.—Subparagraph (A)(i) does not apply—

''(i) to the extent that such provisions would apply to sport fishing equipment or to fish or fish products not managed under the applicable international fishery agreement; or

''(ii) if there is no applicable international fishery agreement, to the extent that such provisions would apply to fish or fish products caught by vessels not engaged in illegal, unreported, or unregulated fishing.

''(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

''(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

''(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

''(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

''(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

''(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

''(C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.

''SEC. 610. EQUIVALENT CONSERVATION MEASURES.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

''(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

''(A) in waters beyond any national jurisdiction that result in bycatch of a protected living marine resource; or

''(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

''(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

''(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

''(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

''(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

''(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

''(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

''(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

''(c) CONSERVATION CERTIFICATION PROCEDURE.—

''(1) DETERMINATION.—The Secretary shall establish a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining whether the government of a harvesting nation identified under subsection (a) and listed in the report under section 607—

''(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

''(2) PROCEDURAL REQUIREMENT.—The procedure established by the Secretary under paragraph (1) shall include notice and opportunity for comment by any such nation.

''(3) CERTIFICATION.—The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether each such nation has provided the documentary evidence described in paragraph (1)(A) and established a management plan described in paragraph (1)(B).

''(4) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (3) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

''(5) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

''(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

''(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

''(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

''(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

''(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

''(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

''(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing'' in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting ''or illegal, unreported , or unregulated fishing'' after ''fishing''.

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking ''that is at least equal in effectiveness to the program established by the Secretary;'' and inserting ''or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;''.

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

''(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;''.

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

''(1) $5,770,000 for each of fiscal years 2007 and 2008;

''(2) $6,058,000 for each of fiscal years 2009 and 2010; and

''(3) $6,361,000 for each of fiscal years 2011 and 2013.

''(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

''(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

''(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96–339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).''.

(b) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

''(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and''.

(c) SENSE OF CONGRESS REGARDING FISH HABITAT.—Section 3 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a) is amended by adding at the end the following:

''(e) SENSE OF CONGRESS REGARDING FISH HABITAT.—It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.'.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

''(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

''(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

''(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

''(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

''(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.''.

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking ''(16 U.S.C. 971d)'' and inserting ''(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,''.

SEC. 407. UNITED STATES CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history associated with a vessel of the United States remains with the United States and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish.

(d) DELEGATION.—The designated official may delegate and authorize successive re-delegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2009.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Western and Central Pacific Fisheries Convention Implementation Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term ''Commission'' means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term ''convention area'' means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term ''fishing'' means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term ''highly migratory fish stocks'' means all fish stocks of the species listed in Annex 1 of the 1982 Convention, except sauries, occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term ''transshipment'' means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPFC CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms ''WCPFC Convention'' and ''Western and Central Pacific Convention'' means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, (including any annexes, amendments, or protocols which are in force, or have come into force, for the United States) which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the United States Commissioners, who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

(I) injury compensation under chapter 81 of title 5, United States Code;

(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18, United States Code; and

(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations

and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) USE OF INFORMATION.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) IN GENERAL.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, on an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) ENTRY CERTIFICATION.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) APPLICATION OF REGULATIONS—

(1) IN GENERAL.—Regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of

the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) DETERMINATION BY SECRETARY.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) HEARING.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) REVIEW OF STATE LAWS AND REGULATIONS.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Pacific Whiting Act of 2006''.

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term ''advisory panel'' means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term ''catch'' means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term ''joint management committee'' means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term ''joint technical committee'' means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term ''offshore whiting resource'' means the transboundary stock of Merluccius productus that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term ''scientific review group'' means the scientific review group established by the Agreement.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term ''United States Section'' means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel—

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) INDEPENDENT MEMBER.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) IN GENERAL.—

(1) APPOINTMENT.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) REGULATIONS; COOPERATION WITH CANADIAN OFFICIALS.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) APPLICATION WITH MAGNUSON-STEVENS ACT.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) JOINT MANAGEMENT COMMITTEE RECOMMENDATIONS.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) YEARS WITH NO APPROVED CATCH RECOMMENDATIONS.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) EMPLOYMENT STATUS.—Individuals appointed under section 603, 604, 605, or 606 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(3) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) SCIENTIFIC REVIEW GROUP.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) JOINT APPOINTEES.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) PENALTIES.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

TITLE VII—MISCELLANEOUS

SEC. 701. STUDY OF THE ACIDIFICATION OF THE OCEANS AND EFFECT ON FISHERIES.

The Secretary of Commerce shall request the National Research Council to conduct a study of the acidification of the oceans and how this process affects the United States.

SEC. 702. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of Public Law 109–295is amended by adding at the end the following:

''SEC. 699A. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

SEC. 703. PUGET SOUND REGIONAL SHELLFISH SETTLEMENT.

(a) FINDINGS AND PURPOSE.—

(1) Findings.—Congress finds that—

(A) the Tribes have established treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by commercial shellfish growers;

(B) the district court that adjudicated the Tribes' treaty rights to take shellfish found that the growers are innocent purchasers who had no notice of the Tribes' fishing right when they acquired their properties;

(C) numerous unresolved issues remain outstanding regarding implementation of the Tribes' treaty right to take shellfish from lands owned, leased, or otherwise subject to harvest by the growers;

(D) the Tribes, the growers, the State of Washington, and the United States Department of the Interior have resolved by a settlement agreement many of the disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from covered tidelands owned or leased by the growers;

(E) the settlement agreement does not provide for resolution of any claims to take shellfish from lands owned or leased by the growers that potentially may be brought in the future by other Tribes;

(F) in the absence of congressional actions, the prospect of other Tribes claims to take shellfish from lands owned or leased by the growers could be pursued through the courts, a process which in all likelihood could consume many years and thereby promote uncertainty in the State of Washington and the growers and to the ultimate detriment of both the Tribes and other Tribes and their members;

(G) in order to avoid this uncertainty, it is the intent of Congress that other Tribes have the option of resolving their claims, if any, to a treaty right to take shellfish from covered tidelands owned or leased by the growers; and

(H) this Act represents a good faith effort on the part of Congress to extend to other Tribes the same fair and just option of resolving their claims to take shellfish from covered tidelands owned or leased by the growers that the Tribes have agreed to in the settlement agreement.

(2) PURPOSE.—The purposes of this section are—

(A) to approve, ratify, and confirm the settlement agreement entered into by and among the Tribes, commercial shellfish growers, the State of Washington, and the United States;

(B) to provide other Tribes with a fair and just resolution of any claims to take shellfish from covered tidelands, as that term is defined in the settlement agreement, that potentially could be brought in the future by other Tribes; and

(C) to authorize the Secretary to implement the terms and conditions of the settlement agreement and this section.

(b) APPROVAL OF SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—The settlement agreement is hereby approved, ratified, and confirmed, and section 6 of the settlement agreement, Release of Claims, is specifically adopted and incorporated into this section as if fully set forth herein.

(2) AUTHORIZATION FOR IMPLEMENTATION.—The Secretary is hereby authorized to implement the terms and conditions of the settlement agreement in accordance with the settlement agreement and this section.

(c) FUND, SPECIAL HOLDING ACCOUNT, AND CONDITIONS.—

(1) PUGET SOUND REGIONAL SHELLFISH SETTLEMENT TRUST FUND.—

(A) There is hereby established in the Treasury of the United States an account to be designated as the ''Puget Sound Regional Shellfish Settlement Trust Fund''. The Secretary shall deposit funds in the amount of $22,000,000 at such time as appropriated pursuant to this section into the Fund.

(B) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Fund.

(C) The Secretary shall transfer monies held in the Fund to each Tribe of the Tribes in the amounts and manner specified by and in accordance with the payment agreement established pursuant to the settlement agreement and this section.

(2) Puget sound regional shellfish settlement special holding account.—

(A) There is hereby established in the Treasury of the United States a fund to be designated as the ''Puget Sound Regional Shellfish Settlement Special Holding Account''. The Secretary shall deposit funds in the amount of $1,500,000 into the Special Holding Account in fiscal year

2011 at such time as such funds are appropriated pursuant to this section.

(B) The Special Holding Account shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Special Holding Account.

(C) If a court of competent jurisdiction renders a final decision declaring that any of the other Tribes has an established treaty right to take or harvest shellfish in covered tidelands, as that term is defined in the settlement agreement, and such tribe opts to accept a share of the Special Holding Account, rather than litigate this claim against the growers, the Secretary shall transfer the appropriate share of the monies held in the Special Holding Account to each such tribe of the other Tribes in the amounts appropriate to compensate the other Tribes in the same manner and for the same purposes as the Tribes who are signatory to the settlement agreement. Such a transfer to a tribe shall constitute full and complete satisfaction of that tribe's claims to shellfish on the covered tidelands.

(D) The Secretary may retain such amounts of the Special Holding Account as necessary to provide for additional tribes that may judicially establish their rights to take shellfish in the covered tidelands within the term of that Account, provided that the Secretary pays the remaining balance to the other Tribes prior to the expiration of the term of the Special Holding Account.

(E) The Tribes shall have no interest, possessory or otherwise, in the Special Holding Account.

(F) Twenty years after the deposit of funds into the Special Holding Account, the Secretary shall close the Account and transfer the balance of any funds held in the Special Holding Account at that time to the Treasury. However, the Secretary may continue to maintain the Special Holding Account in order to resolve the claim of an Other Tribe that has notified the Secretary in writing within the 20-year term of that Tribe's interest in resolving its claim in the manner provided for in this section.

(G) It is the intent of Congress that the other Tribes, if any, shall have the option of agreeing to similar rights and responsibilities as the Tribes that are signatories to the settlement agreement, if they opt not to litigate against the growers.

(3) ANNUAL REPORT.—Each tribe of the Tribes, or any of the other Tribes accepting a settlement of its claims to shellfish on covered lands pursuant to paragraph (2)(C), shall submit to the Secretary an annual report that describes all expenditures made with monies withdrawn from the Fund or Special Holding Account during the year covered by the report.

(4) JUDICIAL AND ADMINISTRATIVE ACTION.—The Secretary may take judicial or administrative action to ensure that any monies withdrawn from the Fund or Special Holding Account are used in accordance with the purposes described in the settlement agreement and this section.

(5) CLARIFICATION OF TRUST RESPONSIBILITY.—Beginning on the date that monies are transferred to a tribe of the Tribes or a tribe of the other Tribes pursuant to this section, any trust responsibility or liability of the United States with respect to the expenditure or investment of the monies withdrawn shall cease.

(d) STATE OF WASHINGTON PAYMENT.—The Secretary shall not be accountable for nor incur any liability for the collection, deposit, management or nonpayment of the State of Washington payment of $11,000,000 to the Tribes pursuant to the settlement agreement.

(e) RELEASE OF OTHER TRIBES CLAIMS.—

(1) RIGHT TO BRING ACTIONS.—As of the date of enactment of this section, all right of any other Tribes to bring an action to enforce or exercise its treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by any and all growers shall be determined in accordance with the decisions of the Courts of the United States in United States v. Washington, Civ. No. 9213 (Western District of Washington).

(2) CERTAIN RIGHTS GOVERNED BY THIS SECTION.—If a tribe falling within the other Tribes category opts to resolve its claims to take shellfish from covered tidelands owned or leased by the growers pursuant to subsection (c)(2)(C) of this section, that tribe's rights shall be governed by this section, as well as by the decisions of the Courts in United States v. Washington, Civ. No. 9213.

(3) NO BREACH OF TRUST.—Notwithstanding whether the United States has a duty to initiate such an action, the failure or declination by the United States to initiate any action to enforce any other Tribe's or other Tribes' treaty rights to take shellfish from public and private tidelands in Washington State, including from covered tidelands owned, leased, or otherwise subject to harvest by any and all growers shall not constitute a breach of trust by the United States or be compensable to other Tribes.

(f) CAUSE OF ACTION.—If any payment by the United States is not paid in the amount or manner specified by this section, or is not paid within 6 months after the date specified by the settlement agreement, such failure shall give rise to a cause of action by the Tribes either individually or collectively against the United States for money damages for the amount authorized but not paid to the Tribes, and the Tribes, either individually or collectively, are authorized to bring an action against the United States in the United States Court of Federal Claims for such funds plus interest.

(g) DEFINITIONS.—In this section:

(1) FUND.—The term ''Fund'' means the Puget Sound Shellfish Settlement Trust Fund Account established by this section.

(2) GROWERS.—The term ''growers'' means Taylor United, Inc.; Olympia Oyster Company; G.R. Clam & Oyster Farm; Cedric E. Lindsay; Minterbrook Oyster Company; Charles and Willa Murray; Skookum Bay Oyster Company; J & G Gunstone Clams, Inc.; and all persons who qualify as 'growers' in accordance with and pursuant to the settlement agreement.

(3) OTHER TRIBES.—The term ''other Tribes'' means any federally recognized Indian nation or tribe other than the Tribes described in paragraph (6) that, within 20 years after the deposit of funds in the Special Holding Account, establishes a legally enforceable treaty right to take shellfish from covered tidelands described in the settlement agreement, owned, leased or otherwise subject to harvest by those persons or entities that qualify as growers.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.— The term ''settlement agreement'' means the settlement agreement entered into by and between the Tribes, commercial shellfish growers, the State of Washington and the United States, to resolve certain disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from certain covered tidelands owned, leased or otherwise subject to harvest by the growers.

(6) TRIBES.—The term ''Tribes'' means the following federally recognized Tribes that executed the settlement agreement: Tulalip, Stillaguamish, Sauk Suiattle, Puyallup, Squaxin Island, Makah, Muckleshoot, Upper Skagit, Nooksack, Nisqually, Skokomish, Port Gamble S'Klallam, Lower Elwha Klallam, Jamestown S'Klallam, and Suquamish Tribes, the Lummi Nation, and the Swinomish Indian Tribal Community.

(7) SPECIAL HOLDING ACCOUNT.—The term ''Special Holding Account'' means the Puget Sound Shellfish Settlement Special Holding Account established by this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $23,500,000 to carry out this section—

(A) $2,000,000 for fiscal year 2007;

(B) $5,000,000 for each of fiscal years 2008 through 2010; and

(C) $6,500,000 for fiscal year 2011.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Tsunami Warning and Education Act''.

SEC. 802. DEFINITIONS.

In this title:

(1) The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 803. PURPOSES.

The purposes of this title are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 804. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this title;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing

Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 805 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this title and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 806 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this title.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this title, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this title but which has not yet been deployed, if the Administration has entered into a contract for that equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this title to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this title. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 805. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 804(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning

and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 806. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 805(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 807. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this title—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.

TITLE IX—POLAR BEARS

SEC. 901. SHORT TITLE.

This title may be cited as the ''United States-Russia Polar Bear Conservation and Management Act of 2006''.

SEC. 902. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

''TITLE V—POLAR BEARS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) AGREEMENT.—The term ''Agreement'' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

''(2) ALASKA NANUUQ COMMISSION.—The term ''Alaska Nanuuq Commission'' means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

''(3) IMPORT.—The term ''import'' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

''(4) POLAR BEAR PART OR PRODUCT.—The term ''part or product of a polar bear'' means any polar bear part or product, including the gall bile and gall bladder.

''(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

''(6) TAKING.—The term ''taking'' has the meaning given the term in the Agreement.

''(7) COMMISSION.—The term ''Commission'' means the commission established under article 8 of the Agreement.

''SEC. 502. PROHIBITIONS.

''(a) In General.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

''(1) to take any polar bear in violation of the Agreement;

''(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

''(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

''(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

''(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

''(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

''(b) EXCEPTIONS.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

''SEC. 503. ADMINISTRATION.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

''(b) UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.—

''(1) OTHER GOVERNMENT RESOURCES.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

''(2) OTHER POWERS AND AUTHORITIES.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

''(c) ENSURING COMPLIANCE.—

''(1) TITLE I AUTHORITIES.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a

polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

''(2) ADDITIONAL AUTHORITIES.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

''(d) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

''(2) ORDINANCES AND REGULATIONS.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

''SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

''(b) DELEGATION.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

''(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

''(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

''(3) administer its co-management program for polar bears in accordance with—

''(A) this title; and

''(B) the Agreement.

''SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

''(a) APPOINTMENT OF U.S. COMMISSIONERS.—

''(1) APPOINTMENT.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

''(A) the Secretary;

''(B) the Secretary of State; and

''(C) the Alaska Nanuuq Commission.

''(2) QUALIFICATIONS.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

''(A) 1 United States commissioner shall be an official of the Federal Government;

''(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

''(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

''(3) SERVICE AND TERM.—Each United States commissioner shall serve—

''(A) at the pleasure of the President; and

''(B) for an initial 4-year term and such additional terms as the President shall determine.

''(4) VACANCIES.—

''(A) IN GENERAL.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

''(B) MANNER.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

''(b) ALTERNATE COMMISSIONERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

''(2) DUTIES.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

''(3) REAPPOINTMENT.—An alternate commissioner—

''(A) shall be eligible for reappointment by the President; and

''(B) may attend all meetings of the United States section.

''(c) DUTIES.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

''(d) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—A member of the United States section shall serve without compensation.

''(2) TRAVEL EXPENSES.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

''(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

''SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

''In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

''SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

''(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

''(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

''SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

''(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect—

''(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

''(2) the authorities provided under title II of this Act.

''(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

''(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

''(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

''TITLE V—POLAR BEARS

''Sec. 501. Definitions.
''Sec. 502. Prohibitions.
''Sec. 503. Administration.
''Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
''Sec. 505. Commission appointments; compensation, travel expenses, and claims.
''Sec. 506. Votes taken by the United States Section on matters before the Commission.
''Sec. 507. Implementation of actions taken by the Commission.
''Sec. 508. Application with other titles of Act.
''Sec. 509. Authorization of appropriations.''.

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking ''vessel or other conveyance'' each place it appears and inserting ''vessel, other conveyance, or container''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5946, the Magnuson-Stevens Fishery Conservation and Management Act of 2006. I want to thank Senator STEVENS and Senator INOUYE for their hard work in getting this authorization to the Senate and to the House. I also want to thank Chairman RICHARD POMBO, who has been a champion for the recreational and commercial fishermen of this Nation. We will miss his leadership greatly. And I want to thank and support all the other Members and their staff that have been involved in this process.

At this point I will insert in the RECORD an exchange of letters between Chairman POMBO and Chairman BOEHLERT regarding this bill and between Chairman POMBO and Chairman THOMAS regarding the polar bear provisions

contained in title IX, originally part of H.R. 4075.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 13, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule consideration by the House of Representatives of H.R. 4075, the Marine Mammal Protection Act Amendments of 2006, during the week of July 17–21, 2006. I have proposed an amendment to this bill which includes text from S. 2013, the United States-Russia Polar Bear Conservation and Management Act of 2005. The Committee on Ways and Means has a jurisdictional interest in this Senate bill because of its inclusion of trade measures.

My staff has worked with yours to develop a mutually-agreed on text for this amendment, and I have enclosed this amendment for your review. I ask that you not seek a referral of H.R. 4075 based on the inclusion of this language to expedite Floor scheduling. Of course, this action would not be considered as waiving or affecting your jurisdiction over the subject matter of the amendment, nor as precedent for any future referrals of similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming Ways and Means Committee members to the conference committee for the trade provisions. I would also be pleased to include this letter and your response in the Congressional Record during consideration of the bill on the Floor.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees. Your staff, especially Angela Ellard and Steven Schrage, has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,

RICHARD W. POMBO,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: Thank you for your letter regarding H.R. 4075, the ''Marine Mammal Protection Act Amendments of 2006,'' which is scheduled for floor consideration during the week of July 17th.

As you noted, the Committee on Ways and Means maintains jurisdiction over trade measures. H.R. 4075, as amended, includes text which falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I appreciate your cooperation in this matter and agree to your offer to include this exchange of letters in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, December 7, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the jurisdictional interest of the Science Committee in H.R. 5946 as amended by the Senate, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. The Science Committee has primary jurisdiction over Title VIII, Tsunami Warning and Education, the text of which is identical to H.R. 1674, the Tsunami Warning and Education Act, as passed by the House on December 6, 2006. In addition, the Science Committee has jurisdiction over Section 211, Deep Sea Coral Research and Technology Program, and Section 701, Study of the Acidification of the Oceans and Effect on Fisheries. Sections 211 and 701 both involve ''marine research'' that is clearly within the jurisdiction of the Science Committee. The study required by Section 701 also involves ''environmental research and development'' within the jurisdiction of the Science Committee.

The Science Committee recognizes the importance of H.R. 5946 and the need for the legislation to move expeditiously. Therefore, I will not stand in the way of floor consideration. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to allow the bill to come to the floor waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and your letter in response will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, December 7, 2006.

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

DEAR MR. CHAIRMAN: Thank you for agreeing to allow the Senate amendments to H.R. 5946, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2007 through 2013, to be considered by the House of Representatives. I concur in your assessment that the Committee on Science would have primary jurisdiction over Title VIII of the Senate amendments, as this is the text of your bill, H.R. 1674, the United States Tsunami Warning and Education Act, referred exclusively to the Committee on Science. I also concur that the Committee on Science would have a jurisdictional interest in section 211, the deep sea coral research and technology program, as well as section 701, study of the acidification of the oceans and its effect on fisheries.

By allowing this bill to be scheduled, I agree that the Committee on Science has not waived its jurisdiction over the measures included in H.R. 5946, nor should this action be taken as precedent for other bills. I would be pleased to include this letter and your December 7, 2006, letter on H.R. 5946 in the Congressional Record during debate on the bill.

Thank you again for your cooperation on this matter, and I look forward to seeing H.R. 5946 enacted soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

I also want to thank Chairman HENRY HYDE of the International Relations Committee for agreeing to waive jurisdiction on the polar bear provisions. I also appreciate the cooperation of Chairman KING of Homeland Security and Chairman BARTON of the Energy and Commerce Committee in helping to clear this bill.

Finally, on behalf of Chairman POMBO and myself and former Chairman DON YOUNG, I want to thank Dave Whaley, Bonnie Bruce, two committee members on the Resources Committee who worked tirelessly on this bill for many years. Without their expertise and persistence, we would not be here today. I would also like to thank my personal staff, Edith Thompson, for her work on this bill.

I urge an ''aye'' vote on H.R. 5946.

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

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

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

Mr. RAHALL. Mr. Speaker, the pending measure, as passed by the Senate, may be one of the last items on our schedule this Congress, but it is certainly not the least important. The bill would reauthorize the Magnuson-Stevens Fishery Conservation and Management Act in order to guide the management of our marine fisheries through 2013. We would not be here today if Senator TED STEVENS and DANIEL INOUYE had not extended an olive branch. I am extremely appreciative of the hard work that they and their staff put into this legislation. I also commend our colleague on this side of the aisle, TOM ALLEN from Maine, who worked tirelessly on behalf of the fishermen in his district to improve this legislation. And while the pending measure does not do everything I would have liked, it does not roll back the conservation principles in this important fisheries management law. The legislation actually strengthens the Magnuson-Stevens Act.

I support the bill. I urge my colleagues to do the same.

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

Mr. GILCHREST. Mr. Speaker, I also want to thank JIM SAXTON from New Jersey for his work on this bill.

Mr. Speaker, at this time I would like to yield such time as he may consume to the chairman of the Resources Committee, RICHARD POMBO.

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

And I will be brief. I do want to again thank all of those who have worked so hard on this bill for so long. I especially want to thank the ranking member of the committee, Mr. RAHALL, who has worked with me not only on this legislation but so many pieces of legislation over the last 4 years and gave us the opportunity to do some real good things on the Resources Committee.

I know that as this bill was introduced originally, BARNEY FRANK from Massachusetts was an original sponsor

on it. We did a hearing up in his district and listened to the concerns of a lot of the fishermen in the communities that are impacted by this law. Unfortunately, all of the things that we originally set out to take care of are not included in this bill, but where we end up on this, I believe it is a bill that is better than current law. It is a stronger bill. It is something that addresses many of the issues that have been raised over the last several years in hearings and meetings that we have had in trying to improve the Magnuson-Stevens Act.

I also want to particularly mention two of the Members on our side of the aisle, Mr. GILCHREST and Mr. SAXTON, who worked extremely hard in trying to craft a bill that would fit with the concerns and needs of their constituency. As well as that, Chairman DON YOUNG, former chairman of this committee, chairman of the Transportation Committee, obviously has always put a great deal of effort and work into fisheries issues, and his work will continue into the future in trying to improve this law.

But I want to thank Mr. RAHALL for all the work not just on this legislation but all the work that he has done over the last 4 years. It has been a great experience for me having an opportunity to work with him. Over the last 4 years, I believe that we have passed more legislation out of the Resources Committee than all the rest of the committees combined. And during that time period we had one bill that went through on a party-line vote, and other than that we were able to work out bipartisan compromises on everything. He and I didn't agree every single time, but we were able to work out something so that we had a bipartisan bill moving, and I appreciate all that he did as my ranking member and I wish him nothing but luck in the future.

Mr. RAHALL. Mr. Speaker I yield myself such time as I may consume.

I was going to wait until the very end to respond, but I want to say to the gentleman from California (Mr. POMBO), the distinguished chairman of the House Resources Committee, that it has truly been an honor to work with him during his tenure as chairman of our committee. The gentleman has fought hard for those principles that he has believed in. He has accomplished a great deal during his tenure here. I commend him for his tenacity, and he truly has been a fighter for that which he believes. As he has said, we have not agreed on every issue, but we have had our respectful disagreements and we have worked in good faith as well. I believe we have during his tenure as chairman.

I do welcome the incoming ranking member, Mr. YOUNG. I have served on both the Transportation and Infrastructure Committee and the Resources Committee for my entire tenure in this body. Thirty years we have worked together, and now I am glad to have him as the ranking member on my committee and may he stay that way for a long, long time.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), who has been a true leader on this issue and fought very hard for this legislation.

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Mr. PALLONE. I want to thank our ranking member, Mr. RAHALL, for all his contributions in getting this to the floor this evening. I know it was not easy to get us here to achieve the consensus that we have tonight. I would also like to thank on the other side of the aisle obviously our chairman, Mr. POMBO, and Mr. YOUNG as well. I know this will be the last day, I guess, that we have this opportunity, Mr. Chairman, but I want to say that throughout your tenure as the chairman of the Resources Committee, I could always count on you to be honest and forthright about everything. And even though oftentimes we did disagree, there were many times when we agreed on different matters. So I want to thank you for your tenure and obviously look forward also to the gentleman from Alaska (Mr. YOUNG) as our ranking member. He is another person who speaks his mind and certainly manages to get things done.

I want to support this legislation. I think that it is a very important and comprehensive bill that updates our Nation's fisheries management laws, but I want to mention two provisions that are critically important to my constituents in New Jersey at the Jersey shore. First, it includes legislative discretion allowing the Secretary of Commerce to extend the rebuilding time frame for summer flounder. I, along with many of my colleagues from New Jersey, particularly Mr. SAXTON, strongly believe that existing law gives NMFS the administrative flexibility to avoid making drastic cuts in next year's summer flounder quota, but the service consistently refused to use that flexibility. We are thus granting a legislative extension of the rebuilding time frame to force the administration to take action and avert drastically low quotas for this important fishery. While the resulting quotas will still be the lowest ever, this language will avoid a dramatically low quota that could have resulted in a virtual shutdown of the entire fishery.

I am also glad to see that this bill contains a provision intended to improve data collection from the recreational sector. Anglers in my district have long known that the MRFSS system is widely inaccurate in estimating recreational landings and is completely inappropriate for use in stock allocation decisions. The language in this bill will help by requiring the secretary to improve the program to ensure accurate data collection and incorporate the results of a recent National Research Council report. I am also glad that the provision prevents a fee from being imposed until at least 2011, preempting an administration proposal to implement a license that could have cost up to $35 annually for the right to fish.

I will acknowledge that the overall bill is far from perfect. There are provisions in here that I am not completely happy with. And there are other items I would have liked to include. But I know that neither the fishing nor the environmental community are completely happy with every single word, and probably that means it is a very good bill.

This bill does represent an overall improvement in the management of our Nation's fisheries and strikes a balance between conserving stocks and ensuring productive fisheries. It is my fervent hope that this bill will bring some greater sense into a fisheries management system that to the average angler seems confusing at best and completely irrational at worst. We here in Congress have a duty to closely examine the outcomes of this law and closely oversee its implementation by the administration.

Again, I thank all my colleagues and particularly our chairman and ranking member.

I forgot to mention the gentleman from Maryland (Mr. GILCHREST), and I apologize, for all your work in putting this together. Thanks again, too, WAYNE.

Mr. GILCHREST. Thank you, Mr. PALLONE.

I want to yield now to the part of the country that has the largest fishery, to Congressman DON YOUNG.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. Everybody has been thanked on the floor. I double that.

This is a good piece of legislation. It has been a long time coming. I want to thank the ranking member, of course, Mr. GILCHREST and Mr. OBERSTAR, and the chairman. This bill will do good for our oceans and for our fisheries. Although it is far from being perfect, we expect to have this finalized tonight and, as has been mentioned before, because it originated in Alaska, the 200-mile limit, the Magnuson-Stevens Act, we will continue to work to improve it. Because it is very, very important that we keep our fisheries sustainable and also to make sure that our oceans are not only protected and conserved but provide the food that is necessary for this Nation of ours.

Again, a lot of work was done, but I can tell you frankly it was the staff on both sides of the aisle, especially on this side, as has already been mentioned. Dave Whaley, who actually used to have hair before he started working on this bill. He doesn't have it anymore. Bonnie Bruce. She is still, I think, relatively attractive and she has been through agony for all types of activity to get this bill done.

I again thank the people that understand the importance and the staff does the majority of work on this. We did do it. The Senate side did it. Now it is the

House side's turn to do what is right for the oceans.

Mr. Speaker, while I support this legislation, there are several provisions which need further explanation.

Section 107 provides that the Secretary of Commerce, in consultation with the Regional Councils and the Council on Environmental Policy, shall revise the procedures for compliance with the National Environmental Policy Act. Those procedures shall integrate NEPA's environmental analytical procedures with the procedures for preparing and approving fishery management plans and amendments under the Magnuson-Stevens Act and shall conform the timelines for NEPA compliance with the timelines for the approval of fishery management plans and amendments established under the Magnuson-Stevens Act. The only way those requirements can be met for plans developed by a Council is to use the Council's plan development processes. That means NEPA procedures must be integrated into the Council process which will be the vehicle for identifying the problem to be addressed, identifying the reasonable alternatives to address that problem, identifying the preferred alternative, and examining the environmental consequences, positive and negative, of the preferred alternative and the reasonable alternatives. After the Council completes its processes, the Secretary will have the final responsibility for determining if NEPA has been complied with and may disapprove the plan, plan amendment, or regulation pursuant to section 304(a)(3) of this act.

In addition, there are a number of provisions in this legislation which deal with the, amount and type of information which needs to be submitted to the Secretary by a variety of entities and how that information is to be treated by the Secretary. It is important that proprietary information, confidential economic information, personal information such as tax forms, and other sensitive information be maintained in a manner which does not compromise an individual or a company's reasonable expectation for privacy. The Secretary must develop regulations for the use and the protection of such information which weighs the need for the information for management purposes with a reasonable person's expectation for privacy.

I am also concerned that the provision requiring that harvest levels be set to prevent overfishing not be interpreted to shut down entire fisheries if one stock of a multi-species complex is experiencing overfishing. The purpose of the act is to provide a healthy fishery resource, but it is also to promote commercial and recreational fishing and support communities dependent on the fishery resources. The act should not be used as a tool for stopping all fishing activities in U.S. waters. The keys to achieving these goals are balance, flexibility, and common sense by the fishery managers. The provisions dealing with ending overfishing, rebuilding overfished fisheries, and setting harvest levels to prevent overfishing all need to be taken in the context of the National Standards and need to be viewed with an eye toward balance, flexibility, and common sense.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a valued member of our committee.

Mr. DEFAZIO. I would first like to engage the ranking member in a colloquy.

The bill requires the Pacific Council to develop a rationalization program within 24 months from date of enactment. The Pacific Council has been working on a comprehensive ground fisheries management program for more than 3 years and is on target to complete that process by 2008. As I understand the bill, the Pacific Council can continue the development of its groundfish management program without having to restart the process. Is that correct?

Mr. RAHALL. If the gentleman would yield.

Mr. DEFAZIO. I would yield to the gentleman.

Mr. RAHALL. The gentleman from Oregon is entirely correct. It is my understanding that the bill would permit the Pacific Council process to continue. We recognize that the Pacific Council has made substantial progress and do not intend to disrupt their efforts to develop and implement an appropriate groundfish management program, consistent with this act.

Mr. DEFAZIO. I thank the gentleman.

Reclaiming my time, there is also another provision in this bill which is long overdue. We have had extraordinary closures of the salmon season on the west coast this year, despite the fact that there are quite a number of plentiful runs of salmon, because one run, the Klamath River, is very, very unhealthy. Over the last 5 years, this administration has done nothing to begin to improve the health of the river. This legislation will begin some of the mitigation restoration activities to restore the health of that fishery which is critical so that we can begin to continue to harvest other salmon species which are more plentiful and not in trouble.

For that and a number of other provisions in the bill, I am very supportive of the legislation.

Mr. RAHALL. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I would ask for a colloquy.

One of the key provisions in this is the requirement that the Regional Fishery Management Councils develop annual catch limits based on the Science and Statistical Committees. This annual catch limit provision has the potential to contribute in important ways to the process of improving science. But it is vital that in analyzing the options and preparing recommendations, the committees consider a wide range of scientific opinion to ensure that the management plans that are based on their work represent the best possible scientific understanding of the current state of the relevant fisheries as well as projections for the future.

Is it the ranking member's, soon to be chairman's, understanding that the Science and Statistical Committees will in fulfilling their role under this legislation consider this broad array of scientific opinion and sources?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman's question. I would say that he is entirely correct. In order to help ensure that affected stakeholders have the maximum degree of confidence in the management measures developed by the councils and that those measures are as effective as possible, it is vital that the Science and Statistical Committees operate in an open manner that is receptive to a full spectrum of scientific opinion. Accordingly, it is our expectation that under this legislation, the Science and Statistical Committees would gather information and prepare recommendations in a way that takes into account the research and expertise of a wide range of scientists.

Mr. FRANK of Massachusetts. I thank the gentleman for this and I thank him for also inserting a provision that would make sure that if there is a referendum on quotas that the working fishermen, not just the permit owners, could vote in our region.

But having said that, I want to say that rarely have I seen such a distinguished and thoughtful and intelligent group of my colleagues get something kind of wrong. Let me emphasize it in this way. We heard how there is a special provision here for flounder, where summer flounder are concerned, then there can be flexibility in rebuilding. And I have to ask the question, why is it not the case that what is sauce for the cod is sauce for the flounder? When did the flounder become the exalted species? And if you really, Mr. Speaker, believed in the principles of this legislation, why have you floundered in applying this uniformly? Why did you make this exception for the flounder?

The problem is partly procedure. This bill was developed mostly in the Senate. I appreciate the good work of the chairman of the committee, Mr. POMBO. He and his staff, Mr. Whaley, worked very hard with us to get this kind of flexibility for all species. And Peter Kovar of my staff worked very hard on it and we had frankly, I thought, a pretty good bill coming out of the House. Then the election came, and I understand that it had consequences, and we are winding up with the Senate bill plus an exception for flounder.

I don't object to the exception for flounder. I object to the fact that it is an exception. And I hope I will hear at some point why the flexibility in rebuilding flounder makes sense when no other flexibility for any other species is involved.

I will make a prediction, Mr. Speaker. Let me say in this, I believe that we have here an overreaction and that many of my environmentalist friends have an inability, an unwillingness to recognize that some of the hardest-working, most dedicated, practical environmentalists in this country, the

fishermen, people whose commitment to the environment is whole because that is their livelihood, that their legitimate concerns have not been fully recognized.

I look forward to working in some other areas in health and safety, but I will make a prediction. The rigidity in this bill for everything but flounder is going to cause problems in the future. I will give the sponsors of this bill one kudo. I don't know if you can have a singular of kudos, but I will give you one kudo. The precedent you have set with the flexibility for flounder will in fact be extended to other species. There is no logical reason for that and I believe experience will soon persuade you of that.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise tonight in strong support of the legislation, not on behalf of the flounder but because of the salmon. This year the Federal Government imposed a radical reduction in sport salmon fishing and an effective closing of the salmon fishing season on most of the west coast. The purported reason was to restore the fall Chinook run in the Klamath River system. However, NOAA scientists have admitted that water mismanagement and environmental degradation of the Klamath River system, not ocean fishing, are the causes of Klamath fall Chinook salmon decline. Radically reducing sport salmon fishing and effectively closing commercial salmon fishing is bad public policy, extorts a high price from coastal communities, and did not solve the problem. In our coastal communities, every job lost on the water results in the loss of three jobs on dry land.

Estimates of the economic impact are in the millions. All of this sacrifice with no benefit to the fall Chinook is an ineffective Band-Aid for bad public policy in the Klamath River system.

Most importantly, this administration is attacking the cultural roots of the Pacific Northwest. By effectively closing the salmon fishery, the administration is not just terminating an economy, it is ending a way of life. Fishing for salmon is an integral part of who we are. Under previously imposed fishing restrictions, folks who fish for salmon have made innumerable changes and sacrifices to restore the salmon runs. This administration owes it to these fishermen and their families to provide the disaster assistance that they have promised.

When Klamath Basin farmers needed assistance in 2001, this administration correctly declared a disaster and assistance was appropriated within weeks. Oregon salmon fishermen and their families deserve the same. Finally, tonight, months after west coast families were hit so hard by the salmon closure, we take another important step toward appropriate relief in this bill.

This bill provides that affected offshore fishermen and onshore workers are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Act and directs the Secretary of Commerce to provide the assistance. On behalf of west coast fishing families affected by bad Federal policy, I ask you all to support this bill.

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

Mr. FARR. I would just like to thank everybody who has worked on this bill and why, a lot of people have spoken on it, it is late at night, I know people would like to get on with the rest of the agenda for tonight. Put it in this perspective, this is the farm bill for the ocean. Next year we will spend a lot of time, an awful lot of time discussing the farm bill.

What has come here is a 10-year effort since the last reauthorization, Magnuson-Stevens, to really pull all factors together. I think a body that is sitting and watching this tonight who ought to be thanked is the sea grant fellows who have come and spent a year here in the Congress who as doctorates and master's degrees in marine fisheries and marine sciences have helped a lot with this bill.

I would particularly like to thank Letice Houser, who is spending her last week here in Congress as a sea grant fellow, and to all of the Members who have worked so hard. It is a good bill, and I hope it gets implemented in a very effective way to help fisheries in a responsible manner in the future.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in support of H.R. 4956, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. This bipartisan legislation is the product of tireless negotiations over the last year. The bill will sustain both the fish stocks and our fishing communities. I was proud to work so closely with our ranking member, NICK RAHALL, on this particular legislation, to strengthen key conservation provisions and also to protect our fishing communities from excessive consolidation of the fishing industry.

I do care deeply about the Limited Access Privilege Program, or LAPPs. These programs are market-based management tools that allocate percentages of the annual catch's quota shares among fishermen. LAPPs can be a legitimate fisheries management tool, but without strong Federal standards, they privatize the public resources by granting shares of the fishery in perpetuity. Moreover, in the drive toward industry efficiency, they can cause excessive and inequitable consolidation at the expense of small-scale fishermen.

For the past 3 years I have been advocating for a LAPPs legislation that would protect public ownership of the fishery and ensure that managers and program participants are held accountable for program success, while still allowing LAPPs to be used.

This bill reaches that result. The bill includes a 10-year renewable term limit on quota shares granted under a LAPP. This will also protect smaller fishermen by keeping quota prices affordable.

Maine has a fishing industry that is hundreds of years old. It is part of a heritage that defines our State and makes our State a special place.

Maine fishermen want policies that not only allow them to catch fish today but also ensure a long-term sustainable fishery so that they can pass their way of life on to their children and they grandchildren. Maine fishermen and fishermen throughout the Nation need policies in place that ensure a level playing field that give them economic certainty and protect the fish stocks.

This bill serves those ends, and I am proud to support it. I do want to thank Mr. RAHALL for his leadership and support; and his staff, Jim Zoia, Jeff Petrich, Lori Sonken, and Charlotte Stevenson, have been terrific to work with and deserve great praise. I also want to thank my friends GEORGE MILLER, BILL DELAHUNT and SAM FARR for their support.

Thanks also to Chairman POMBO and his staff for their work on this bill, as well as the work done by Senators STEVENS, INOUYE, and especially my Maine colleague, Senator SNOWE, and their respective staffs.

Finally, I do want to thank Emily Knight, my sea grant fellow, for her enthusiasm and hard work on this bill; and Jim Bradley, my legislative director, who oversaw the negotiation so effectively.

Mr. GILCHREST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. I want to thank the gentleman from Maryland, especially the gentleman from California, for their great work on many pieces of legislation before this body.

Mr. Speaker, I represent a large part of the Klamath Basin, and indeed it has been plagued with enormous problems over many years, literally dating back far before this administration. But it has been pointed out a couple of times on this House floor that it hasn't done anything in Klamath Basin, and I would argue that is simply, factually, an error.

In fact, after the water cutoff of April 6, 2001, this administration, barely a few months into office, got involved in this basin in an unprecedented way to try to bring different partners together to try to find solutions, and there is a lot of work that has been done to improve water quality, to improve irrigation standards, to put more water in the river, to make a fish passage improve, up and down the whole river system.

There is also an enormous amount of other work that needs to be done.

There is a very cooperative, very, frankly, exciting group meeting together right now, probably as we speak, trying to come up with a comprehensive solution that involves the tribes, the farmers, environmentalists, power companies, everybody involved in this basin.

This administration, this Congress, put forth $10 million to screen the ''A'' canal so that sucker larvae could come back into Klamath Lake; 100,000 acre feet of water was put in streams away from agriculture, and a water bank to put more water into this system. We have passed the authority and funding to remove Chiloquin Dam to improve fish passage, the upper end that deals with sucker recovery.

In the farm bill, $50 million, the only earmark for EQUIP funding, was carved out by this Congress to help in terms of both irrigation efficiency and conservation programs and partnerships between farmers to put more water into the system. There is an enormous effort under way in this basin by this administration, by this administration, and in a bipartisan way by this Congress. We recognize more work needs to be done.

Mr. RAHALL. Mr. Speaker, this concludes debate on our side of the aisle. Again, commending our chairman, Mr. POMBO, wishing him the best on whatever avenue he pursues in the future. I know that he will be spending a great deal of time on the ranch with his lovely wife, Annette. I wish him Godspeed there.

I thank Mr. GILCHREST for his work on this legislation, those that have spoken on it for the help they have been, especially, as I started out my remarks, I thank Senator STEVENS and Senator INOUYE who truly extended the olive branch that broke the logjam on this legislation.

As Mr. ALLEN has already done, I also want to recognize our committee Democratic staff who helped make this bill possible. Chief among them is Lori Sonken, as well as Jeff Petrich and Charlotte Stevenson.

I thank Mr. POMBO's staff as well. His staff has put in numerous hours on this over a long, long period of time. Without their work we would not be here today celebrating the passage of this legislation.

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

Mr. GILCHREST. I want to thank Mr. RAHALL and his staff and the Members on that side of the aisle, and Mr. POMBO for his effort, Mr. YOUNG, and Mr. Jim Saxton, and certainly the staff behind me for all their work.

This is not a perfect bill. There is no utopia in the legislative process. Through consensus and dialogue, we have tried to integrate the ideas of the Members, and we feel very strongly that we have come up with a bill that will improve, sustain and restore the ecology of the Nation's oceans.

I urge my colleagues for an ''aye'' vote on this legislation.

Mr. REICHERT. Mr. Speaker, I rise today in support of H.R. 5946, a bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. This bill will improve the management of our nation's fishery resources, and help ensure that we have a sustainable supply of seafood for Americans. Importantly, the new bill would permit regional fishery councils to implement market-based management programs for fisheries that will improve the economics of fishing and enhance the safety of our fishing fleets.

I am also pleased that the new legislation would not disrupt the ongoing efforts by the Pacific Fishery Management Council to improve the management of its groundfish fisheries. The Pacific Council is working diligently to develop a rationalization program for its groundfish fisheries. This process has been underway for more than 3 years, and is nearing completion. While the bill requires the Pacific Council to implement an appropriate groundfish management program within 24 months from the date of enactment, and to meet other requirements in the new law, it does not require the Pacific Council to begin anew in developing that program.

I would like to thank Chairman POMBO and Ranking Member RAHALL for their efforts on this bill, and for their willingness to work with us on issues of importance to our Pacific Northwest fisheries.

Mr. GILCHREST. 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 Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5946.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

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 a bill and a joint resolution of the House of the following titles:

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

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. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 6164. An act to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

NATIONAL INSTITUTES OF HEALTH REFORM ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6164) to amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Institutes of Health Reform Act of 2006''.

TITLE I—NIH REFORM

SEC. 101. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401 of the Public Health Service Act (42 U.S.C. 281) is amended to read as follows:

''SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

''(a) RELATION TO PUBLIC HEALTH SERVICE.—The National Institutes of Health is an agency of the Service.

''(b) NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—The following agencies of the National Institutes of Health are national research institutes or national centers:

''(1) The National Cancer Institute.

''(2) The National Heart, Lung, and Blood Institute.

''(3) The National Institute of Diabetes and Digestive and Kidney Diseases.

''(4) The National Institute of Arthritis and Musculoskeletal and Skin Diseases.

''(5) The National Institute on Aging.

''(6) The National Institute of Allergy and Infectious Diseases.

''(7) The National Institute of Child Health and Human Development.

''(8) The National Institute of Dental and Craniofacial Research.

''(9) The National Eye Institute.

''(10) The National Institute of Neurological Disorders and Stroke.

''(11) The National Institute on Deafness and Other Communication Disorders.

''(12) The National Institute on Alcohol Abuse and Alcoholism.

''(13) The National Institute on Drug Abuse.

''(14) The National Institute of Mental Health.

''(15) The National Institute of General Medical Sciences.

''(16) The National Institute of Environmental Health Sciences.

''(17) The National Institute of Nursing Research.

''(18) The National Institute of Biomedical Imaging and Bioengineering.

''(19) The National Human Genome Research Institute.

''(20) The National Library of Medicine.

''(21) The National Center for Research Resources.

''(22) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

''(23) The National Center for Complementary and Alternative Medicine.

''(24) The National Center on Minority Health and Health Disparities.

''(25) Any other national center that, as an agency separate from any national research institute, was established within the National Institutes of Health as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.

''(c) DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES.—

''(1) IN GENERAL.—Within the Office of the Director of the National Institutes of Health, there

shall be a Division of Program Coordination, Planning, and Strategic Initiatives (referred to in this subsection as the 'Division').

''(2) OFFICES WITHIN DIVISION.—

''(A) OFFICES.—The following offices are within the Division: The Office of AIDS Research, the Office of Research on Women's Health, the Office of Behavioral and Social Sciences Research, the Office of Disease Prevention, the Office of Dietary Supplements, the Office of Rare Diseases, and any other office located within the Office of the Director of NIH as of the day before the date of the enactment of the National Institutes of Health Reform Act of 2006. In addition to such offices, the Director of NIH may establish within the Division such additional offices or other administrative units as the Director determines to be appropriate.

''(B) AUTHORITIES.—Each office in the Division—

''(i) shall continue to carry out the authorities that were in effect for the office before the date of enactment referred to in subparagraph (A); and

''(ii) shall, as determined appropriate by the Director of NIH, support the Division with respect to the authorities described in section 402(b)(7).

''(d) ORGANIZATION.—

''(1) NUMBER OF INSTITUTES AND CENTERS.—In the National Institutes of Health, the number of national research institutes and national centers may not exceed a total of 27, including any such institutes or centers established under authority of paragraph (2) or under authority of this title as in effect on the day before the date of the enactment of the National Institutes of Health Reform Act of 2006.''.

(b) ADDITIONAL PROVISIONS REGARDING ORGANIZATION.—Section 401 of the Public Health Service Act, as added by subsection (a) of this section, is amended—

(1) in subsection (d), by adding at the end the following:

''(3) REORGANIZATION OF OFFICE OF DIRECTOR.—Notwithstanding subsection (c), the Director of NIH may, after a series of public hearings, and with the approval of the Secretary, reorganize the offices within the Office of the Director, including the addition, removal, or transfer of functions of such offices, and the establishment or termination of such offices, if the Director determines that the overall management and operation of programs and activities conducted or supported by such offices would be more efficiently carried out under such a reorganization.

''(4) INTERNAL REORGANIZATION OF INSTITUTES AND CENTERS.—Notwithstanding any conflicting provisions of this title, the director of a national research institute or a national center may, after a series of public hearings and with the approval of the Director of NIH, reorganize the divisions, centers, or other administrative units within such institute or center, including the addition, removal, or transfer of functions of such units, and the establishment or termination of such units, if the director of such institute or center determines that the overall management and operation of programs and activities conducted or supported by such divisions, centers, or other units would be more efficiently carried out under such a reorganization.''; and

(2) by adding after subsection (d) the following:

''(e) SCIENTIFIC MANAGEMENT REVIEW BOARD FOR PERIODIC ORGANIZATIONAL REVIEWS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Secretary shall establish an advisory council within the National Institutes of Health to be known as the Scientific Management Review Board (referred to in this subsection as the 'Board').

''(2) DUTIES.—

''(A) REPORTS ON ORGANIZATIONAL ISSUES.—The Board shall provide advice to the appropriate officials under subsection (d) regarding the use of the authorities established in paragraphs (2), (3), and (4) of such subsection to reorganize the National Institutes of Health (referred to in this subsection as 'organizational authorities'). Not less frequently than once each 7 years, the Board shall—

''(i) determine whether and to what extent the organizational authorities should be used; and

''(ii) issue a report providing the recommendations of the Board regarding the use of the authorities and the reasons underlying the recommendations.

''(B) CERTAIN RESPONSIBILITIES REGARDING REPORTS.—The activities of the Board with respect to a report under subparagraph (A) shall include the following:

''(i) Reviewing the research portfolio of the National Institutes of Health (referred to in this subsection as 'NIH') in order to determine the progress and effectiveness and value of the portfolio and the allocation among the portfolio activities of the resources of NIH.

''(ii) Determining pending scientific opportunities, and public health needs, with respect to research within the jurisdiction of NIH.

''(iii) For any proposal for organizational changes to which the Board gives significant consideration as a possible recommendation in such report—

''(I) analyzing the budgetary and operational consequences of the proposed changes;

''(II) taking into account historical funding and support for research activities at national research institutes and centers that have been established recently relative to national research institutes and centers that have been in existence for more than two decades;

''(III) estimating the level of resources needed to implement the proposed changes;

''(IV) assuming the proposed changes will be made and making a recommendation for the allocation of the resources of NIH among the national research institutes and national centers; and

''(V) analyzing the consequences for the progress of research in the areas affected by the proposed changes.

''(C) CONSULTATION.—In carrying out subparagraph (A), the Board shall consult with—

''(i) the heads of national research institutes and national centers whose directors are not members of the Board;

''(ii) other scientific leaders who are officers or employees of NIH and are not members of the Board;

''(iii) advisory councils of the national research institutes and national centers;

''(iv) organizations representing the scientific community; and

''(v) organizations representing patients.

''(3) COMPOSITION OF BOARD.—The Board shall consist of the Director of NIH, who shall be a permanent nonvoting member on an ex officio basis, and an odd number of additional members, not to exceed 21, all of whom shall be voting members. The voting members of the Board shall be the following:

''(A) Not fewer than 9 officials who are directors of national research institutes or national centers. The Secretary shall designate such officials for membership and shall ensure that the group of officials so designated includes directors of—

''(i) national research institutes whose budgets are substantial relative to a majority of the other institutes;

''(ii) national research institutes whose budgets are small relative to a majority of the other institutes;

''(iii) national research institutes that have been in existence for a substantial period of time without significant organizational change under subsection (d);

''(iv) as applicable, national research institutes that have undergone significant organization changes under such subsection, or that have been established under such subsection, other than national research institutes for which such changes have been in place for a substantial period of time; and

''(v) national centers.

''(B) Members appointed by the Secretary from among individuals who are not officers or employees of the United States. Such members shall include—

''(i) individuals representing the interests of public or private institutions of higher education that have historically received funds from NIH to conduct research; and

''(ii) individuals representing the interests of private entities that have received funds from NIH to conduct research or that have broad expertise regarding how the National Institutes of Health functions, exclusive of private entities to which clause (i) applies.

''(4) CHAIR.—The Chair of the Board shall be selected by the Secretary from among the members of the Board appointed under paragraph (3)(B). The term of office of the Chair shall be 2 years.

''(5) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet at the call of the Chair or upon the request of the Director of NIH, but not fewer than 5 times with respect to issuing any particular report under paragraph (2)(A). The location of the meetings of the Board is subject to the approval of the Director of NIH.

''(B) PARTICULAR FORUMS.—Of the meetings held under subparagraph (A) with respect to a report under paragraph (2)(A)—

''(i) one or more shall be directed toward the scientific community to address scientific needs and opportunities related to proposals for organizational changes under subsection (d), or as the case may be, related to a proposal that no such changes be made; and

''(ii) one or more shall be directed toward consumer organizations to address the needs and opportunities of patients and their families with respect to proposals referred to in clause (i).

''(C) AVAILABILITY OF INFORMATION FROM FORUMS.—For each meeting under subparagraph (B), the Director of NIH shall post on the Internet site of the National Institutes of Health a summary of the proceedings.

''(6) COMPENSATION; TERM OF OFFICE.—The provisions of subsections (b)(4) and (c) of section 406 apply with respect to the Board to the same extent and in the same manner as such provisions apply with respect to an advisory council referred to in such subsections, except that the reference in such subsection (c) to 4 years regarding the term of an appointed member is deemed to be a reference to 5 years.

''(7) REPORTS.—

''(A) RECOMMENDATIONS FOR CHANGES.—Each report under paragraph (2)(A) shall be submitted to—

''(i) the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives;

''(ii) the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate;

''(iii) the Secretary; and

''(iv) officials with organizational authorities, other than any such official who served as a member of the Board with respect to the report involved.

''(B) AVAILABILITY TO PUBLIC.—The Director of NIH shall post each report under paragraph (2) on the Internet site of the National Institutes of Health.

''(C) REPORT ON BOARD ACTIVITIES.—Not later than 18 months after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Board shall submit to the committees specified in subparagraph (A) a report describing the activities of the Board.

''(f) ORGANIZATIONAL CHANGES PER RECOMMENDATION OF SCIENTIFIC MANAGEMENT REVIEW BOARD.—

''(1) IN GENERAL.—With respect to an official who has organizational authorities within the

meaning of subsection (e)(2)(A), if a recommendation to the official for an organizational change is made in a report under such subsection, the official shall, except as provided in paragraphs (2), (3), and (4) of this subsection, make the change in accordance with the following:

''(A) Not later than 100 days after the report is submitted under subsection (e)(7)(A), the official shall initiate the applicable public process required in subsection (d) toward making the change.

''(B) The change shall be fully implemented not later than the expiration of the 3-year period beginning on the date on which such process is initiated.

''(2) INAPPLICABILITY TO CERTAIN REORGANIZATIONS.—Paragraph (1) does not apply to a recommendation made in a report under subsection (e)(2)(A) if the recommendation is for—

''(A) an organizational change under subsection (d)(2) that constitutes the establishment, termination, or consolidation of one or more national research institutes or national centers; or

''(B) an organizational change under subsection (d)(3).

''(3) OBJECTION BY DIRECTOR OF NIH.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a recommendation for an organizational change made in a report under subsection (e)(2)(A) if, not later than 90 days after the report is submitted under subsection (e)(7)(A), the Director of NIH submits to the committees specified in such subsection a report providing that the Director objects to the change, which report includes the reasons underlying the objection.

''(B) SCOPE OF OBJECTION.—For purposes of subparagraph (A), an objection by the Director of NIH may be made to the entirety of a recommended organizational change or to 1 or more aspects of the change. Any aspect of a change not objected to by the Director in a report under subparagraph (A) shall be implemented in accordance with paragraph (1).

''(4) CONGRESSIONAL REVIEW.—An organizational change under subsection (d)(2) that is initiated pursuant to paragraph (1) shall be carried out by regulation in accordance with the procedures for substantive rules under section 553 of title 5, United States Code. A rule under the preceding sentence shall be considered a major rule for purposes of chapter 8 of such title (relating to congressional review of agency rulemaking).

''(g) DEFINITIONS.—For purposes of this title:

''(1) The term 'Director of NIH' means the Director of the National Institutes of Health.

''(2) The terms 'national research institute' and 'national center' mean an agency of the National Institutes of Health that is—

''(A) listed in subsection (b) and not terminated under subsection (d)(2)(A); or

''(B) established by the Director of NIH under such subsection.

''(h) REFERENCES TO NIH.—For purposes of this title, a reference to the National Institutes of Health includes its agencies.''.

(c) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by redesignating subpart 3 of part E as subpart 19;

(2) by transferring subpart 19, as so redesignated, to part C of such title IV;

(3) by inserting subpart 19, as so redesignated, after subpart 18 of such part C; and

(4) in subpart 19, as so redesignated—

(A) by redesignating section 485B as section 464z–1;

(B) by striking ''National Center for Human Genome Research'' each place such term appears and inserting ''National Human Genome Research Institute''; and

(C) by striking ''Center'' each place such term appears and inserting ''Institute''.

SEC. 102. AUTHORITY OF DIRECTOR OF NIH.

(a) SECRETARY ACTING THROUGH THE DIRECTOR.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (22);

(2) by striking paragraphs (12) and (13);

(3) by redesignating paragraphs (4) through (11) as paragraphs (14) through (21);

(4) in paragraph (21) (as so redesignated), by inserting ''and'' after the semicolon at the end;

(5) in the matter after and below paragraph (22) (as so redesignated), by striking ''paragraph (6)'' and inserting ''paragraph (16)''; and

(6) by striking ''the Secretary'' in the matter preceding paragraph (1) and all that follows through paragraph (1) and inserting the following: ''the Secretary, acting through the Director of NIH—

''(1) shall carry out this title, including being responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;''.

(b) ADDITIONAL AUTHORITIES.—Section 402(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) shall coordinate and oversee the operation of the national research institutes, national centers, and administrative entities within the National Institutes of Health;

''(3) shall, in consultation with the heads of the national research institutes and national centers, be responsible for program coordination across the national research institutes and national centers, including conducting priority-setting reviews, to ensure that the research portfolio of the National Institutes of Health is balanced and free of unnecessary duplication, and takes advantage of collaborative, cross-cutting research;

''(4) shall assemble accurate data to be used to assess research priorities, including information to better evaluate scientific opportunity, public health burdens, and progress in reducing health disparities;

''(5) shall ensure that scientifically based strategic planning is implemented in support of research priorities as determined by the agencies of the National Institutes of Health;

''(6) shall ensure that the resources of the National Institutes of Health are sufficiently allocated for research projects identified in strategic plans;

''(7)(A) shall, through the Division of Program Coordination, Planning, and Strategic Initiatives—

''(i) identify research that represents important areas of emerging scientific opportunities, rising public health challenges, or knowledge gaps that deserve special emphasis and would benefit from conducting or supporting additional research that involves collaboration between 2 or more national research institutes or national centers, or would otherwise benefit from strategic coordination and planning;

''(ii) include information on such research in reports under section 403; and

''(iii) in the case of such research supported with funds referred to in subparagraph (B)—

''(I) require as appropriate that proposals include milestones and goals for the research;

''(II) require that the proposals include timeframes for funding of the research; and

''(III) ensure appropriate consideration of proposals for which the principal investigator is an individual who has not previously served as the principal investigator of research conducted or supported by the National Institutes of Health;

''(B) may, with respect to funds reserved under section 402A(c)(1) for the Common Fund, allocate such funds to the national research institutes and national centers for conducting and supporting research that is identified under subparagraph (A); and

''(C) may assign additional functions to the Division in support of responsibilities identified in subparagraph (A), as determined appropriate by the Director;

''(8) shall, in coordination with the heads of the national research institutes and national centers, ensure that such institutes and centers—

''(A) preserve an emphasis on investigator-initiated research project grants, including with respect to research involving collaboration between 2 or more such institutes or centers; and

''(B) when appropriate, maximize investigator-initiated research project grants in their annual research portfolios;

''(9) shall ensure that research conducted or supported by the National Institutes of Health is subject to review in accordance with section 492 and that, after such review, the research is reviewed in accordance with section 492A(a)(2) by the appropriate advisory council under section 406 before the research proposals are approved for funding;

''(10) shall have authority to review and approve the establishment of all centers of excellence recommended by the national research institutes;

''(11)(A) shall oversee research training for all of the national research institutes and National Research Service Awards in accordance with section 487; and

''(B) may conduct and support research training—

''(i) for which fellowship support is not provided under section 487; and

''(ii) that does not consist of residency training of physicians or other health professionals;

''(12) may, from funds appropriated under section 402A(b), reserve funds to provide for research on matters that have not received significant funding relative to other matters, to respond to new issues and scientific emergencies, and to act on research opportunities of high priority;

''(13) may, subject to appropriations Acts, collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences;''.

(c) CERTAIN AUTHORITIES.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by striking subsections (i) and (l); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(d) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—Section 402 of the Public Health Service Act, as amended by subsection (c) of this section, is amended by adding after subsection (j) the following subsection:

''(k) COUNCIL OF COUNCILS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the National Institutes of Health Reform Act of 2006, the Director of NIH shall establish within the Office of the Director an advisory council to be known as the 'Council of Councils' (referred to in this subsection as the 'Council') for the purpose of advising the Director on matters related to the policies and activities of the Division of Program Coordination, Planning, and Strategic Initiatives, including making recommendations with respect to the conduct and support of research described in subsection (b)(7).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall be composed of 27 members selected by the Director of NIH with approval from the Secretary from among the list of nominees under subparagraph (C).

''(B) CERTAIN REQUIREMENTS.—In selecting the members of the Council, the Director of NIH shall ensure—

''(i) the representation of a broad range of disciplines and perspectives; and

''(ii) the ongoing inclusion of at least 1 representative from each national research institute whose budget is substantial relative to a majority of the other institutes.

''(C) NOMINATION.—The Director of NIH shall maintain an updated list of individuals who

have been nominated to serve on the Council, which list shall consist of the following:

''(i) For each national research institute and national center, 3 individuals nominated by the head of such institute or center from among the members of the advisory council of the institute or center, of which—

''(I) two shall be scientists; and

''(II) one shall be from the general public or shall be a leader in the field of public policy, law, health policy, economics, or management.

''(ii) For each office within the Division of Program Coordination, Planning, and Strategic Initiatives, 1 individual nominated by the head of such office.

''(iii) Members of the Council of Public Representatives.

''(3) TERMS.—

''(A) IN GENERAL.—The term of service for a member of the Council shall be 6 years, except as provided in subparagraphs (B) and (C).

''(B) TERMS OF INITIAL APPOINTEES.—Of the initial members selected for the Council, the Director of NIH shall designate—

''(i) nine for a term of 6 years;

''(ii) nine for a term of 4 years; and

''(iii) nine for a term of 2 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.''.

(e) REVIEW BY ADVISORY COUNCILS OF RESEARCH PROPOSALS.—Section 492A(a)(2) of the Public Health Service Act (42 U.S.C. 289a–1(a)(2)) is amended by inserting before the period the following: '', and unless a majority of the voting members of the appropriate advisory council under section 406, or as applicable, of the advisory council under section 402(k), has recommended the proposal for approval''.

(f) CONFORMING AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 402(a), by striking ''Director of the National Institutes of Health'' and all that follows through ''who shall'' and inserting ''Director of NIH who shall''; and

(B) in sections 405(c)(3)(A), 452(c)(1)(E)(i), and 492(a)(2), by striking the term ''402(b)(6)'' each place such term appears and inserting ''402(b)(16)''.

(2) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 561(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) is amended in the matter following paragraph (7) by striking ''402(j)(3)'' and inserting ''402(i)(3)''.

(g) RULE OF CONSTRUCTION REGARDING AUTHORITIES OF NATIONAL RESEARCH INSTITUTES AND NATIONAL CENTERS.—This Act and the amendments made by this Act may not be construed as affecting the authorities of the national research institutes and national centers that were in effect under the Public Health Service Act on the day before the date of the enactment of this Act, subject to the authorities of the Secretary of Health and Human Services and the Director of NIH under section 401 of the Public Health Service Act (as amended by section 101 of this Act). For purposes of the preceding sentence, the terms ''national research institute'', ''national center'', and ''Director of NIH'' have the meanings given such terms in such section 401.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 402 the following:

''SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated—

''(1) $30,331,309,000 for fiscal year 2007;

''(2) $32,831,309,000 for fiscal year 2008; and

''(3) such sums as may be necessary for fiscal year 2009.

''(b) OFFICE OF THE DIRECTOR.—Of the amount authorized to be appropriated under subsection (a) for a fiscal year, there are authorized to be appropriated for programs and activities under this title carried out through the Office of the Director of NIH such sums as may be necessary for each of the fiscal years 2007 through 2009.

''(c) TRANS-NIH RESEARCH.—

''(1) COMMON FUND.—

''(A) ACCOUNT.—For the purpose of allocations under section 402(b)(7)(B) (relating to research identified by the Division of Program Coordination, Planning, and Strategic Initiatives), there is established an account to be known as the Common Fund.

''(B) RESERVATION.—

''(i) IN GENERAL.—Of the total amount appropriated under subsection (a) for fiscal year 2007 or any subsequent fiscal year, the Director of NIH shall reserve an amount for the Common Fund, subject to any applicable provisions in appropriations Acts.

''(ii) MINIMUM AMOUNT.—For each fiscal year, the percentage constituted by the amount reserved under clause (i) relative to the total amount appropriated under subsection (a) for such year may not be less than the percentage constituted by the amount so reserved for the preceding fiscal year relative to the total amount appropriated under subsection (a) for such preceding fiscal year, subject to any applicable provisions in appropriations Acts.

''(C) COMMON FUND STRATEGIC PLANNING REPORT.—Not later than June 1, 2007, and every 2 years thereafter, the Secretary, acting through the Director of NIH, shall submit a report to the Congress containing a strategic plan for funding research described in section 402(b)(7)(A)(i) (including personnel needs) through the Common Fund. Each such plan shall include the following:

''(i) An estimate of the amounts determined by the Director of NIH to be appropriate for maximizing the potential of such research.

''(ii) An estimate of the amounts determined by the Director of NIH to be sufficient only for continuing to fund research activities previously identified by the Division of Program Coordination, Planning, and Strategic Initiatives.

''(iii) An estimate of the amounts determined by the Director of NIH to be necessary to fund research described in section 402(b)(7)(A)(i)—

''(I) that is in addition to the research activities described in clause (ii); and

''(II) for which there is the most substantial need.

''(D) EVALUATION.—During the 6-month period following the end of the first fiscal year for which the total amount reserved under subparagraph (B) is equal to 5 percent of the total amount appropriated under subsection (a) for such fiscal year, the Secretary, acting through the Director of NIH, in consultation with the advisory council established under section 402(k), shall submit recommendations to the Congress for changes regarding amounts for the Common Fund.

''(2) TRANS-NIH RESEARCH REPORTING.—

''(A) LIMITATION.—With respect to the total amount appropriated under subsection (a) for fiscal year 2008 or any subsequent fiscal year, if the head of a national research institute or national center fails to submit the report required by subparagraph (B) for the preceding fiscal year, the amount made available for the institute or center for the fiscal year involved may not exceed the amount made available for the institute or center for fiscal year 2006.

''(B) REPORTING.—Not later than January 1, 2008, and each January 1st thereafter—

''(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

''(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).

''(C) DETERMINATION.—For purposes of determining the amount or percentage of funds to be reported under subparagraph (B), any amounts made available to an institute or center under section 402(b)(7)(B) shall be included.

''(D) VERIFICATION OF AMOUNTS.—Upon receipt of each report submitted under subparagraph (B)(i), the Director of NIH shall review and, in cases of discrepancy, verify the accuracy of the amounts specified in the report.

''(E) WAIVER.—At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B)(i) is inconsistent with the mission of such institute or center.

''(d) TRANSFER AUTHORITY.—Of the total amount appropriated under subsection (a) for a fiscal year, the Director of NIH may (in addition to the reservation under subsection (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this title and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a) by more than 1 percent.

''(e) RULE OF CONSTRUCTION.—This section may not be construed as affecting the authorities of the Director of NIH under section 401.''.

(b) ELIMINATION OF OTHER AUTHORIZATIONS OF APPROPRIATIONS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) by striking the first sentence of paragraph (5) of section 402(i) (as redesignated by section 102(b));

(2) by striking subsection (e) of section 403A;

(3) by striking subsection (c) of section 404B;

(4) by striking subsection (h) of section 404E;

(5) by striking subsection (d) of section 404F;

(6) by striking subsection (e) of section 404G;

(7) by striking subsection (d) of section 409A;

(8) in section 409B—

(A) in subsection (a), by striking ''under subsection (e)'' and inserting ''to carry out this section''; and

(B) by striking subsection (e);

(9) by striking subsection (e) of section 409C;

(10) in section 409D—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d);

(11) by striking subsection (e) of section 409E;

(12) by striking subsection (c) of section 409F;

(13) in section 409H, by striking—

(A) paragraph (3) of subsection (a);

(B) paragraph (3) of subsection (b);

(C) paragraph (5) of subsection (c); and

(D) paragraph (4) of subsection (d);

(14) by striking subsection (d) of section 409I;

(15) by striking section 417B;

(16) by striking subsection (g) of section 417C;

(17) in section 417D, by striking—

(A) paragraph (3) of subsection (a); and

(B) paragraph (3) of subsection (b);

(18) by striking subsection (d) of section 424A;

(19) by striking subsection (c) of section 424B;

(20) by striking section 425;

(21) by striking subsection (d) of section 434A;

(22) by striking subsection (d) of section 441A;

(23) by striking subsection (c) of section 442A;

(24) in section 445H—

(A) by striking subsection (b); and

(B) in subsection (a), by striking ''(a)'';

(25) by striking subsection (d) of section 445I;

(26) by striking section 445J;
(27) in section 447A—
(A) by striking subsection (b); and
(B) in subsection (a), by striking ''(a)'';
(28) by striking subsection (d) of section 447B;
(29) by striking subsection (g) in section 452A;
(30) by striking paragraph (7) in section 452E(b);
(31) in section 452G—
(A) by striking subsection (b); and
(B) in subsection (a), by striking ''(a) ENHANCED SUPPORT.—'';
(32) by striking subsection (d) of section 464H;
(33) by striking subsection (d) of section 464L;
(34) by striking paragraph (4) of section 464N(c);
(35) by striking subsection (e) of section 464P;
(36) by striking subsection (f) of section 464R;
(37) by striking subsection (d) of section 464z;
(38) in section 467—
(A) by striking the first sentence;
(B) by striking ''for such buildings and facilities'' and inserting ''for suitable and adequate buildings and facilities for use of the Library''; and
(C) by striking ''The amounts authorized to be appropriated by this section include'' and inserting ''Amounts appropriated to carry out this section may be used for'';
(39) by striking section 468;
(40) in section 481A—
(A) in the matter preceding subparagraph (A) of subsection (c)(2)—
(i) by striking the term ''under subsection (i)(1)'' and inserting ''to carry out this section''; and
(ii) by striking ''under such subsection'' and inserting ''to carry out this section''; and
(B) by striking subsection (i);
(41) in subsection (a) of section 481B, by striking ''under section 481A(h)'' and inserting ''to carry out section 481A'';
(42) by striking subsection (c) in the section 481C that relates to general clinical research centers;
(43) by striking subsection (e) in section 485C;
(44) by striking subsection (l) in section 485E;
(45) by striking subsection (h) in section 485F;
(46) by striking subsection (e) in section 485G;
(47) by striking subsection (d) of section 487;
(48) by striking subsection (c) of section 487A; and
(49) by striking subsection (c) in the section 487F that relates to a loan repayment program regarding clinical researchers.

(c) RULE OF CONSTRUCTION REGARDING CONTINUATION OF PROGRAMS.—The amendment of a program by a provision of subsection (b) may not be construed as terminating the authority of the Federal agency involved to carry out the program.

SEC. 104. REPORTS.

(a) REPORT OF DIRECTOR OF NIH.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 103(a) of this Act, is amended—
(1) by redesignating section 403A as section 403C;
(2) in section 1710(a), by striking ''section 403A'' and inserting ''section 403C''; and
(3) by striking section 403 and inserting the following sections:

''SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVITIES.

''The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

''SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.

''(a) IN GENERAL.—The Director of NIH shall submit to the Congress on a biennial basis a report in accordance with this section. The first report shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006. Each such report shall include the following information:

''(1) An assessment of the state of biomedical and behavioral research.

''(2) A description of the activities conducted or supported by the agencies of the National Institutes of Health and policies respecting the programs of such agencies.

''(3) Classification and justification for the priorities established by the agencies, including a strategic plan and recommendations for future research initiatives to be carried out under section 402(b)(7) through the Division of Program Coordination, Planning, and Strategic Initiatives.

''(4) A catalog of all the research activities of the agencies, prepared in accordance with the following:

''(A) The catalog shall, for each such activity—

''(i) identify the agency or agencies involved;

''(ii) state whether the activity was carried out directly by the agencies or was supported by the agencies and describe to what extent the agency was involved; and

''(iii) identify whether the activity was carried out through a center of excellence.

''(B) In the case of clinical research, the catalog shall, as appropriate, identify study populations by demographic variables and other variables that contribute to research on minority health and health disparities.

''(C) Research activities listed in the catalog shall include, where applicable, the following:

''(i) Epidemiological studies and longitudinal studies.

''(ii) Disease registries, information clearinghouses, and other data systems.

''(iii) Public education and information campaigns.

''(iv) Training activities, including—

''(I) National Research Service Awards and Clinical Transformation Science Awards;

''(II) graduate medical education programs, including information on the number and type of graduate degrees awarded during the period in which the programs received funding under this title;

''(III) investigator-initiated awards for postdoctoral training;

''(IV) a breakdown by demographic variables and other appropriate categories; and

''(V) an evaluation and comparison of outcomes and effectiveness of various training programs.

''(v) Clinical trials, including a breakdown of participation by study populations and demographic variables and such other information as may be necessary to demonstrate compliance with section 492B (regarding inclusion of women and minorities in clinical research).

''(vi) Translational research activities with other agencies of the Public Health Service.

''(5) A summary of the research activities throughout the agencies, which summary shall be organized by the following categories, where applicable:

''(A) Cancer.

''(B) Neurosciences.

''(C) Life stages, human development, and rehabilitation.

''(D) Organ systems.

''(E) Autoimmune diseases.

''(F) Genomics.

''(G) Molecular biology and basic science.

''(H) Technology development.

''(I) Chronic diseases, including pain and palliative care.

''(J) Infectious diseases and bioterrorism.

''(K) Minority health and health disparities.

''(L) Such additional categories as the Director determines to be appropriate.

''(6) A review of each entity receiving funding under this title in its capacity as a center of excellence (in this paragraph referred to as a 'center of excellence'), including the following:

''(A) An evaluation of the performance and research outcomes of each center of excellence.

''(B) Recommendations for promoting coordination of information among the centers of excellence.

''(C) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

''(D) If no additional centers of excellence have been funded under this title since the previous report under this section, an explanation of the reasons for not funding any additional centers.

''(b) REQUIREMENT REGARDING DISEASE-SPECIFIC RESEARCH ACTIVITIES.—In a report under subsection (a), the Director of NIH, when reporting on research activities relating to a specific disease, disorder, or other adverse health condition, shall—

''(1) present information in a standardized format;

''(2) identify the actual dollar amounts obligated for such activities; and

''(3) include a plan for research on the specific disease, disorder, or other adverse health condition, including a statement of objectives regarding the research, the means for achieving the objectives, a date by which the objectives are expected to be achieved, and justifications for revisions to the plan.

''(c) ADDITIONAL REPORTS.—In addition to reports required by subsections (a) and (b), the Director of NIH or the head of a national research institute or national center may submit to the Congress such additional reports as the Director or the head of such institute or center determines to be appropriate.

''SEC. 403A. ANNUAL REPORTING TO INCREASE INTERAGENCY COLLABORATION AND COORDINATION.

''(a) COLLABORATION WITH OTHER HHS AGENCIES.—On an annual basis, the Director of NIH shall submit to the Secretary a report on the activities of the National Institutes of Health involving collaboration with other agencies of the Department of Health and Human Services.

''(b) CLINICAL TRIALS.—Each calendar year, the Director of NIH shall submit to the Commissioner of Food and Drugs a report that identifies each clinical trial that is registered during such calendar year in the databank of information established under section 402(i).

''(c) HUMAN TISSUE SAMPLES.—On an annual basis, the Director of NIH shall submit to the Congress a report that describes how the National Institutes of Health and its agencies store and track human tissue samples.

''(d) FIRST REPORT.—The first report under subsections (a), (b), and (c) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403B. ANNUAL REPORTING TO PREVENT FRAUD AND ABUSE.

''(a) WHISTLEBLOWER COMPLAINTS.—

''(1) IN GENERAL.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report summarizing the activities of the National Institutes of Health relating to whistleblower complaints.

''(2) CONTENTS.—For each whistleblower complaint pending during the year for which a report is submitted under this subsection, the report shall identify the following:

''(A) Each agency of the National Institutes of Health involved.

''(B) The status of the complaint.

''(C) The resolution of the complaint to date.

''(b) EXPERTS AND CONSULTANTS.—On an annual basis, the Director of NIH shall submit to the Inspector General of the Department of Health and Human Services, the Secretary, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate a report that—

''(1) identifies the number of experts and consultants, including any special consultants, whose services are obtained by the National Institutes of Health or its agencies;

''(2) specifies whether such services were obtained under section 207(f), section 402(d), or other authority;

''(3) describes the qualifications of such experts and consultants;

''(4) describes the need for hiring such experts and consultants; and

''(5) if such experts and consultants make financial disclosures to the National Institutes of Health or any of its agencies, specifies the income, gifts, assets, and liabilities so disclosed.

''(c) FIRST REPORT.—The first report under subsections (a) and (b) shall be submitted not later than 1 year after the date of the enactment of the National Institutes of Health Reform Act of 2006.

''SEC. 403C. ANNUAL REPORTING REGARDING TRAINING OF GRADUATE STUDENTS FOR DOCTORAL DEGREES.

''(a) IN GENERAL.—Each institution receiving an award under this title for the training of graduate students for doctoral degrees shall annually report to the Director of NIH, with respect to each degree-granting program at such institution—

''(1) the percentage of students admitted for study who successfully attain a doctoral degree; and

''(2) for students described in paragraph (1), the average time between the beginning of graduate study and the receipt of a doctoral degree.

''(3) PROVISION OF INFORMATION TO APPLICANTS.—Each institution described in subsection (a) shall provide to each student submitting an application for a program of graduate study at such institution the information described in paragraphs (1) and (2) of such subsection with respect to the program or programs to which such student has applied.''.

(b) STRIKING OF OTHER REPORTING REQUIREMENTS FOR NIH.—

(1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—Title IV of the Public Health Service Act, as amended by section 103(b) of this Act, is amended—

(A) in section 404E(b)—

(i) by amending paragraph (3) to read as follows:

''(3) COORDINATION OF CENTERS.—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers.''; and

(ii) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(B) in section 404F(b)(1), by striking subparagraphs (F) and (G);

(C) by striking section 407;

(D) in section 409C(b), by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in section 409E, by striking subsection (d);

(F) in section 417C, by striking subsection (f);

(G) in section 424B(a)—

(i) in paragraph (1), by adding ''and'' after the semicolon at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(H) in section 429, by striking subsections (c) and (d);

(I) in section 442, by striking subsection (j) and redesignating subsection (k) as subsection (j);

(J) in section 464D, by striking subsection (j);

(K) in section 464E, by striking subsection (e);

(L) in section 464T, by striking subsection (e);

(M) in section 481A, by striking subsection (h);

(N) in section 485E, by striking subsection (k);

(O) in section 485H—

(i) by striking ''(a)'' and all that follows through ''The Secretary,'' and inserting ''The Secretary,''; and

(ii) by striking subsection (b); and

(P) in section 494—

(i) by striking ''(a) If the Secretary'' and inserting ''If the Secretary''; and

(ii) by striking subsection (b).

(2) PUBLIC HEALTH SERVICE ACT; OTHER PROVISIONS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(A) in section 399E, by striking subsection (e);

(B) in section 1122—

(i) by striking ''(a) From the sums'' and inserting ''From the sums''; and

(ii) by striking subsections (b) and (c);

(C) by striking section 2301;

(D) in section 2354, by striking subsection (b) and redesignating subsection (c) as subsection (b);

(E) in section 2356, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(F) in section 2359(b)—

(i) by striking paragraph (2);

(ii) by striking ''(b) EVALUATION AND REPORT'' and all that follows through ''Not later than 5 years'' and inserting ''(b) EVALUATION.—Not later than 5 years'';

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iv) by moving each of paragraphs (1) through (3) (as so redesignated) 2 ems to the left.

(3) OTHER ACTS.—Provisions of Federal law are amended as follows:

(A) Section 7 of Public Law 97–414 is amended—

(i) in subsection (a)—

(I) in paragraph (2), by inserting ''and'' at the end;

(II) in paragraph (3), by striking ''; and'' and inserting a period; and

(III) by striking paragraph (4); and

(ii) in subsection (b), by striking the last sentence of paragraph (3).

(B) Title III of Public Law 101–557 (42 U.S.C. 242q et seq.) is amended by striking section 304 and redesignating section 305 and 306 as sections 304 and 305, respectively.

(C) Section 4923 of Public Law 105–33 is amended by striking subsection (b).

(D) Public Law 106–310 is amended by striking section 105.

(E) Section 1004 of Public Law 106–310 is amended by striking subsection (d).

(F) Section 3633 of Public Law 106–310 (as amended by section 2502 of Public Law 107–273) is repealed.

(G) Public Law 106–525 is amended by striking section 105.

(H) Public Law 107–84 is amended by striking section 6.

(I) Public Law 108–427 is amended by striking section 3 and redesignating sections 4 and 5 as sections 3 and 4, respectively.

SEC. 105. CERTAIN DEMONSTRATION PROJECTS.

(a) BRIDGING THE SCIENCES.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary of Health and Human Services, acting through the Director of NIH, (in this subsection referred to as the ''Secretary'') in consultation with the Director of the National Science Foundation, the Secretary of Energy, and other agency heads when necessary, may allocate funds for the national research institutes and national centers to make grants for the purpose of improving the public health through demonstration projects for biomedical research at the interface between the biological, behavioral, and social sciences and the physical, chemical, mathematical, and computational sciences.

(2) GOALS, PRIORITIES, AND METHODS; INTERAGENCY COLLABORATION.—The Secretary shall establish goals, priorities, and methods of evaluation for research under paragraph (1), and shall provide for interagency collaboration with respect to such research. In developing such goals, priorities, and methods, the Secretary shall ensure that—

(A) the research reflects the vision of innovation and higher risk with long-term payoffs; and

(B) the research includes a wide spectrum of projects, funded at various levels, with varying timeframes.

(3) PEER REVIEW.—A grant may be made under paragraph (1) only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act) or has been reviewed by an advisory council composed of representatives from appropriate scientific disciplines who can fully evaluate the applicant.

(b) HIGH-RISK, HIGH-REWARD RESEARCH.—

(1) IN GENERAL.—From amounts to be appropriated under section 402A(b) of the Public Health Service Act, the Secretary, acting through the Director of NIH, may allocate funds for the national research institutes and national centers to make awards of grants or contracts or to engage in other transactions for demonstration projects for high-impact, cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, and treatment of diseases and disorders. The head of a national research institute or national center may conduct or support such high-impact, cutting-edge research (with funds allocated under the preceding sentence or otherwise available for such purpose) if the institute or center gives notice to the Director of NIH beforehand and submits a report to the Director of NIH on an annual basis on the activities of the institute or center relating to such research.

(2) SPECIAL CONSIDERATION.—In carrying out the program under paragraph (1), the Director of NIH shall give special consideration to coordinating activities with national research institutes whose budgets are substantial relative to a majority of the other institutes.

(3) ADMINISTRATION OF PROGRAM.—Activities relating to research described in paragraph (1) shall be designed by the Director of NIH or the head of a national research institute or national center, as applicable, to enable such research to be carried out with maximum flexibility and speed.

(4) PUBLIC-PRIVATE PARTNERSHIPS.—In providing for research described in paragraph (1), the Director of NIH or the head of a national research institute or national center, as applicable, shall seek to facilitate partnerships between public and private entities and shall coordinate when appropriate with the Foundation for the National Institutes of Health.

(5) PEER REVIEW.—A grant for research described in paragraph (1) may be made only if the application for the grant has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a) and has been reviewed by the advisory council under section 402(k) of such Act (as added by section 102(c) of this Act).

(c) REPORT TO CONGRESS.—Not later than the end of fiscal year 2009, the Secretary, acting through the Director of NIH, shall conduct an evaluation of the activities under this section and submit a report to the Congress on the results of such evaluation.

(d) DEFINITIONS.—For purposes of this section, the terms ''Director of NIH'' , ''national research institute'', and ''national center'' have the meanings given such terms in section 401 of the Public Health Service Act.

SEC. 106. ENHANCING THE CLINICAL AND TRANSLATIONAL SCIENCE AWARD.

(a) IN GENERAL.—In administering the Clinical and Translational Science Award, the Director of NIH shall establish a mechanism to preserve independent funding and infrastructure for pediatric clinical research centers by—

(1) allowing the appointment of a secondary principal investigator under a single Clinical and Translational Science Award, such that a pediatric principal investigator may be appointed with direct authority over a separate budget and infrastructure for pediatric clinical research; or

(2) otherwise securing institutional independence of pediatric clinical research centers with respect to finances, infrastructure, resources, and research agenda.

(b) REPORT.—As part of the biennial report under section 403 of the Public Health Service Act, the Director of NIH shall provide an evaluation and comparison of outcomes and effectiveness of training programs under subsection (a).

(c) DEFINITION.—For purposes of this section, the term ''Director of NIH'' has the meaning given such term in section 401 of the Public Health Service Act.

SEC. 107. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

''(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.''; and

(ii) in subparagraph (G), by inserting ''appointed'' after ''that the number of'';

(B) by amending paragraph (3)(B) to read as follows:

''(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.''; and

(C) in paragraph (5), by inserting ''appointed'' after ''majority of the'';

(2) in subsection (j)—

(A) in paragraph (2), by striking ''(d)(2)(B)(i)(II)'' and inserting ''(d)(6)'';

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including an accounting of the use of amounts transferred under subsection (l)'' before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''; and

(C) in paragraph (10), by striking ''of Health.'' and inserting ''of Health and the National Institutes of Health may accept transfers of funds from the Foundation.''; and

(3) by striking subsection (l) and inserting the following:

''(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than $500,000 and not more than $1,250,000 to the Foundation.''.

SEC. 108. MISCELLANEOUS AMENDMENTS.

(a) CERTAIN AUTHORITIES OF THE SECRETARY.—

(1) IN GENERAL.—Section 401 of the Public Health Service Act, as added and amended by section 101, is amended in subsection (d) by inserting after paragraph (1) a subsection that is identical to section 401(c) of such Act as in effect on the day before the date of the enactment of this Act. The subsection so inserted is amended—

(A) by striking ''(c)(1) The Secretary may'' and inserting the following:

''(2) REORGANIZATION OF INSTITUTES.—

''(A) IN GENERAL.—The Secretary may'';

(B) by striking ''(A) the Secretary determines'' and inserting the following:

''(i) the Secretary determines'';

(C) by striking ''(B) the additional'' and inserting the following:

''(ii) the additional''; and

(D) by striking ''(2) The Secretary may'' and inserting the following:

''(B) ADDITIONAL AUTHORITY.—The Secretary may''.

(2) CONFORMING AMENDMENTS.—Section 401(d)(2) of the Public Health Service Act, as designated by paragraph (1) of this subsection, is amended—

(A) in subparagraph (A)(ii), by striking ''subparagraph (A)'' and inserting ''clause (i)''; and

(B) by striking ''Labor and Human Resources'' each place such term appears and inserting ''Health, Education, Labor, and Pensions''.

(b) CERTAIN RESEARCH CENTERS.—Section 414 of the Public Health Service Act (42 U.S.C. 285a–3) is amended by adding at the end the following subsection:

''(d) Research centers under this section may not be considered centers of excellence for purposes of section 402(b)(10).''.

SEC. 109. APPLICABILITY.

This title and the amendments made by this title apply only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS FOR FISCAL YEARS 2004 AND 2005 TO REDUCE FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) REDISTRIBUTION OF CERTAIN UNUSED SCHIP ALLOTMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(h) SPECIAL RULES TO ADDRESS FISCAL YEAR 2007 SHORTFALLS.—

''(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2004 ALLOTMENTS.—

''(A) IN GENERAL.—Notwithstanding subsection (f) and subject to subparagraphs (C) and (D), with respect to months beginning during fiscal year 2007, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2004 under subsection (b) that are not expended by the end of fiscal year 2006, to a shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006; and

''(ii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that there are unexpended fiscal year 2004 allotments under subsection (b) available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under subparagraph (A) for a month are less than the total amounts of the estimated shortfalls determined for the month under that subparagraph, the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(2) FUNDING REMAINDER OF REDUCTION OF SHORTFALL FOR FISCAL YEAR 2007 THROUGH REDISTRIBUTION OF CERTAIN UNUSED FISCAL YEAR 2005 ALLOTMENTS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (D) and paragraph (5)(B), with respect to months beginning during fiscal year 2007 after March 31, 2007, the Secretary shall provide for a redistribution under subsection (f) from amounts made available for redistribution under paragraph (3) to each shortfall State described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for such State for the month.

''(B) SHORTFALL STATE DESCRIBED.—For purposes of this paragraph, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates, subject to paragraph (4)(B) and on a monthly basis using the most recent data available to the Secretary as of March 31, 2007, that the projected expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that was not expended by the end of fiscal year 2006;

''(ii) the amount, if any, that is to be redistributed to the State in accordance with paragraph (1); and

''(iii) the amount of the State's allotment for fiscal year 2007.

''(C) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under subparagraph (A) to shortfall States described in subparagraph (B) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2007. The Secretary shall only make redistributions under this paragraph to the extent that such amounts are available for such redistributions.

''(D) PRORATION RULE.—If the amounts available for redistribution under paragraph (3) for a month are less than the total amounts of the estimated shortfalls determined for the month under subparagraph (A), the amount computed under such subparagraph for each shortfall State shall be reduced proportionally.

''(3) TREATMENT OF CERTAIN STATES WITH FISCAL YEAR 2005 ALLOTMENTS UNEXPENDED AT THE END OF THE FIRST HALF OF FISCAL YEAR 2007.—

''(A) IDENTIFICATION OF STATES.—The Secretary, on the basis of the most recent data available to the Secretary as of March 31, 2007—

''(i) shall identify those States that received an allotment for fiscal year 2005 under subsection (b) which have not expended all of such allotment by March 31, 2007; and

''(ii) for each such State shall estimate—

''(I) the portion of such allotment that was not so expended by such date; and

''(II) whether the State is described in subparagraph (B).

''(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data

available to the Secretary as of March 31, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2007.

''(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—

''(i) IN GENERAL.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after April 1, 2007, and shall be redistributed in accordance with paragraph (2).

''(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is the lesser of—

''(I) 50 percent of the amount described in subparagraph (A)(ii)(I); or

''(II) $20,000,000.

''(4) SPECIAL RULES.—

''(A) EXPENDITURES LIMITED TO COVERAGE FOR POPULATIONS ELIGIBLE ON OCTOBER 1, 2006.—A State shall use amounts redistributed under this subsection only for expenditures for providing child health assistance or other health benefits coverage for populations eligible for such assistance or benefits under the State child health plan (including under a waiver of such plan) on October 1, 2006.

''(B) REGULAR FMAP FOR EXPENDITURES FOR COVERAGE OF NONCHILD POPULATIONS.—To the extent a State uses amounts redistributed under this subsection for expenditures for providing child health assistance or other health benefits coverage to an individual who is not a child or a pregnant woman, the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) applicable to the State for the fiscal year shall apply to such expenditures for purposes of making payments to the State under subsection (a) of section 2105 from such amounts.

''(5) RETROSPECTIVE ADJUSTMENT.—

''(A) IN GENERAL.—The Secretary may adjust the estimates and determinations made under paragraphs (1), (2), and (3) as necessary on the basis of the amounts reported by States not later than November 30, 2007, on CMS Form 64 or CMS Form 21, as the case may be and as approved by the Secretary, but in no case may the applicable amount described in paragraph (3)(C)(ii) exceed the amount determined by the Secretary on the basis of the most recent data available to the Secretary as of March 31, 2007.

''(B) FUNDING OF ANY RETROSPECTIVE ADJUSTMENTS ONLY FROM UNEXPENDED 2005 ALLOTMENTS.—Notwithstanding subsections (e) and (f), to the extent the Secretary determines it necessary to adjust the estimates and determinations made for purposes of paragraphs (1), (2), and (3), the Secretary may use only the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 for providing any additional amounts to States described in paragraph (2)(B) (without regard to whether such unexpended allotments are from States described paragraph (3)(B)).

''(C) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(i) authorizing the Secretary to use the allotments for fiscal year 2006 or 2007 under subsection (b) of States described in paragraph (3)(B) to provide additional amounts to States described in paragraph (2)(B) for purposes of eliminating the funding shortfall for such States for fiscal year 2007; or

''(ii) limiting the authority of the Secretary to redistribute the allotments for fiscal year 2005 under subsection (b) that remain unexpended through the end of fiscal year 2007 and are available for redistribution under subsection (f) after the application of subparagraph (B).

''(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2007 shall only remain available for expenditure by the State through September 30, 2007, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f). Nothing in the preceding sentence shall be construed as limiting the ability of the Secretary to adjust the determinations made under paragraphs (1), (2), and (3) in accordance with paragraph (5).

''(7) DEFINITION OF STATE.—For purposes of this subsection, the term 'State' means a State that receives an allotment for fiscal year 2007 under subsection (b).''.

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2005'' and inserting ''2005, 2006, or 2007''.

(c) REPORT TO CONGRESS.—Not later than April 30, 2007, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate regarding the amounts redistributed to States under section 2104 of the Social Security Act to reduce funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007. Such report shall include descriptions and analyses of—

(1) the extent to which such redistributed amounts have reduced or eliminated such shortfalls on the basis of reports by States submitted to the Secretary as of April 1, 2007; and

(2) the effect of the redistribution and limited availability of unexpended fiscal year 2005 allotments under such program on the States described in section 2104(h)(3)(B) of the Social Security Act (42 U.S.C. 1397dd(h)(3)(B)) on the basis of reports by States submitted to the Secretary as of such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in the absolute strongest possible support of passage of the National Institutes of Health Reauthorization Act. This legislation, as amended by the Senate, passed the House by landmark votes several months ago of 414–2. It is not often that we see a bill of this magnitude receive such widespread support in both the House and the Senate.

We should all be proud of ourselves for this bipartisan, bicameral product. This represents the culmination of three hard-fought years spent trying to reauthorize the NIH, a crown jewel of the Federal Government.

When I first took over as chairman of the Energy and Commerce Committee, I was surprised to learn that such an important agency of our Federal Government had not been authorized for over 13 years. Now I know why. The amount of work required to restructure this agency and at the same time gain the involvement and support of all the stakeholders and advocacy groups has been absolutely breathtaking.

However, having said that, the hard work has paid off, and we now see the fruits of our labors before us this evening. The Energy and Commerce Committee has adopted numerous pieces of legislation in the years that I have served as chairman, but I would not put one piece of legislation, including the Energy Policy Act, which was a very major effort, above the importance of this bill that is before us right now.

I want to thank Congressman JOHN DINGELL, the ranking member, soon to be the chairman again of the committee, for his tireless efforts.

I want to thank ANNA ESHOO. I want to thank RICHARD NEAL. I want to thank the Speaker of the House, and the majority leader, JOHN BOEHNER. I want to thank BILL FRIST, thank HARRY REID, I want to thank TED KENNEDY. I want to thank Mr. GRASSLEY, I want to thank Mr. LOTT, Mr. HARKIN. I could go on and on for all the Senators and House Members who have worked to make this legislation possible.

It is truly a bipartisan effort, and a major, major accomplishment of this Congress. I also want to thank the current director at the NIH, Dr. Elias Zerhouni. He has been absolutely astounding in his continual optimistic efforts to approve this bill and to gain support for it.

I want to thank all the stakeholders, over 90 national organizations have endorsed this legislation. I want to thank the major research universities of America for their hard work. I want to thank the 27 institute directors for their hard work.

In conclusion, I ask in the possible strongest terms for the support of every Member of this House to pass H.R. 6164, as amended by the Senate.

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

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

I want to thank you, Mr. Speaker, and I want to thank Mr. BARTON and Mr. DINGELL for all their hard work on this NIH bill. As was mentioned, this is the first time in 13 years that we have had a reauthorization of the National Institutes of Health. This is an important piece of legislation because the National Institutes of Health are the world's premier research medical center and the key focal point for medical research in the United States.

On September 26, the House overwhelmingly passed H.R. 6164 with a vote of 414–2. The Senate recently passed that bill with amendments, which is the bill before us now. Those amendments helped clarify provisions in the bill and therefore improve it. So every Member who voted for H.R. 6164 on September 26 should feel comfortable voting for this bill this evening.

I wanted to mention that the bill before us also includes provisions with regard to the SCHIP, or the State Children's Health Insurance Program.

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This is another reason we should be supporting the legislation this evening.

This part of the legislation would provide the money necessary to help a number of States, including my own, avert a funding shortfall in their State Children's Health Insurance Program.

Specifically, the bill will redirect existing unspent SCHIP funds from fiscal years 2004 and 2005 to help States that will not have sufficient funds to maintain their existing programs. States forfeiting unspent funding will be held harmless by capping the amount of funds that will be donated to $20 million. Thanks to this compromise, we can prevent many States from having to limit eligibility, increase cost-sharing requirements or restrict benefits. Keeping these programs intact is critically important for the health and well-being of our Nation's children.

Since its inception, SCHIP has been an integral part of reducing the number of uninsured children. But last year, for the first time since 1998, the number of uninsured children in the country actually increased, and even more children will go without coverage if Congress does not act tonight to avoid the funding shortfall currently projected for next year.

Again, I would like thank my colleagues Mr. DINGELL and Mr. BARTON, as well as their staffs, who helped work out this compromise, as well as our Senate counterparts. Thanks to our efforts, we will help preserve access to health care coverage for millions of low income children, as well as their families.

Finally, Mr. Speaker, while we have temporarily prevented a cut to the SCHIP program tonight, we must not forget that there are still approximately 8 million American children who currently have no health insurance, many of which are eligible to participate in SCHIP. Reauthorization of the SCHIP program must be addressed early next year and we must work together to help expand coverage and increase participation. Failure to do so will undoubtedly jeopardize the health of those most vulnerable in our Nation, our children.

I would like to thank everyone again.

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

Mr. BARTON of Texas. Mr. Speaker, I urge that we pass this bill unanimously, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6164.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3546) to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

The Clerk read as follows:

S. 3546

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 ''Dietary Supplement and Nonprescription Drug Consumer Protection Act''.

SEC. 2. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''Subchapter H—Serious Adverse Event Reports

''SEC. 760. SERIOUS ADVERSE EVENT REPORTING FOR NONPRESCRIPTION DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a nonprescription drug that is adverse, including—

''(A) an event occurring from an overdose of the drug, whether accidental or intentional;

''(B) an event occurring from abuse of the drug;

''(C) an event occurring from withdrawal from the drug; and

''(D) any failure of expected pharmacological action of the drug.

''(2) NONPRESCRIPTION DRUG.—The term 'nonprescription drug' means a drug that is—

''(A) not subject to section 503(b); and

''(B) not subject to approval in an application submitted under section 505.

''(3) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

''(A) results in—

''(i) death;

''(ii) a life-threatening experience;

''(iii) inpatient hospitalization;

''(iv) a persistent or significant disability or incapacity; or

''(v) a congenital anomaly or birth defect; or

''(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

''(4) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

''(b) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The manufacturer, packer, or distributor whose name (pursuant to section 502(b)(1)) appears on the label of a nonprescription drug marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such drug when used in the United States, accompanied by a copy of the label on or within the retail package of such drug.

''(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the nonprescription drug to submit the required reports for such drugs to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such drug that are reported to the retailer through the address or telephone number described in section 502(x).

''(c) SUBMISSION OF REPORTS.—

''(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 502(x).

''(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

''(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

''(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

''(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for nonprescription drugs, and may be accompanied by additional information.

''(e) MAINTENANCE AND INSPECTION OF RECORDS.—

''(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

''(2) RECORDS INSPECTION.—

''(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section, during an inspection pursuant to section 704.

''(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services who has—

''(i) appropriate credentials, as determined by the Secretary; and

''(ii) been duly designated by the Secretary to have access to the records required under this section.

''(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

''(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

''(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

''(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the nonprescription drug involved caused or contributed to the adverse event.

''(h) PREEMPTION.—

''(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for nonprescription drugs, that is different from, in addition to, or otherwise not identical to, this section.

''(2) EFFECT OF SECTION.—

''(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

''(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

''(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

''(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

''(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(b) MODIFICATIONS.—The Secretary of Health and Human Services may modify requirements under the amendments made by this section in accordance with section 553 of title 5, United States Code, to maintain consistency with international harmonization efforts over time.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking '', or 704(a);'' and inserting '', 704(a), or 760;''; and

(2) striking '', or 564'' and inserting '', 564, or 760''.

(d) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(x) If it is a nonprescription drug (as defined in section 760) that is marketed in the United States, unless the label of such drug includes a domestic address or domestic phone number through which the responsible person (as described in section 760) may receive a report of a serious adverse event (as defined in section 760) with such drug.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 502(x) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any nonprescription drug (as defined in such section 502(x)) labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report described under the amendments made by this Act.

SEC. 3. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 761. SERIOUS ADVERSE EVENT REPORTING FOR DIETARY SUPPLEMENTS.

''(a) DEFINITIONS.—In this section:

''(1) ADVERSE EVENT.—The term 'adverse event' means any health-related event associated with the use of a dietary supplement that is adverse.

''(2) SERIOUS ADVERSE EVENT.—The term 'serious adverse event' is an adverse event that—

''(A) results in—

''(i) death;

''(ii) a life-threatening experience;

''(iii) inpatient hospitalization;

''(iv) a persistent or significant disability or incapacity; or

''(v) a congenital anomaly or birth defect; or

''(B) requires, based on reasonable medical judgment, a medical or surgical intervention to prevent an outcome described under subparagraph (A).

''(3) SERIOUS ADVERSE EVENT REPORT.—The term 'serious adverse event report' means a report that is required to be submitted to the Secretary under subsection (b).

''(b) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The manufacturer, packer, or distributor of a dietary supplement whose name (pursuant to section 403(e)(1)) appears on the label of a dietary supplement marketed in the United States (referred to in this section as the 'responsible person') shall submit to the Secretary any report received of a serious adverse event associated with such dietary supplement when used in the United States, accompanied by a copy of the label on or within the retail packaging of such dietary supplement.

''(2) RETAILER.—A retailer whose name appears on the label described in paragraph (1) as a distributor may, by agreement, authorize the manufacturer or packer of the dietary supplement to submit the required reports for such dietary supplements to the Secretary so long as the retailer directs to the manufacturer or packer all adverse events associated with such dietary supplement that are reported to the retailer through the address or telephone number described in section 403(y).

''(c) SUBMISSION OF REPORTS.—

''(1) TIMING OF REPORTS.—The responsible person shall submit to the Secretary a serious adverse event report no later than 15 business days after the report is received through the address or phone number described in section 403(y).

''(2) NEW MEDICAL INFORMATION.—The responsible person shall submit to the Secretary any new medical information, related to a submitted serious adverse event report that is received by the responsible person within 1 year of the initial report, no later than 15 business days after the new information is received by the responsible person.

''(3) CONSOLIDATION OF REPORTS.—The Secretary shall develop systems to ensure that duplicate reports of, and new medical information related to, a serious adverse event shall be consolidated into a single report.

''(4) EXEMPTION.—The Secretary, after providing notice and an opportunity for comment from interested parties, may establish an exemption to the requirements under paragraphs (1) and (2) if the Secretary determines that such exemption would have no adverse effect on public health.

''(d) CONTENTS OF REPORTS.—Each serious adverse event report under this section shall be submitted to the Secretary using the MedWatch form, which may be modified by the Secretary for dietary supplements, and may be accompanied by additional information.

''(e) MAINTENANCE AND INSPECTION OF RECORDS.—

''(1) MAINTENANCE.—The responsible person shall maintain records related to each report of an adverse event received by the responsible person for a period of 6 years.

''(2) RECORDS INSPECTION.—

''(A) IN GENERAL.—The responsible person shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

''(B) AUTHORIZED PERSON.—For purposes of this paragraph, the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

''(i) appropriate credentials, as determined by the Secretary; and

''(ii) been duly designated by the Secretary to have access to the records required under this section.

''(f) PROTECTED INFORMATION.—A serious adverse event report submitted to the Secretary under this section, including any new medical information submitted under subsection (c)(2), or an adverse event report voluntarily submitted to the Secretary shall be considered to be—

''(1) a safety report under section 756 and may be accompanied by a statement, which shall be a part of any report that is released for public disclosure, that denies that the report or the records constitute an admission that the product involved caused or contributed to the adverse event; and

''(2) a record about an individual under section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act of 1974') and a medical or similar file the disclosure of which would constitute a violation of section 552 of such title 5 (commonly referred to as the 'Freedom of Information Act'), and shall not be publicly disclosed unless all personally identifiable information is redacted.

''(g) RULE OF CONSTRUCTION.—The submission of any adverse event report in compliance with this section shall not be construed as an admission that the dietary supplement involved caused or contributed to the adverse event.

''(h) PREEMPTION.—

''(1) IN GENERAL.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement, related to a mandatory system for adverse event reports for dietary supplements, that is different from, in addition to, or otherwise not identical to, this section.

''(2) EFFECT OF SECTION.—

''(A) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary to provide adverse event reports and information to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, under a memorandum of understanding between the Secretary and such State, territory, or political subdivision.

''(B) PERSONALLY-IDENTIFIABLE INFORMATION.—Notwithstanding any other provision of law, personally-identifiable information in adverse event reports provided by the Secretary to any health, food, or drug officer or employee of any State, territory, or political subdivision of a State or territory, shall not—

''(i) be made publicly available pursuant to any State or other law requiring disclosure of information or records; or

''(ii) otherwise be disclosed or distributed to any party without the written consent of the Secretary and the person submitting such information to the Secretary.

''(C) USE OF SAFETY REPORTS.—Nothing in this section shall permit a State, territory, or political subdivision of a State or territory, to use any safety report received from the Secretary in a manner inconsistent with subsection (g) or section 756.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(b) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended by—

(1) striking '', or 760;'' and inserting '', 760, or 761;''; and

(2) striking '', or 760'' and inserting '', 760, or 761''.

(c) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(y) If it is a dietary supplement that is marketed in the United States, unless the label of such dietary supplement includes a domestic address or domestic phone number through which the responsible person (as described in section 761) may receive a report of a serious adverse event with such dietary supplement.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

(2) MISBRANDING.—Section 403(y) of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall apply to any dietary supplement labeled on or after the date that is 1 year after the date of enactment of this Act.

(3) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the minimum data elements that should be included in a serious adverse event report as described under the amendments made by this Act.

SEC. 4. PROHIBITION OF FALSIFICATION OF REPORTS.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. IMPORTATION OF CERTAIN NONPRESCRIPTION DRUGS AND DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) in subsection (a), by inserting after the third sentence the following: ''If such article is subject to a requirement under section 760 or 761 and if the Secretary has credible evidence or information indicating that the responsible person (as defined in such section 760 or 761) has not complied with a requirement of such section 760 or 761 with respect to any such article, or has not allowed access to records described in such section 760 or 761, then such article shall be refused admission, except as provided in subsection (b) of this section.''; and

(2) in the second sentence of subsection (b)—

(A) by inserting ''(1)'' before ''an article included'';

(B) by inserting before ''final determination'' the following: ''or (2) with respect to an article included within the provision of the fourth sentence of subsection (a), the responsible person (as defined in section 760 or 761) can take action that would assure that the responsible person is in compliance with section 760 or 761, as the case may be,''; and

(C) by inserting '', or, with respect to clause (2), the responsible person,'' before ''to perform''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act, and urge its adoption.

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

Mr. PALLONE. Mr. Speaker, could I ask for a copy of the legislation at this time? We seem to be concerned about the fact that changes have been made that we were not aware of on the Democratic side.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, there are no changes on this bill that I am aware of.

The SPEAKER pro tempore. Could the gentleman provide the gentleman a copy of the bill?

Mr. BARTON of Texas. We will provide a copy, Mr. Speaker.

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

Mr. Speaker, I rise in support of S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act. By some estimates, the dietary supplement industry is a $20 billion industry. Over half the American population regularly uses dietary supplements, with as many as 60 percent of Americans using dietary supplements daily in an effort to maintain or improve their healthy lifestyles.

Many responsible dietary supplement companies and manufacturers already voluntarily report serious adverse events associated with their products to the FDA. However, in order to ensure the safety of consumers, all companies should be required by law to report such events. This bill accomplishes that goal.

The legislation before us today would amend the Food, Drug, and Cosmetic Act to require that the manufacturer, packer or distributor of a dietary supplement or over-the-counter drug notify the FDA within 15 business days of any serious adverse event reports it receives that are associated with one of their dietary supplements or over-the-counter products.

A serious adverse event is described as a health-related event that results in death, a life-threatening experience, in-patient hospitalization, a persistent or significant disability or incapacity, or congenital anomaly or birth defect.

Adverse event reports provide an early warning signal to the FDA about potential product problems, like product contamination or adulteration, tampering, bioterrorism and ingredient safety issues. By requiring that this information be submitted to a single source, manufacturers increase the likelihood that problems will be identified more quickly and fewer consumers will be affected.

Although the FDA currently receives adverse event reports from consumers, health care providers, poison control centers and even many manufacturers on a voluntary basis, this legislation will ensure that a greater number of serious adverse event reports are transmitted to the FDA for review.

Consumers should be assured that when a serious incident happens, the manufacturer will be held responsible for informing the Federal agency that regulates these products. Adverse event reporting by the manufacturer is already required for other FDA regulated products, such as medical devices, prescription drugs and certain over-the-counter-drugs. It is time that we require the same reporting standards for dietary supplements, and this change will help protect consumers and build greater confidence in the safety of dietary supplements.

Again, I would like to thank Senators HATCH, HARKIN and DURBIN, as well as all the industry and consumer groups who worked hard on developing this legislation, and I urge my colleagues to join me in supporting it.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the chairman yielding me time.

Mr. Speaker, I rise in opposition to this bill. Having just seen this legislation within the last hour, this is a significant change to current law. It is one that has had no House hearings during this session. This is what we used to describe at the State level as the dangerous time for legislation, and this is clearly one of those instances.

I don't think that anybody is opposed to decreasing the number of adverse events or of serious adverse events. But when you read through the bill, the level of problem that can occur that would result in an adverse event can be relatively minor; an adverse event occurring from the abuse of a drug, which would require companies to report to the FDA, adverse event occurring from the withdrawal from a drug, any failure of expected pharmacologic action of the drug itself. This is just a huge reach right at this point for the FDA and the Secretary.

So I would encourage the House to not support this bill. I would encourage

the House to go through regular order on this piece of legislation, which is a significant change, and would ask for the House to turn down this suspension bill.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate Chairman BARTON allowing me time to speak on this bill.

Mr. Speaker, I rise opposing this Dietary Supplemental and Nonprescription Drug Consumer Protection Act. The bill would replace the current system of adverse event reporting by medical professionals through the MedWatch Program with a mandatory system that would require manufacturers and retailers to keep records and to report to the FDA when they received reports of adverse events.

The bill redirects complaints of adverse effects away from local health responders, health care professionals, to manufacturers and retailers and then to the FDA. Consumers who are injured should be directed to medical professionals trained to determine whether the condition is caused by ingredients in the supplement or by other factors, not by self-diagnosis.

Secondly, this bill depends on those who may be responsible for types of drugs or drug supplements to report adverse effects to the FDA. Those guilty of violating the law are less likely to report adverse effects to the government and to follow the law.

I think this is a bad bill. I hope that we reject it.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time, and urge support of the bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, I would urge support of the bill. The dietary supplement industry is a mature industry now, and I would estimate over 90 to 95 percent of those in the industry support passage of this bill. There are some segments of the industry that do oppose it.

This is a Senator ORRIN HATCH bill. I know that Congressman CANNON here in our body strongly supports it. I would hope that we would pass it.

Mr. CANNON. Mr. Speaker, I rise in support of S. 3546, the Dietary Supplement and Nonprescription Drug Consumer Protection Act. I am the sponsor of the companion bill, H.R. 6168, here in the House.

S. 3546 would require mandatory adverse event reporting of serious events for dietary supplements and over-the-counter drugs, OTCs, within the FDA.

Currently, an adverse event reporting system for supplements and some OTCs exists, yet it is strictly voluntary. Under the proposed system, manufacturers, packers or distributors of OTC drugs or dietary supplements in the United States must report to the FDA within 15 business days any serious adverse event associated with their products. Serious events include those that result in death, a life-threatening experience, inpatient hospitalization, disability or incapacity, birth defect, or medical/surgical intervention to prevent one of these outcomes.

S. 3546 brings needed regulation to guarantee consumer protection from non-legitimate companies. This legislation will expose corrupt businesses that are misleading consumers and breaking the law, as well as protecting individuals from serious health risks.

S. 3546 would not restrict nor limit access to dietary supplements but in fact would strengthen the regulatory structure for dietary supplements building greater consumer confidence in this category of FDA-regulated products.

Mandatory adverse event reporting would not affect the regulation of dietary supplements under DSHEA. Although manufacturers would be required to report serious adverse events to FDA, the Food Drug and Cosmetic Act clearly distinguishes dietary supplements from drugs.

S. 3546 would actually counter critics who believe dietary supplements are under-regulated and should be treated as drugs.

The dietary supplement industry is a $20 billion industry. It is estimated that over 60 percent of Americans regularly use dietary supplements to improve health. Consumers should be confident that these dietary supplements are legitimate.

S. 3546 is supported by the major consumer and trade associations. Including the Consumer's Union, the Center for Science in the Public Interest, the Consumer Healthcare Products Association, the National Nutritional Foods Association, the Council for Responsible Nutrition, the American Herbal Products Association, and the United Natural Products Alliance.

The Dietary Supplement and Nonprescription Drug Consumer Act is necessary legislation to safeguard Americans and uncover illegal manufacturers who are jeopardizing consumer's health.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3546.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have not responded in the affirmative.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read as follows:

S. 707

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 ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act'' or the ''PREEMIE Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—REDUCING PRETERM LABOR AND DELIVERY AND THE RISK OF PREGNANCY-RELATED DEATHS AND COMPLICATIONS

SEC. 101. PURPOSE.

It the purpose of this title to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 102. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.''.

(b) STUDIES ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between

prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 years after the date of enactment of this title, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1) $3,000,000 for each of fiscal years 2007 through 2011.

(d) EVALUATION OF EXISTING TOOLS AND MEASURES.—The Secretary of Health and Human Services shall review existing tools and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, except for subsection (c), $5,000,000 for each of fiscal years 2007 through 2011.

SEC. 103. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

''(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

''(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

''(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

''(A) the signs of preterm labor, updated as new research results become available;

''(B) the screening for and the treating of infections;

''(C) counseling on optimal weight and good nutrition, including folic acid;

''(D) smoking cessation education and counseling;

''(E) stress management; and

''(F) appropriate prenatal care;

''(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

''(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

''(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 104. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this title.

SEC. 105. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) CONVENING OF CONFERENCE.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) PURPOSE OF CONFERENCE.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) REPORT.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

TITLE II—CONTACT LENS CONSUMER PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Contact Lens Consumer Protection Act''.

SEC. 202. AVAILABILITY OF CONTACT LENSES.

(a) REQUIREMENT FOR THE AVAILABILITY OF CONTACT LENSES.—The Fairness to Contact Lens Consumers Act (15 U.S.C. 7601 et seq.) is amended by inserting after section 7 (15 U.S.C. 7606) the following new section:

"SEC. 7A. REQUIREMENT FOR THE AVAILABILITY OF CONTACT LENSES.

''(a) IN GENERAL.—A manufacturer shall make any contact lens the manufacturer produces, markets, distributes, or sells available in a commercially reasonable and nondiscriminatory manner to—

''(1) prescribers;

''(2) entities associated with prescribers; and

''(3) alternative channels of distribution.

''(b) EXCLUSION.—

''(1) IN GENERAL.—For purposes of this section, the term 'contact lens' does not include lenses that are described in paragraph (2).

''(2) LENSES DESCRIBED.—The lenses described in this paragraph are—

''(A) rigid gas permeable lenses;

''(B) bitoric gas permeable lenses;

''(C) bifocal gas permeable lenses;

''(D) keratoconus lenses;

''(E) custom soft toric lenses; and

''(F) any other custom designed lenses that are manufactured for an individual patient and are not mass marketed or mass produced.

''(c) DEFINITIONS.—As used in this section:

''(1) MANUFACTURER.—The term 'manufacturer' includes the manufacturer and the parent company of the manufacturer, and any subsidiaries, affiliates, successors, and assigns of the manufacturer.

''(2) ALTERNATIVE CHANNELS OF DISTRIBUTION.—The term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, or mass merchandise outlet, without regard to whether the entity is associated with a prescriber, unless the entity is a competitor.

''(3) COMPETITOR.—The term 'competitor' means an entity that manufactures contact lenses and sells the lenses in direct competition with another manufacturer.

''(d) SAFE HARBOR FOR MANUFACTURERS.—Nothing in this section shall be deemed to impose on a manufacturer an obligation to—

''(1) sell to a competitor;

''(2) sell contact lenses to different contact lens distributors or customers at the same price, consistent with applicable Federal law;

''(3) open or maintain any account for a seller who is not in substantial compliance with this Act;

''(4) decide whether to sell to a low volume account directly or through a distributor; or

''(5) make available to sellers in all geographic areas lenses that are being test marketed on a limited basis in one geographic area.

''(e) RULEMAKING.—The Federal Trade Commission shall prescribe rules under section 8 to carry out this section.''.

(b) DEADLINE FOR RULES.—The first rules prescribed by the Federal Trade Commission to carry out section 7A of the Fairness to Contact Lens Consumers Act, as added by subsection (a), shall take effect not later than 180 days after the date of the enactment of this title.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect when the rules required by subsection (b) take effect.

SEC. 203. PRESCRIBER VERIFICATION.

(a) TELEPHONE AND FAX SERVICE.—Section 4 of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7603) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(7) A telephone number and fax number for prescribers to contact the seller regarding a verification request, as required under subsection (h).'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (I), respectively; and

(3) by inserting after subsection (g), as redesignated by paragraph (2), the following new subsection:

''(h) TELEPHONE AND FAX SERVICE FOR VERIFICATION RESPONSES.—

''(1) IN GENERAL.—A seller of contact lenses who requests verification of a contact lens prescription pursuant to subsection (c) shall provide a telephone and fax service operable during business hours that is dedicated to use by prescribers responding to verification requests. The telephone and fax service shall be maintained with a sufficient number of working telephone lines and live operators to enable ready access by prescribers. Such telephone and fax service shall be toll-free, except as provided pursuant to paragraph (2).

''(2) RULES.—In prescribing rules under section 8 to carry out paragraph (1), the Federal Trade Commission shall prescribe the following:

''(A) The maximum amount of time between the time when a telephone call is placed and the time when the caller speaks to a live operator to constitute ready access for prescribers.

''(B) Exceptions to the requirement that a telephone and fax service required to be provided by a seller under paragraph (1) be provided on a toll-free basis, with such exceptions to be determined based on the contact lens sales volume of sellers and such other factors as the Commission considers appropriate.''.

(b) INVALID PRESCRIPTIONS.—Subsection (e) of such section is amended to read as follows:

''(e) INVALID PRESCRIPTIONS.—

''(1) INACCURATE PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is inaccurate—

''(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification;

''(B) the prescriber shall, as part of the prescriber's response to the verification request, specify the basis for the inaccuracy of the prescription and correct it; and

''(C) the seller, upon receipt of the corrected prescription under subparagraph (B), may fill the prescription as corrected.

''(2) EXPIRED PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription has expired—

''(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification;

''(B) the prescriber may authorize an extension of the prescription if the extension is not contingent upon the consumer purchasing the lenses from the prescriber or an affiliated retailer; and

''(C) the seller, upon receipt of the extension of the prescription under subparagraph (B), may fill the prescription in accordance with the extension.

''(3) OTHERWISE INVALID PRESCRIPTIONS.—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is invalid for a reason other than a reason specified in paragraph (1) or (2)—

''(A) neither the seller nor the prescriber shall fill the prescription as submitted for verification; and

''(B) the prescriber shall, as part of the prescriber's response to the verification request, specify the basis for the invalidity of the prescription; and

''(C) the seller, upon receipt of the corrected prescription, may fill the prescription as corrected.''.

(c) OVERFILLING OF PRESCRIPTIONS.—Such section is further amended by inserting after subsection (e), as amended by subsection (b), the following new subsection:

''(f) OVERFILLING OF PRESCRIPTIONS.—

''(1) LIMITATION.—If a patient orders more contact lenses than can be reasonably used during the period remaining on the patient's prescription, the seller may fill the prescription only to the extent of the quantity described in paragraph (2), unless the prescription is otherwise verified in accordance with section 4(d).

''(2) MAXIMUM QUANTITY.—The quantity referred to in paragraph (1) is the greater of—

''(A) the quantity that can be reasonably used during the period remaining on the patient's prescription; or

''(B) the minimum number of lenses available for sale (based on product packaging).''.

(d) DEADLINE FOR RULES.—The Federal Trade Commission shall prescribe under section 8 of the Fairness to Contact Lens Consumers Act rules to carry out the amendments made by this section. The first rules prescribed for such purpose shall take effect not later than 180 days after the date of the enactment of this title.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect when the rules required by subsection (d) take effect.

SEC. 204. FTC STUDIES.

(a) IMPLEMENTATION OF FAIRNESS TO CONTACT LENS CONSUMERS ACT.—Not later than 12 months after the date of the enactment of this title, the Federal Trade Commission shall submit to Congress a report providing the results of a review by the Commission of the implementation of the Fairness to Contact Lens Consumers Act (Public Law 108–164; 15 U.S.C. 7601 et seq.) and the rules prescribed under that Act.

(b) PRESCRIBER'S PREFERRED METHOD OF COMMUNICATION.—Not later than 12 months after the date of the enactment of this title, the Federal Trade Commission shall submit to Congress a report providing the views of the Commission of the advisability of providing by law for prescribers of contact lens prescriptions to have authority to require, by written notification provided to a seller of contact lenses, that all requests for verification from that seller be communicated to that prescriber by that prescriber's preferred method of communication.

SEC. 205. FDA CONSUMER SAFETY STUDY.

(a) ADVERSE EFFECTS OF VIOLATIONS.—The Secretary of Health and Human Services shall undertake a study to examine the adverse and potentially adverse effects on consumers of seller violations of the prescription verification and sales requirements of the Fairness to Contact Lens Consumers Act (15 U.S.C. 7601 et seq.). The study shall be undertaken in consultation with the Federal Trade Commission. The study shall specifically address the following:

(1) The overfilling of prescriptions with quantities of lenses that exceed the normal expiration dates of the prescriptions.

(2) The dispensing of prescriptions that have expired or are inaccurate.

(3) The failure by a seller to allow prescribers to contact the seller within 8 business hours to advise that a prescription is inaccurate or expired.

(4) The health risks to the consumer of receiving the incorrect prescription from a seller.

(5) The economic risks to the consumer of receiving the incorrect prescription from a seller.

(6) The improper advertising to consumers about what constitutes a valid prescription or valid prescription information, or advertising that no prescription is needed.

(7) Any other issue that has an impact on the health of the consumer from violations of the verification or sales requirements of the Fairness to Contact Lens Consumers Act.

(b) REPORT.—Not later than 12 months after the date of the enactment of this title, the Secretary shall transmit to Congress a report providing the results of the study required by this section.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

SEC. 302. MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.

Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(I)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(I)(I)) of one hospital in Cass County, Minnesota, as a necessary provider of health services to residents in the area of the hospital.''.

Amend the title so as to read: ''A Bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of Senate 707, the PREEMIE Act, as amended. This bipartisan bill would expand research into the causes and prevention of premature births, the number one cause of infant deaths in the first month of life, and a serious and growing problem in the United States.

The rate of prematurity has increased more than 30 percent since 1981. We have made vast improvements in treating premature infants, but we have had little success in understanding and preventing premature birth.

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The knowledge that we have gained has not been translated into improved perinatal outcomes. As the science stands now, nearly 50 percent of all premature births have no known cause. Scientists are learning more about numerous factors that may play a role in premature birth, ranging from genetic

factors, environmental triggers, and obesity to socioeconomic factors and life stress. All factors that could possibly play a role in premature birth should be explored.

Please join me in acting now to approve this bill and substantially strengthen our Nation's commitment to reducing our spiraling rate of premature births and the often tragic human and societal toll they exact.

At this time, I would like to thank the author of the bill, Mr. UPTON from Michigan, for his hard work on this important legislation. I also want to thank Senator LAMAR ALEXANDER from Tennessee and Senator TOM HARKIN from Iowa for their strong work in the other body on this bipartisan bill.

I urge passage of the bill.

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

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

Unfortunately, Mr. Speaker, I have to rise in opposition to this legislation, and the reason is very simple. Those of us on the Democratic side were very supportive of the PREEMIE Act, S. 707, when it was given to us in the last few days, and we were prepared to support it. However, the bill that I have in front of me now, S. 707, which has a time of 12:44 a.m. and we received it after 1:00, which was less than an hour ago, has 10 pages that have been added by the majority, much of which does not seem, on first reaction here, to even be related to the issue, and we simply cannot support something that has been changed this dramatically without having the opportunity to see it at 1:45 a.m. in the morning on the last day before we adjourn sine die.

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

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

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman.

I had the opportunity to review the bill briefly, and this is a bill that purports by its title to relate to the care and study of premature babies, but it also has a whole section dealing with contact lenses and the industry; and it also has a provision that deals with the Head Start program; and it also has a provision that deals with the Medicare program.

Now, I want to say that I think that we have misunderstood our Republican colleagues because this is the first bill that I have seen that deals with health care from cradle to grave, and so we ought to give them better consideration in the new Congress.

However, with this bill, it raises questions about exactly what we are doing here at this hour where they are throwing everything in.

So I would ask the gentleman from New Jersey to pursue a course of action here not only of objection but of calling upon the soon-to-be expiring majority to not belabor this case any longer. If you have a clean bill you can send over here, fine, we will look at it, but there are at least four bills they have rolled into one, and I think Mr. PALLONE's point is well-taken.

Mr. PALLONE. Mr. Speaker, I would say, again, the problem that we face right now is we have 10 pages that have been added to this bill within the last hour, much of which does not seem to relate to the PREEMIE Act whatsoever.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the committee.

Mr. TERRY. Mr. Speaker, I want to thank the good chairman for bringing this bill to the floor tonight, which also, as the gentleman from Ohio mentioned, does include a consumer protection which I wrote in regarding contact lenses which ensures that manufacturers cannot have tie-in agreements with retail shops where they are the exclusive providers of the contact lens, therefore thwarting the law that we passed in Congress several years ago, about 3 years ago, that allows the consumer the opportunity to shop around. I want to make sure that consumers have that right to shop around. That is what this protection allows.

I want to thank the folks that have allowed this to come to the floor tonight in our last night, regardless of the vehicle. It is a good consumer protection measure.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

While there is some confusion on this bill, I want to speak in full disclosure on what is in the bill. The primary vehicle before us is a premature infant bill which I think is the number one legislative item for the March of Dimes. As far as I know, there is absolutely no controversy about that bill. I do not know that anybody and any Member opposes that bill.

There is also a contact lens bill that deals with the verification program between 1–800 contact lens providers, mail order contact lens providers, and optometrists on verification of the prescription, and that on that particular bill I would say 90 percent of that has been agreed to by the stakeholders.

The part that is in dispute is exactly mechanically how to verify the contact lens prescription. The bill would give the FTC the authority to conduct a study and report to Congress on how to solve that problem, I believe within 180 days of passage of the bill. The optometrists, or at least some optometrists, do oppose that.

The other item in the bill is an extension of a rule for 6 months dealing with Head Start that Congressman HARKIN and Congressman GRASSLEY called about and that I made sure was cleared on both the minority and majority sides at the leadership level and the committee level before I agreed to put that in.

The last thing in this bill is an item dealing with a critical care access hospital in Minnesota that was put in at the request of the Senate leadership on both sides of the aisle this evening.

That is the content of the bill.

Mr. Speaker, I reserve my time.

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

Again, I want to repeat, just having the cursory look at this additional 10 pages right now, it refers to contact lenses, Medicare changes with regard to hospitalization, a number of other things that do not relate to the PREEMIE Act.

So, again, I would say that at this point, because we have not had a chance to review this, I continue to oppose the bill.

Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished doctor from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank Chairman BARTON for giving me an opportunity.

I hope we can work out with the other side, and of course, they are doing the due diligence they should do in watching in these waning hours, that as we approach sine die to look out for any mischief, but I think as Representative TERRY described, this is a very good piece of legislation that was added to an outstanding piece of legislation, the PREEMIE Act.

I am standing to support the PREEMIE Act, not the additions, but hopefully, like I say, the concerns can be allayed and we can work this out. But I am the granddad of premature, indeed immature, infants that were born at 26 weeks, weighing 1.12 ounces. They are 9-year-olds today. My daughter is on the board of directors of the March of Dimes of the State of Georgia and has worked very hard and asked me to support this bill.

As Chairman BARTON says, this is the number one piece of legislation for the national March of Dimes, and I would really hate to see this great bill go down sine die because of some additions to it, but hopefully, those will be accepted by the other side, and I support the bill. I encourage my colleagues to support it as well.

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

Understand that we are very supportive of the PREEMIE Act and the underlying legislation. It is just these additional provisions that have been added. I was going to suggest that the majority simply take out those 10 pages or so at this time because without having the opportunity to further review it we cannot support the legislation at this point.

Mr. UPTON. Mr. Speaker, I rise tonight in strong support of S. 707, the PREEMIE Act, which I hope still comes up for passage yet tonight. This bipartisan bill will improve prenatal care for women and boost research into why one in eight American babies is born early. I want to take this opportunity to thank ANNA ESHOO, our original cosponsor, and her staff

for their support and assistance in moving the bill forward, and I also want to express my gratitude to my Chairman, JOE BARTON and his staffer Randy Pate for making it possible to bring this bill to the floor today.

As a nation, we must do what we can to ensure that our children are born healthy. In this age of technology and state-of-the-art medicine, it is difficult to comprehend that one in eight babies born in the United States is premature. It is essential that we are successful in reducing the spiraling rate of premature births—they have risen 30 percent since 1981. The stakes are too high to fail—the health of our children hangs in the balance.

Premature birth is a serious and growing problem—the statistics are alarming. In February 2004, the National Center for Health Statistics reported the first increase in the U.S. infant mortality rate since 1958. Each day 1,305 babies are born too soon. Prematurity affects more than 480,000 babies in the United States each year. Tragically, premature infants are 14 times more likely to die in their first year of life.

Further, premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Pre-term delivery can happen to any pregnant woman, and in nearly one-half of the cases, the cause is undeterminable. The costs are also staggering. The average lifetime medical costs for a premature baby are conservatively estimated at $500,000.

Although we have made vast improvements in treating premature infants, we have had little success in understanding and preventing premature birth, and the knowledge that we have gained has not been translated into improved perinatal outcomes. This has got to change.

The PREEMIE Act is designed to reduce the rates of pre-term labor and delivery, promote the use of evidence-based care for pregnant women at risk of pre-term labor and for infants born pre-term, and reduce infant mortality and disabilities caused by premature birth. This will be accomplished by expanding federal research related to pre-term labor and delivery and increasing public and provider education and support services.

The legislation is strongly supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetrics and Gynecology, and the Association of Women's Health, Obstetric and Neonatal Nurses.

Mr. PALLONE. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I have no other requests for time and urge passage, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, again, I would urge opposition to the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 707, as amended.

The question was taken; and (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

CITY OF YUMA IMPROVEMENT ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1529) to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1529

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 ''City of Yuma Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Yuma, Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) MAP.—The term ''map'' means the map entitled ''City of Yuma Proposed Property Ownership'' and dated July 25, 2005.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the non-Federal land depicted on the map and generally known as the ''Railroad Parcels''.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) TITLE TO NON-FEDERAL LAND.—

(1) IN GENERAL.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) REQUIREMENTS.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) ADMINISTRATION OF ACQUIRED LAND.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) RELEASE FROM LIABILITY.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) ADMINISTRATIVE COSTS.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) CONSIDERATION.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) ADMINISTRATIVE COSTS.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

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.

□ 0200

EUGENE LAND CONVEYANCE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2150) to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2150

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 ''Eugene Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Eugene, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE CITY OF EUGENE, OREGON.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary shall convey to the City, without consideration and subject to all valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)(1) for the purposes of—

(1) establishing a wildlife viewing area; and

(2) the construction and operation of an environmental education center.

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled ''West Eugene Wetlands Land Transfer'' and dated April 11, 2005.

(2) SURVEY.—

(A) IN GENERAL.—The legal description of the land described in paragraph (1) may be based on the survey of the land completed in 1979.

(B) COST.—If the Secretary determines that a new survey of the land is required, the City shall be responsible for paying the cost of the survey.

(c) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for the purposes described in that subsection—

(A) all right, title, and interest in and to the land (including any improvements to the land) shall, at the discretion of the Secretary, revert to the United States; and

(B) the United States shall have the right of immediate entry to the land.

(2) HEARING.—Any determination of the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

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

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.

PINE SPRINGS LAND EXCHANGE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pine Springs Land Exchange Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the 3 parcels of Forest land (including any improvements on the land), comprising approximately 80 acres, as depicted on the map.

(2) FOREST.—The term ''Forest'' means the Lincoln National Forest in the State of New Mexico.

(3) MAP.—The term ''map'' means the map entitled ''Pine Springs Land Exchange'' and dated May 25, 2004.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of University land comprising approximately 80 acres, as depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) UNIVERSITY.—The term ''University'' means Lubbock Christian University in the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In exchange for the conveyance to the Secretary of the non-Federal land by the University, the Secretary shall convey to the University, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Supervisor of Lincoln National Forest.

(2) MINOR ERRORS.—The Secretary and the University may correct any minor errors in the map.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—The conveyance of Federal land under section 3(a) shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) ACCEPTABLE TITLE.—Title to the non-Federal land shall—

(1) conform with the title approval standards of the Attorney General applicable to Federal land acquisitions; and

(2) otherwise be acceptable to the Secretary.

(c) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—The land exchange authorized under section 3(a) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) COSTS.—The costs of carrying out the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and the University.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) REVOCATION AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land in accordance with this Act.

(2) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, pending the completion of the land exchange under section 3(a), the Federal land is withdrawn from all forms of location, entry, and patent under the public land laws, including—

(A) the mining and mineral leasing laws; and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) ADMINISTRATION OF LAND ACQUIRED BY THE UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—On acceptance of title by the Secretary to the non-Federal land—

(A) the non-Federal land shall become part of the Forest; and

(B) the boundaries of the Forest shall be adjusted to include the acquired land.

(2) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Forest, as modified under paragraph (1), shall be considered to be boundaries of the Forest as of January 1, 1965.

(3) MANAGEMENT.—The Secretary shall manage the non-Federal land acquired under section 3(a) in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any other laws (including regulations) applicable to National Forest System land.

(c) DUTIES OF SECRETARY.—In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

HOLLOMAN AIR FORCE BASE LAND EXCHANGE ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Holloman Air Force Base Land Exchange Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the land administered by the Secretary consisting of a total of approximately 320 acres, as depicted on the map.

(2) MAP.—The term ''map'' means the map entitled ''Holloman AFB Land Exchange'' and dated May 19, 2006.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel consisting of a total of approximately 241 acres of land, as depicted on the map, that is—

(A) contiguous to Holloman Air Force Base, New Mexico; and

(B) located within the required safety zone surrounding munitions storage bunkers at the installation.

(4) OWNER.—The term ''owner'' means an owner that is able to convey to the United States clear title to the non-Federal land.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—If the owner submits to the Secretary a request to exchange the non-Federal land for the Federal land or a portion of the Federal land, the Secretary shall convey to the owner all right, title, and interest of the United States in and to the Federal land or the applicable portion of the Federal land.

(b) CONSIDERATION.—As consideration for the conveyance of the Federal land under subsection (a), the owner shall convey to the United States all right, title, and interest of the owner in and to the non-Federal land.

(c) ADDITION TO MILITARY RESERVATION.—On acquisition of the non-Federal land by the Secretary, the Secretary shall—

(1) assume jurisdiction over the non-Federal land; and

(2) amend the withdrawal for the Holloman Air Force Base to include the non-Federal land.

(d) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this Act shall include the conveyance of all surface, subsurface, mineral, and water rights to the Federal land and non-Federal land exchanged.

(e) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Federal land.

(f) NO AMENDMENT TO MANAGEMENT PLAN REQUIRED.—The exchange of Federal land and non-Federal land shall not require an amendment to the White Sands Resource Management Plan.

(g) DISPOSITION AND USE OF PROCEEDS.—

(1) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under this Act in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be expended in accordance with section 206(c) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(c)).

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for the land exchange that the Secretary considers to be appropriate to protect the interests of the United States.

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2205) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2205

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 ''Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006''.

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term ''Blunt Reservoir feature'' means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term ''Commission'' means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term ''nonpreferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term ''Pierre Canal feature'' means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term ''preferential leaseholder'' means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term ''preferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term ''State'' means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term ''unleased parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in ''as is'' condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder

may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under 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.

WATER RESOURCES RESEARCH ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4588) to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 2, strike line 14 and insert the following:

''(B) the exploration of new ideas that—

''(i) address water problems; or

''(ii) expand understanding of water and water-related phenomena;

On page 4, line 5, strike ''and'':

On page 4, strike lines 6 and 7 and insert the following:

''(C) advances in water infrastructure and water quality improvements; and

''(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.''.

On page 4, line 10, strike ''5'' and insert: *''7.5''*

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS ACT OF 2006

Mr. POMBO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1378) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1378

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

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Historic Preservation Act Amendments Act of 2006''.

(b) REFERENCE.—A reference in this Act to ''the Act'' shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking ''2005'' and inserting ''2015''.

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking ''four'' and inserting ''seven''.

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking ''(5) and''.

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking ''Nine'' and inserting ''12''.

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

''(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.''.

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking ''for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005'' and inserting ''such amounts as may be necessary to carry out this title''.

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

''SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

''(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

''(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

''(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

''(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

''(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.''.

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.

MUSCONETCONG WILD AND SCENIC RIVERS ACT

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1096

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 ''Musconetcong Wild and Scenic Rivers Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System;

(2) the Musconetcong Wild and Scenic River Study Task Force, with assistance from the National Park Service, has prepared a river management plan for the study area entitled ''Musconetcong River Management Plan'' and dated April 2003 that establishes goals and actions to ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the Musconetcong River; and

(3) 13 municipalities and 3 counties along segments of the Musconetcong River that are eligible for designation have passed resolutions in which the municipalities and counties—

(A) express support for the Musconetcong River Management Plan;

(B) agree to take action to implement the goals of the management plan; and

(C) endorse designation of the Musconetcong River as a component of the Wild and Scenic Rivers System.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADDITIONAL RIVER SEGMENT.—The term ''additional river segment'' means the approximately 4.3-mile Musconetcong River segment designated as ''C'' in the management plan, from Hughesville Mill to the Delaware River Confluence.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the river management plan prepared by the Musconetcong River Management Committee, the National Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association entitled ''Musconetcong River Management Plan'' and dated April 2003 that establishes goals and actions to—

(A) ensure long-term protection of the outstanding values of the river segments; and

(B) compatible management of land and water resources associated with the river segments.

(3) RIVER SEGMENT.—The term ''river segment'' means any segment of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by section 3(a)(167) of the Wild and Scenic Rivers Act (as added by section 4).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(167) MUSCONETCONG RIVER, NEW JERSEY.—

''(A) DESIGNATION.—The 24.2 miles of river segments in New Jersey, consisting of—

''(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

''(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

''(B) ADMINISTRATION.—Notwithstanding section 10(c), the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.''.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall manage the river segments in accordance with the management plan.

(2) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(3) RESTRICTIONS ON WATER RESOURCE PROJECTS.—For purposes of determining whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the Secretary shall consider the extent to which the proposed water resources project is consistent with the management plan.

(4) IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(b) COOPERATION.—

(1) IN GENERAL.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(c) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(d) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the additional river segment is suitable for designation as a recreational river if the Secretary determines that there is adequate local support for the designation of the additional river segment in accordance with paragraph (3).

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register notice of the designation of the segment;

(B) the segment shall be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider the preferences of local governments expressed in resolutions concerning designation of the additional river segment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made 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.

SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK''

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 1086) supporting the goals and ideals of ''National Teen Dating Violence Awareness and Prevention Week,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 1086

Whereas 1 in 3 female teens in a dating relationship have feared for their physical safety;

Whereas 1 in 2 teens in serious relationships have compromised their beliefs to please their partner;

Whereas nearly 1 in 5 teens who have been in a serious relationship said their boyfriend or girlfriend would threaten to hurt themselves or their partner if there was a breakup;

Whereas 1 in 5 teens in a serious relationship report they have been hit, slapped, or pushed by a partner;

Whereas more than 1 in 4 teens have been in a relationship where their partner verbally abuses them;

Whereas 13 percent of Hispanic teens reported that hitting a partner was permissible;

Whereas 29 percent of girls who have been in a relationship said they have been pressured to have sex or engage in sex they did not want;

Whereas nearly 50 percent of girls worry that their partner would break up with them if they did not agree to engage in sex;

Whereas Native American women experience higher rates of interpersonal violence than any other population group;

Whereas violent relationships in adolescence can have serious ramifications for victims who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern has been established in adolescence;

Whereas 81 percent of parents surveyed either believe dating violence is not an issue or admit they do not know if it is an issue;

Whereas the week of February 5, 2007, has been recognized by the National Network to End Domestic Violence, Break the Cycle, the American Bar Association, and other organizations as an appropriate week for activities furthering awareness of teen dating violence; and

Whereas recognizing a ''National Teen Dating Violence Awareness and Prevention Week'' would benefit schools, communities, and families regardless of socioeconomic status, race, or gender: Now, therefore, be it

Resolved, That the House of Representatives should raise awareness of teen dating violence in the Nation by supporting the goals and ideals of ''National Teen Dating Violence Awareness and Prevention Week''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE DETROIT SHOCK FOR WINNING THE 2006 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 488) congratulating the Detroit Shock for winning the 2006 Women's National Basketball Association Championship, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 488

Whereas on September 9, 2006, the Detroit Shock, playing in Joe Louis Arena in Detroit, Michigan, in front of a crowd of 19,671, defeated the Sacramento Monarchs, who were defending their title as the 2005 Women's National Basketball Association (WNBA) champion;

Whereas the Detroit Shock fans sold out Joe Louis Arena to cheer for their hometown team in the championship game;

Whereas in Game 5 of the championship series, the Detroit Shock rallied from a first-half deficit of 8 points, beginning the second half with a 10–0 run, to defeat the Sacramento Monarchs with an 80–75 win;

Whereas Deanna Nolan, who led the team with 24 points on 10-of-23 shooting in the final game, was named the WNBA Finals Most Valuable Player;

Whereas the Detroit Shock won the WNBA Eastern Conference 2 games to 1, in the best-of-three-game series over the Connecticut Sun, to earn the right to play in the WNBA championship;

Whereas the Detroit Shock's victory marked the second time in 4 years that the team has succeeded in winning the WNBA championship title;

Whereas the Detroit Shock never lost its confidence, even while the team was trailing by 1 game to 2 in the best-of-five-game championship series;

Whereas the Detroit Shock set WNBA finals records for defensive rebounds with a total of 30 and defensive rebounds in a half with a total of 19;

Whereas Ruth Riley set a WNBA finals record for shot blocks in a half with a total of 4;

Whereas Bill Laimbeer, the head coach of the Detroit Shock, has assured his legacy as one of the great head coaches in professional basketball by winning his second WNBA championship;

Whereas prior to his career as the head coach of the Detroit Shock, Bill Laimbeer enjoyed a career as a National Basketball Association (NBA) All-Star with the Detroit Pistons;

Whereas the city of Detroit celebrated the Detroit Shock's championship on September 12, 2006, and the Detroit City Council recognized the outstanding achievement and perseverance of the Detroit Shock players and coaching staff;

Whereas William Davidson, Managing Partner; Tom Wilson, President and Chief Executive Officer; Craig Turnbull, Chief Operating Officer; Bill Laimbeer, Head Coach; Rick Mahorn, Assistant Coach; Cheryl Reeve, Assistant Coach; Mike Perkins, Athletic Trainer; and everyone associated with the Detroit Shock franchise contributed to the championship win by successfully recruiting, coaching, managing, supporting, and maintaining a WNBA team of high-quality, winning players;

Whereas the Detroit Shock organization has had a beneficial impact on the city of Detroit and the Southeast Michigan community, and Detroit Shock players have served as positive role models for female athletes throughout the State of Michigan; and

Whereas the Detroit Shock fans have contributed to the championship season by supporting the team and giving the team the energy, strength, motivation, and passion to compete in every game in an intensely competitive sport: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Detroit Shock for winning the 2006 Women's National Basketball Association (WNBA) Championship and for their outstanding performance during the 2006 WNBA season;

(2) congratulates Detroit Shock guard Deanna Nolan for winning the 2006 WNBA Finals Most Valuable Player Award;

(3) recognizes and praises the achievements of the Detroit Shock players, coaches, management, and support staff whose hard work, dedication, and resilience proved instrumental throughout the Detroit Shock's championship season;

(4) commends Detroit Shock Head Coach Bill Laimbeer, the Southeast Michigan community, the city of Detroit, and the Detroit Shock fans for their dedication; and

(5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) each of the Detroit Shock players;

(B) Bill Laimbeer, Detroit Shock Head Coach;

(C) William Davidson, Detroit Shock Managing Partner;

(D) each of the Detroit Shock coaches;

(E) the Honorable Kwame Kilpatrick, Mayor of the city of Detroit;

(F) the Honorable L. Brooks Patterson, County Executive, Oakland County, Michigan; and

(G) the Honorable Jennifer Granholm, Governor of the State of Michigan.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL HOME ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2653) to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas, 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 Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2653

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 ''Call Home Act of 2006''.

SEC. 2. TELEPHONE RATES FOR MEMBERS OF ARMED FORCES DEPLOYED ABROAD.

(a) IN GENERAL.—The Federal Communications Commission shall take such action as may be necessary to reduce the cost of calling home for Armed Forces personnel who are stationed outside the United States under official military orders or deployed outside the United States in support of military operations, training exercises, or other purposes as approved by the Secretary of Defense, including the reduction of such costs through the waiver of government fees, assessments, or other charges for such calls. The Commission may not regulate rates in order to carry out this section.

(b) FACTORS TO CONSIDER.—In taking the action described in subsection (a), the Commission, in coordination with the Department of Defense and the Department of State, shall—

(1) evaluate and analyze the costs to Armed Forces personnel of such telephone calls to and from American military bases abroad;

(2) evaluate methods of reducing the rates imposed on such calls, including deployment of new technology such as voice over internet protocol or other Internet protocol technology;

(3) encourage telecommunications carriers (as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44))) to adopt flexible billing procedures and policies for Armed Forces personnel and their dependents for telephone calls to and from such Armed Forces personnel; and

(4) seek agreements with foreign governments to reduce international surcharges on such telephone calls.

(c) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term ''Armed Forces'' has the meaning given that term by section 2101(2) of title 5, United States Code.

(2) MILITARY BASE.—The term ''military base'' includes official duty stations to include vessels, whether such vessels are in port or underway outside of the United States.

SEC. 3. REPEAL OF EXISTING AUTHORIZATION.

Section 213 of the Telecommunications Authorization Act of 1992 (47 U.S.C. 201 note) is repealed.

SEC. 4. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109–171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

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.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL EPIDERMOLYSIS BULLOSA AWARENESS WEEK

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 335) supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 335

Whereas epidermolysis bullosa is a rare disease characterized by the presence of extremely fragile skin that results in the development of recurrent, painful blisters, open sores, and in some forms of the disease, in disfiguring scars, disabling musculoskeletal deformities, and internal blistering;

Whereas approximately 12,500 individuals in the United States are affected by the disease;

Whereas data from the National Epidermolysis Bullosa Registry indicates that of every one million live births, 20 infants are born with the disease;

Whereas there currently is no cure for the disease;

Whereas children with the disease require almost around-the-clock care;

Whereas approximately 90 percent of individuals with epidermolysis bullosa report experiencing pain on an average day;

Whereas the skin is so fragile for individuals with the disease that even minor rubbing and day-to-day activity may cause blistering, including from activities such as writing, eating, walking, and from the seams on their clothes;

Whereas most individuals with the disease have inherited the disease through genes they receive from one or both parents;

Whereas epidermolysis bullosa is so rare that many health care practitioners have never heard of it or seen a patient with it;

Whereas individuals with epidermolysis bullosa often feel isolated because of the lack of knowledge in the Nation about the disease and the impact that it has on the body;

Whereas more funds should be dedicated toward research to develop treatments and eventually a cure for the disease; and

Whereas the last week of October would be an appropriate time to recognize National Epidermolysis Bullosa Week in order to raise public awareness about the prevalence of epidermolysis bullosa, the impact it has on families, and the need for additional research into a cure for the disease: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of epidermolysis bullosa;

(2) recognizes the need for a cure for the disease; and

(3) encourages the people of the United States and interested groups to support the week through appropriate ceremonies and activities to promote public awareness of epidermolysis bullosa and to foster understanding of the impact of the disease on patients and their families.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1245) to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gynecologic Cancer Education and Awareness Act of 2005'' or ''Johanna's Law''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 317P of the Public Health Service Act (42 U.S.C. 247b–17) is amended—

(1) in the section heading by adding ''(JOHANNA'S LAW)'' at the end; and

(2) by adding at the end the following:

''(d) JOHANNA'S LAW.—

''(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

''(A) IN GENERAL.—The Secretary shall carry out a national campaign to increase the awareness and knowledge of health care providers and women with respect to gynecologic cancers.

''(B) WRITTEN MATERIALS.—Activities under the national campaign under subparagraph (A) shall include—

''(i) maintaining a supply of written materials that provide information to the public on gynecologic cancers; and

''(ii) distributing the materials to members of the public upon request.

''(C) PUBLIC SERVICE ANNOUNCEMENTS.—Activities under the national campaign under subparagraph (A) shall, in accordance with applicable law and regulations, include developing and placing, in telecommunications media, public service announcements intended to encourage women to discuss with their physicians their risks of gynecologic cancers. Such announcements shall inform the public on the manner in which the written materials referred to in subparagraph (B) can be obtained upon request, and shall call attention to early warning signs and risk factors based on the best available medical information.

''(2) REPORT AND STRATEGY.—

''(A) REPORT.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall submit to the Congress a report including the following:

''(i) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of the public with respect to different types of cancer, including gynecologic cancers.

''(ii) A description of the past and present activities of the Department of Health and Human Services to increase awareness and knowledge of health care providers with respect to different types of cancer, including gynecologic cancers.

''(iii) For each activity described pursuant to clauses (i) or (ii), a description of the following:

''(I) The funding for such activity for fiscal year 2006 and the cumulative funding for such activity for previous fiscal years.

''(II) The background and history of such activity, including—

''(aa) the goals of such activity;

''(bb) the communications objectives of such activity;

''(cc) the identity of each agency within the Department of Health and Human Services responsible for any aspect of the activity; and

''(dd) how such activity is or was expected to result in change.

''(III) How long the activity lasted or is expected to last.

''(IV) The outcomes observed and the evaluation methods, if any, that have been, are being, or will be used with respect to such activity.

''(V) For each such outcome or evaluation method, a description of the associated results, analyses, and conclusions.

''(B) STRATEGY.—

''(i) DEVELOPMENT; SUBMISSION TO CONGRESS.—Not later than 3 months after submitting the report required by subparagraph (A), the Secretary shall develop and submit to the Congress a strategy for improving efforts to increase awareness and knowledge of the public and health care providers with respect to different types of cancer, including gynecological cancers.

''(ii) CONSULTATION.—In developing the strategy under clause (i), the Secretary should consult with qualified private sector groups, including nonprofit organizations.

''(3) FULL COMPLIANCE.—

''(A) IN GENERAL.—Not later than March 1, 2008, the Secretary shall ensure that all provisions of this section, including activities directed to be carried out by the Centers for Disease Control and Prevention and the Food and Drug Administration, are fully implemented and being complied with. Not later than April 30, 2008, the Secretary shall submit to Congress a report that certifies compliance with the preceding sentence and that contains a description of all activities undertaken to achieve such compliance.

''(B) If the Secretary fails to submit the certification as provided for under subparagraph (A), the Secretary shall, not later than 3 months after the date on which the report is to be submitted under subparagraph (A), and every 3 months thereafter, submit to Congress an explanation as to why the Secretary has not yet complied with the first sentence of subparagraph (A), a detailed description of all actions undertaken within the month for which the report is being submitted to bring the Secretary into compliance with such sentence, and the anticipated date the Secretary expects to be in full compliance with such sentence.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated $16,500,000 for the period of fiscal years 2007 through 2009.''.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Ms. DELAURO. Mr. Speaker, let me thank again everyone who has made this legislation such a priority in the Congress—Congressmen ISSA and LEVIN for their leadership, as well as everyone outside this institution, particularly Sheryl Silver—she is an inspiration. I have always said that when it comes to life and death issues like cancer, Congress speaks with one voice. And today, it does.

For me, passage of Johanna's Law is one big battle in a fight I, myself, have waged for 20 years. Indeed, 20 years ago, I was diagnosed with ovarian cancer during an unrelated doctor's visit. I was fortunate to have excellent doctors who detected the cancer by accident in Stage 1, and I underwent radiation treatment for the next two and a half months. Like many survivors, the experience still haunts me today—hardly a day goes by that I do not think about those weeks, the most difficult of my life. But I am proud to say that I have now been cancer-free for a full two decades.

And so you can understand when I say I take great pride in this victory against cancer today. Great pride—because making sure no woman has to depend on luck when it comes to cancer is personal. Moments like these are why I came to Congress.

And this step is so critical. Almost 21,000 women are diagnosed every year with ovarian cancer; nearly 16,000 will die. With a 45-percent 5-year survival rate, it claims the lives of nearly three-quarters of women diagnosed simply because the disease is not detected until it is too late.

The tragedy is that ovarian cancer, like other gynecologic cancers, can be cured if it is detected soon enough. When ovarian cancer is detected in the early stages, 94 percent of women survive longer than 5 years, and most are cured completely. Unfortunately, women have never had a reliable and accurate method of screening for ovarian cancer in the early stages. On top of that, many doctors misdiagnose this disease, with 85 percent of women reporting they do not know which symptoms to look for.

For all our progress—through research at the NIH, at the Department of Defense, and with the recent approval of the HPV vaccine—Johanna's Law recognizes that one of the most effective weapons we have to beat gynecologic cancers like ovarian, cervical, and uterine cancer is public education. In creating a federal campaign to educate women and health care providers alike, as this legislation does, we can take a bold step toward ensuring women know which symptoms to look for and how to seek help before it is too late.

This legislation represents only a first step. But this is a fight every woman has a stake in—a fight the Silver family has dedicated itself to making sure we win. And so I urge my colleagues to help us pass this bill and take such an important step forward. It is, indeed, an idea whose time has come.

Mr. SOUDER. Mr. Speaker, today the House passed H.R. 1245, the Gynecologic Cancer Education and Awareness Act of which I am a co-sponsor.

This bill directs the Department of Health and Human Services (HHS) to carry out a national campaign to increase the awareness and knowledge of gynecologic cancers. It mirrors a similar law passed by Congress in 2000 that directed HHS to educate women and health care providers about cervical cancer. Unfortunately, the 2000 law has never been fully implemented which is, in part, why this new law is needed.

I am pleased that the Senate revised the bill to set a deadline of March 2008 for HHS to enact this bill and the 2000 law.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has been very active in cervical cancer issues over the past 5 years. I have been very disappointed with the lack of progress enacting the 2000 cervical cancer awareness law. I introduced a bipartisan resolution in 2003 urging federal agencies to comply with this law, held a hearing on the topic in 2004, and have sent numerous letters to the agencies responsible for carrying out this law. Yet 6 years after being signed, the law has still not been fully enacted and that is why setting a deadline has become necessary.

This is important because thousands of women die of and many more are diagnosed with cervical cancer every year in the U.S. Yet many women and few Americans are even aware of the facts about cervical cancer, including what causes it and how it can be prevented.

Medical experts agree that infection with certain strains of human papillomavirus (HPV) is the primary cause of nearly all cervical cancer. The Centers for Disease Control and Prevention (CDC) estimates 20 million Americans are currently infected with HPV and 5.5 million Americans become infected with HPV every year. According to the American Cancer Society, nearly 13,000 women develop invasive cervical cancer annually in the United States and over 4,000 women die of the disease every year. HPV infection is also associated with other cancers and more than 1 million pre-cancerous lesions. By way of comparison,

nearly the same number of women die annually as a result of cervical cancer as do of HIV/AIDS in the United States.

HPV is a sexually transmitted disease and despite claims by condom manufacturers and advocates, studies have repeatedly found that condoms do not provide effective protection against HPV infection.

In a February 1999 letter to the U.S. House Commerce Committee, Dr. Richard D. Klausner, then-Director of the National Cancer Institute, stated ''Condoms are ineffective against HPV because the virus is prevalent not only in the mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted.''

In 2001, the National Institute of Allergy and Infectious Diseases along with FDA, CDC, and the U.S. Agency for International Development issued a consensus report regarding condom effectiveness that concluded ''there was no epidemiologic evidence that condom use reduced the risk of HPV infection.''

In November 2002, a meta-analysis of ''the best available data describing the relationship between condoms and HPV-related conditions'' from the previous two decades was published in the journal Sexually Transmitted Diseases. The meta-analysis concluded: ''There was no consistent evidence of a protective effect of condom use on HPV DNA detection, and in some studies, condom use was associated with a slightly increased risk for these lesions.''

CDC issued a report in 2004 that concluded:

> Because genital HPV infection is most common in men and women who have had multiple sex partners, abstaining from sexual activity (i.e., refraining from any genital contact with another individual) is the surest way to prevent infection. For those who choose to be sexually active, a monogamous relationship with an uninfected partner is the strategy most likely to prevent future genital HPV infections. For those who choose to be sexually active but who are not in a monogamous relationship, reducing the number of sexual partners and choosing a partner less likely to be infected may reduce the risk of genital HPV infection. . . .
>
> The available scientific evidence is not sufficient to recommend condoms as a primary prevention strategy for the prevention of genital HPV infection.

Based on these findings, the law required CDC to ''prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address modes of transmission, consequences of infection, including the link between HPV and cervical cancer, the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV, and the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer.''

The CDC has largely ignored this provision of the law and as a result few women are aware of HPV or its link to cervical cancer. According to a 2005 Health Information National Trends Survey, only 40 percent of women have ever heard about HPV. Of those that have heard of HPV, less than 20 percent knew that HPV could sometimes lead to cervical cancer, meaning that only about 8 percent of American women are aware that HPV can cause cervical cancer. The only factors associated with having accurate knowledge—knowing that it could lead to cervical cancer—was an abnormal Pap test or testing positive on an HPV test. This suggests that most women are finding out about HPV only after experiencing a negative consequence. This is the real life consequence of the CDC's failure to enact this law and to make women aware of the facts regarding HPV and cervical cancer.

The law also directs the Food and Drug Administration (FDA) to ensure that such condom labels are medically accurate regarding the lack of effectiveness of condoms in preventing HPV infection.

The Subcommittee first wrote to the FDA requesting a status update on the enactment of this law on August 23, 2001. ''FDA is currently developing an implementation plan for carrying out Public Law 106–554,'' was the response from Melinda K. Plaisier, FDA Associate Commissioner for Legislation, dated November 20, 2001.

On February 12, 2004, the Subcommittee wrote to Dr. Mark B. McClellan, FDA Commissioner, requesting ''the agency's timetable for relabeling condoms in compliance with Public Law 106–554.'' In a response to the Subcommittee dated March 10, 2004, Amit K. Sachdev, FDA Associate Commissioner for Legislation, stated, ''the Agency is working on developing a proposed rule to be accompanied by draft labeling guidance for public comment later this year.''

In a hearing before the Subcommittee on March 11, 2004, Dr. Daniel G. Schultz, FDA Director of Device Evaluation, stated ''FDA is working to present a balanced view of the risks and benefits in condom labeling . . . FDA is preparing new guidance on condom labeling to address these issues, with the target of publishing that guidance as a draft for public comment later this year.''

On November 19, 2004, the Subcommittee sent a letter to Acting FDA Commissioner Lester Crawford requesting an update on whether or not the oft repeated deadline previously provided would be met.

And earlier this year, I sent a letter to HHS Secretary Michael Leavitt again asking for a date certain when the FDA will finally be in compliance with Public Law 106–554 by requiring condom labeling to be medically accurate and an explanation for the continued delay by the FDA in complying with this 4-year-old law.

Just this week, mere days before the 6-year anniversary of the signing of the law, FDA staff has admitted that the agency is still in the beginning stages of crafting a new medically accurate informational label for condom packages. By way of comparison, it took 410 days to build the Empire State Building and 2 years, 2 months and 5 days to construct the Eiffel Tower.

Over the 6 years since this law was signed, CDC and FDA have repeatedly delayed and found excuses to avoid complying with the simple requirements of the law that would empower women with lifesaving information. This continued delay undermines the scientific integrity of both agencies and further jeopardizes the confidence of the public and many in Congress in these agencies' ability to fulfill their very important missions.

It is my hope that a year from now Congress will not have to pass yet another new law to direct HHS, CDC and FDA to enact the existing law. The lives of our sisters, daughters, mothers, or friends are too important to allow yet another one to fall victim to this silent epidemic.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1245, ''Johanna's Law,'' which earlier today passed the Senate by unanimous consent.

It was more than 4 years ago that Sheryl Silver first told me about her sister, Johanna, who died of ovarian cancer in 2000 after a fierce, hard-fought battle.

This legislation, in honor of Johanna Silver and her valiant fight, is emblematic of the fight undertaken by so many women across the country battling gynecological cancer and their determination to help other women be treated sooner.

Like so many women, Johanna had experienced symptoms, which were not identified initially. By the time she was properly diagnosed, her cancer had advanced significantly, to a point where treatment is considerably more complicated. Because gynecological cancers are highly treatable at early stages, public education for women and their primary care physicians is all the more important.

Johanna's Law does just this, creating a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers, but goes a step further, requiring HHS to quickly develop a national strategy to get this information to women at the highest risk and their health care providers.

After 3 years since this legislation was first introduced, it is finally coming to fruition. Its passage is a real victory for everyone who has been fighting to get the facts out about gynecologic cancers.

I want to thank all the people whose determined efforts have gotten us to where we are today, including Sheryl Silver, who worked tirelessly from the conception of this legislation through to the organization of the advocacy done by many organizations and individuals to assure its passage, as well as cancer survivors and families across the country, physicians, my colleagues on both sides of the aisle, especially DARRELL ISSA, ROSA DELAURO, and KAY GRANGER, and our counterparts in the Senate for getting the bill back to us in such short order.

I urge all of my colleagues to support Johanna's Law and strike a blow against gynecologic cancers.

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

There was no objection.

A motion to reconsider was laid on the table.

CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 4092) to clarify certain land use in Jefferson County, Colorado, 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 Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 4092

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

SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

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.

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5472) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5472

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006''.

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking ''2000'' and inserting ''2020''; and

(B) by striking ''by the year 2000'' and inserting ''by the year 2020'';

(2) in section 1503, by adding at the end the following:

''(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

''(1) IN GENERAL.—The Secretary may waive the requirements of paragraphs (1) and (4) of subsection (a) if the Secretary finds that—

''(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

''(ii) the application of such requirements would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(B) granting such a waiver to the State will not reduce the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a), including screening procedures for both breast and cervical cancers; and

''(C) granting such a waiver to the State will not adversely affect the quality of any of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(2) DURATION OF WAIVER.—

''(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

''(i) shall grant such waivers for a period of 2 years; and

''(ii) upon request of a State, may extend a waiver for additional 2-year periods in accordance with subparagraph (B).

''(B) ADDITIONAL PERIODS.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of each 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary finds that—

''(i)(I) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

''(II) without an extension of the waiver, the application of the requirements of paragraphs (1) and (4) of subsection (a) would result in a barrier to the participation of qualifying women in the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(ii) the waiver has not reduced, and granting the waiver extension will not reduce, the number of women in the State who receive any of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

''(iii) the waiver has not adversely affected, and granting the waiver extension will not adversely affect, the quality in the State of any of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

''(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under this subsection and how these amounts were used.

''(B) With respect to States receiving a waiver under this subsection, a description of—

''(i) the percentage of the grant that is expended on services or activities described in paragraphs (1) and (2) of section 1501(a); and

''(ii) the percentage of the grant that is expended on services or activities described in paragraphs (3) through (6) of section 1501(a).

''(C) A description of the number of States receiving waivers under this subsection annually.

''(D) With respect to States receiving a waiver under this subsection, a description of the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver.'';

(3) in section 1504(a), by striking ''pursuant to paragraphs (1) and (2) of section 1501(a)'' and inserting ''pursuant to paragraphs (1), (2), and (3) of section 1501(a)''; and

(4) in section 1510(a)—

(A) by striking ''and'' after ''$150,000,000 for fiscal year 1994,''; and

(B) by inserting '', and $250,000,000 for each of fiscal years 2007 through 2011'' before the period at the end.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2006''.

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking ''2000'' and inserting ''2020''; and

(B) by striking ''by the year 2000'' and inserting ''by the year 2020'';

(2) in section 1503, by adding at the end the following:

''(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration project under which the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may waive the requirements of paragraphs (1) and (4) of subsection (a) for not more than 5 States, if—

''(A)(i) the State involved will use the waiver to leverage private funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a); or

''(ii) the application of such requirement would result in a barrier to the enrollment of qualifying women;

''(B) the State involved provides assurances that the State will, on an annual basis, demonstrate to the Secretary the manner in which the State will use such waiver to maintain or expand the level of screening and follow-up services provided immediately prior to the waiver, and provide documentation of compliance with such maintenance or expansion requirement;

''(C) the State involved submits to the Secretary a plan for maintaining the level of activities carried out under the waiver after the expiration of the waiver;

''(D) the Secretary finds that granting such a waiver to a State will not reduce the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

''(E) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

''(2) DURATION OF WAIVER.—

''(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

''(i) shall grant such waivers for a period of 2 years; and

''(ii) upon request of a State, may extend a waiver for an additional 2-year period in accordance with subparagraph (B).

''(B) ADDITIONAL PERIOD.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of the 2-year waiver period described in subparagraph (A), review performance under the waiver and may extend the waiver for an additional 2-year period if the Secretary determines that—

''(i)(I) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women; or

''(II) the State requesting such extended waiver will use the waiver to leverage private funds to supplement the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(ii) the waiver has not, and will not, reduce the number of women in the State that receive the services or activities described in paragraphs (1) and (2) of section 1501(a);

''(iii) the waiver has not, and will not, result in lower quality in the State of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

''(iv) the State has maintained the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the 2 years for which the waiver was granted at a level that is not less than the level of the State fiscal expenditures for such services and activities for the year preceding the first year for which the waiver is granted.

''(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

''(A) A description of the total amount of dollars leveraged annually from private entities in States receiving a waiver under paragraph (1) and how these amounts were used.

''(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in—

''(i) paragraphs (1) and (2) of section 1501(a); and

''(ii) paragraphs (3) through (6) of section 1501(a).

''(C) A description of the number of States receiving waivers under paragraph (1) annually.

''(D) With respect to States receiving a waiver under paragraph (1), a description of—

''(i) the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver; and

''(ii) the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the year preceding the first year for which the waiver was granted.

''(4) LIMITATION.—Amounts to which a waiver applies under this subsection shall not be used to increase the number of salaried employees.

''(5) DEFINITIONS.—In this subsection:

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

''(C) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, an Indian tribe, and a tribal organization.'';

(3) in section 1508—

(A) in subsection (a), by striking ''evaluations of the extent to which'' and all that follows through the period and inserting: ''evaluations of—

''(1) the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c); and

''(2) the extent to which each State receiving a grant under this title is in compliance with section 1502, including identification of—

''(A) the amount of the non-Federal contributions by the State for the preceding fiscal year, disaggregated according to the source of the contributions; and

''(B) the proportion of such amount of non-Federal contributions relative to the amount of Federal funds provided through the grant to the State for the preceding fiscal year.''; and

(B) in subsection (b), by striking ''not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter'' and inserting ''not later than 1 year after the date of the enactment of the National Breast and Cervical Cancer Early Detection Program Reauthorization of 2006, and annually thereafter''; and

(4) in section 1510(a)—

(A) by striking ''and'' after ''$150,000,000 for fiscal year 1994,''; and

(B) by inserting '', $225,000,000 for fiscal year 2007, $245,000,000 for fiscal year 2008, $250,000,000 for fiscal year 2009, $255,000,000 for fiscal year 2010, and $275,000,000 for fiscal year 2011'' before the period at the end.

The SPEAKER pro tempore (during the reading). Without objection, the Clerk will dispense with the reading.

Mr. PALLONE. Mr. Speaker, if I could just reserve. My concern at this point is whether or not the legislation before us, as amended, with the amendment the chairman just mentioned, is in fact the version that I have that is timed at 12:50 a.m.

The SPEAKER pro tempore. Will the gentleman from Texas answer that?

Mr. BARTON of Texas. My understanding is the version they have is the version the Clerk has, the 12:50 a.m. version.

Mr. PALLONE. The 12:50 a.m. is the amendment that you just asked us to consider?

Mr. BARTON of Texas. Yes, sir.

Mr. PALLONE. All right. Thank you. I have no objection.

The SPEAKER pro tempore. The gentleman withdraws his reservation.

The amendment 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.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3678) to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes, 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 Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3678

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 ''Pandemic and All-Hazards Preparedness Act''.

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

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES'';

and

(2) by amending subtitle A to read as follows:

''Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

''SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary

of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency, except that members of the armed forces under the authority of the Secretary of Defense shall remain under the command and control of the Secretary of Defense, as shall any associated assets of the Department of Defense.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

''(3) COUNTERMEASURES.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

''(4) COORDINATION.—

''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act); and

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Medical Reserve Corps pursuant to section 2813;

''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

''(C) the Strategic National Stockpile; and

''(D) the Cities Readiness Initiative; and

''(3) assume other duties as determined appropriate by the Secretary.''; and

(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

(c) STOCKPILE.—Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by—

(1) inserting ''in collaboration with the Director of the Centers for Disease Control and Prevention, and'' after ''Secretary,''; and

(2) inserting at the end the following: ''The Secretary shall conduct an annual review (taking into account at-risk individuals) of the contents of the stockpile, including nonpharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.''.

(d) AT-RISK INDIVIDUALS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 303 of this Act, is amended by inserting after section 2813 the following:

''SEC. 2814. AT-RISK INDIVIDUALS.

''The Secretary, acting through such employee of the Department of Health and Human Services as determined by the Secretary and designated publicly (which may, at the discretion of the Secretary, involve the appointment or designation of an individual as the Director of At-Risk Individuals), shall—

''(1) oversee the implementation of the National Preparedness goal of taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);

''(2) assist other Federal agencies responsible for planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals;

''(3) provide guidance to and ensure that recipients of State and local public health grants include preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency, as described in section 319C–1(b)(2)(A)(iii);

''(4) ensure that the contents of the strategic national stockpile take into account at-risk populations as described in section 2811(b)(3)(B);

''(5) oversee the progress of the Advisory Committee on At-Risk Individuals and Public Health Emergencies established under section 319F(b)(2) and make recommendations with a focus on opportunities for action based on the work of the Committee;

''(6) oversee curriculum development for the public health and medical response training program on medical management of casualties, as it concerns at-risk individuals as described in subparagraphs (A) through (C) of section 319F(a)(2);

''(7) disseminate novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies; and

''(8) not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, prepare and submit to Congress a report describing the progress made on implementing the duties described in this section.''.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

''SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant committees of Congress a coordinated strategy (to be known as the National Health Security Strategy) and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. Such National Health Security Strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

''(b) PREPAREDNESS GOALS.—The National Health Security Strategy shall include provisions in furtherance of the following:

''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

''(B) integrating public and private sector public health and medical donations and volunteers.

''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

''(C) Risk communication and public preparedness.

''(D) Rapid distribution and administration of medical countermeasures.

''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems, with respect to public health emergencies, which shall include developing plans for the following:

''(A) Strengthening public health emergency medical management and treatment capabilities.

''(B) Medical evacuation and fatality management.

''(C) Rapid distribution and administration of medical countermeasures.

''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(4) AT-RISK INDIVIDUALS.—

''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

''(B) For purpose of this section and sections 319C–1, 319F, and 319L, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between, Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: ''**IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**'';

(2) by striking subsections (a) through (i) and inserting the following:

''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

''(1)(A) be a State;

''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (i)(4)); or

''(C) be a consortium of entities described in subparagraph (A); and

''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

''(v) a description of how the entity will include the State Unit on Aging in public health emergency preparedness;

''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity under subsection (g);

''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

''(2) minimize duplicative funding of programs and activities;

''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities; and

''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of, measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C–2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall—

''(A) include outcome goals representing operational achievement of the National Preparedness Goals developed under section 2802(b); and

''(B) at a minimum, require entities to—

''(i) measure progress toward achieving the outcome goals; and

''(ii) at least annually, test, exercise, and rigorously evaluate the public health and medical emergency preparedness and response capabilities of the entity, and report to the Secretary on such measured and tested capabilities and measured and tested progress toward achieving outcome goals, based on criteria established by the Secretary.

''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic

and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

''(6) AMOUNTS DESCRIBED.—

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

''(7) REALLOCATION OF AMOUNTS WITHHELD.—

''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C–2 to entities described in subsection (b)(1) of such section.

''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C–2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C–2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

''(8) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

''(h) GRANTS FOR REAL-TIME DISEASE DETECTION IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

''(A)(i) a hospital, clinical laboratory, university; or

''(ii) a poison control center or professional organization in the field of poison control; and

''(B) a participant in the network established under subsection 319D(d).

''(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this subsection shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under section 319D(d).

''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.'';

(3) by redesignating subsection (j) as subsection (i);

(4) in subsection (i), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h), for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(4) of this section and section 2814.

''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

''(2) MAINTAINING STATE FUNDING.—

''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(3) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

(B) in paragraph (4)(A)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)'';

(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

(D) in paragraph (5)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)''; and

(E) by striking paragraph (6) and inserting the following:

''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

(5) by adding at the end the following:

''(j) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines and describes within 180 days of the date of enactment of the Pandemic and All-Hazards Preparedness Act (after consultation with the States) to be necessary to—

''(A) secure an accurate description of those activities;

''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2;

''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2; and

''(E) publish such information on a Federal Internet website consistent with subsection (k).

''(2) AUDITS; IMPLEMENTATION.—

''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

''(3) MAXIMUM CARRYOVER AMOUNT.—

''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B), or reduce the amount determined under such subparagraph, for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

''(k) COMPILATION AND AVAILABILITY OF DATA.—The Secretary shall compile the data submitted under this section and make such data available in a timely manner on an appropriate Internet website in a format that is useful to the public and to other entities and that provides information on what activities are best contributing to the achievement of the outcome goals described in subsection (g).''.

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

(2) by adding at the end the following:

''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

''(A) State, local, and tribal public health entities, including public health laboratories;

''(B) Federal health agencies;

''(C) zoonotic disease monitoring systems;

''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

''(E) such other sources as the Secretary may deem appropriate.

''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

''(B) define minimal data elements for such network;

''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—To implement the network described in subsection (d), the Secretary may award grants to States or consortia of States to enhance the ability of such States or consortia of States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with appropriate public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State or consortium of States shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State or consortium of States will submit to the Secretary—

''(A) reports of such data, information, and metrics as the Secretary may require;

''(B) a report on the effectiveness of the systems funded under the grant; and

''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts

to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

''(3) USE OF FUNDS.—A State or consortium of States that receives an award under this subsection—

''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies;

''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in subparagraph (A); and

''(C) may conduct a pilot program for the development of multi-State telehealth network test beds that build on, enhance, and securely link existing State and local telehealth programs to prepare for, monitor, respond to, and manage the events of public health emergencies, facilitate coordination and communication among medical, public health, and emergency response agencies, and provide medical services through telehealth initiatives within the States that are involved in such a multi-State telehealth network test bed.

''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

''(A) interoperability and other technological standards, as determined by the Secretary; and

''(B) data collection and reporting requirements for the network described in subsection (d).

''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report concerning the activities conducted under this subsection and subsection (d).

''(f) TELEHEALTH ENHANCEMENTS FOR EMERGENCY RESPONSE.—

''(1) EVALUATION.—The Secretary, in consultation with the Federal Communications Commission and other relevant Federal agencies, shall—

''(A) conduct an inventory of telehealth initiatives in existence on the date of enactment of the Pandemic and All-Hazards Preparedness Act, including—

''(i) the specific location of network components;

''(ii) the medical, technological, and communications capabilities of such components;

''(iii) the functionality of such components; and

''(iv) the capacity and ability of such components to handle increased volume during the response to a public health emergency;

''(B) identify methods to expand and interconnect the regional health information networks funded by the Secretary, the State and regional broadband networks funded through the rural health care support mechanism pilot program funded by the Federal Communications Commission, and other telehealth networks;

''(C) evaluate ways to prepare for, monitor, respond rapidly to, or manage the events of, a public health emergency through the enhanced use of telehealth technologies, including mechanisms for payment or reimbursement for use of such technologies and personnel during public health emergencies;

''(D) identify methods for reducing legal barriers that deter health care professionals from providing telemedicine services, such as by utilizing State emergency health care professional credentialing verification systems, encouraging States to establish and implement mechanisms to improve interstate medical licensure cooperation, facilitating the exchange of information among States regarding investigations and adverse actions, and encouraging States to waive the application of licensing requirements during a public health emergency;

''(E) evaluate ways to integrate the practice of telemedicine within the National Disaster Medical System; and

''(F) promote greater coordination among existing Federal interagency telemedicine and health information technology initiatives.

''(2) REPORT.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the findings and recommendations pursuant to subparagraphs (A) through (F) of paragraph (1).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of fiscal years 2007 through 2011.''.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541) is amended by adding at the end the following:

''SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

''(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

''(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

''(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

''(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

''(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

''(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended by adding at the end the following:

''(j) PUBLIC HEALTH LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

(a) IN GENERAL.—Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended to read as follows:

''SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine

distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking sections 319B and 319C.

(2) TECHNICAL AMENDMENT.—Section 319D(a)(3) of the Public Health Service Act (42 U.S.C. 247d–4(a)(3)) is amended by striking '', taking into account evaluations under section 319B(a),''.

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity.

SEC. 206. REVITALIZATION OF COMMISSIONED CORPS.

(a) PURPOSE.—It is the purpose of this section to improve the force management and readiness of the Commissioned Corps to accomplish the following objectives:

(1) To ensure the Corps is ready to respond rapidly to urgent or emergency public health care needs and challenges.

(2) To ensure the availability of the Corps for assignments that address clinical and public health needs in isolated, hardship, and hazardous duty positions, and, when required, to address needs related to the well-being, security, and defense of the United States.

(3) To establish the Corps as a resource available to Federal and State Government agencies for assistance in meeting public health leadership and service roles.

(b) COMMISSIONED CORPS READINESS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 203 the following:

''SEC. 203A. DEPLOYMENT READINESS.

''(a) READINESS REQUIREMENTS FOR COMMISSIONED CORPS OFFICERS.—

''(1) IN GENERAL.—The Secretary, with respect to members of the following Corps components, shall establish requirements, including training and medical examinations, to ensure the readiness of such components to respond to urgent or emergency public health care needs that cannot otherwise be met at the Federal, State, and local levels:

''(A) Active duty Regular Corps.

''(B) Active Reserves.

''(2) ANNUAL ASSESSMENT OF MEMBERS.—The Secretary shall annually determine whether each member of the Corps meets the applicable readiness requirements established under paragraph (1).

''(3) FAILURE TO MEET REQUIREMENTS.—A member of the Corps who fails to meet or maintain the readiness requirements established under paragraph (1) or who fails to comply with orders to respond to an urgent or emergency public health care need shall, except as provided in paragraph (4), in accordance with procedures established by the Secretary, be subject to disciplinary action as prescribed by the Secretary.

''(4) WAIVER OF REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may waive one or more of the requirements established under paragraph (1) for an individual who is not able to meet such requirements because of—

''(i) a disability;

''(ii) a temporary medical condition; or

''(iii) any other extraordinary limitation as determined by the Secretary.

''(B) REGULATIONS.—The Secretary shall promulgate regulations under which a waiver described in subparagraph (A) may be granted.

''(5) URGENT OR EMERGENCY PUBLIC HEALTH CARE NEED.—For purposes of this section and section 214, the term 'urgent or emergency public health care need' means a health care need, as determined by the Secretary, arising as the result of—

''(A) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

''(C) a public health emergency declared by the Secretary under section 319 of this Act; or

''(D) any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the Corps.

''(b) CORPS MANAGEMENT FOR DEPLOYMENT.—The Secretary shall—

''(1) organize members of the Corps into units for rapid deployment by the Secretary to respond to urgent or emergency public health care needs;

''(2) establish appropriate procedures for the command and control of units or individual members of the Corps that are deployed at the direction of the President or the Secretary in response to an urgent or emergency public health care need of national, State or local significance;

''(3) ensure that members of the Corps are trained, equipped and otherwise prepared to fulfill their public health and emergency response roles; and

''(4) ensure that deployment planning takes into account—

''(A) any deployment exemptions that may be granted by the Secretary based on the unique requirements of an agency and an individual's functional role in such agency; and

''(B) the nature of the urgent or emergency public health care need.

''(c) DEPLOYMENT OF DETAILED OR ASSIGNED OFFICERS.—For purposes of pay, allowances, and benefits of a Commissioned Corps officer who is detailed or assigned to a Federal entity, the deployment of such officer by the Secretary in response to an urgent or emergency public health care need shall be deemed to be an authorized activity of the Federal entity to which the officer is detailed or assigned.''.

(c) PERSONNEL DEPLOYMENT AUTHORITY.—

(1) PERSONNEL DETAILED.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following:

''(e) Except with respect to the United States Coast Guard and the Department of Defense, and except as provided in agreements negotiated with officials at agencies where officers of the Commissioned Corps may be assigned, the Secretary shall have the sole authority to deploy any Commissioned Corps officer assigned under this section to an entity outside of the Department of Health and Human Services for service under the Secretary's direction in response to an urgent or emergency public health care need (as defined in section 203A(a)(5)).''.

(2) NATIONAL HEALTH SERVICE CORPS.—Section 331(f) of the Public Health Service Act (42 U.S.C. 254d(f)(1)) is amended by inserting before the period the following: '', except when such members are Commissioned Corps officers who entered into a contract with Secretary under section 338A or 338B after December 31, 2006 and when the Secretary determines that exercising the authority provided under section 214 or 216 with respect to any such officer to would not cause unreasonable disruption to health care services provided in the community in which such officer is providing health care services''.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting ''national disaster medical system'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting ''MODIFICATIONS'';

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2803(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

(2) in section 503(5), by striking '', the National Disaster Medical System''.

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d–6(b)(3)(B)) is amended by striking ''and the working group under subsection (a)''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

''SEC. 2803. ENHANCING MEDICAL SURGE CAPACITY.

''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency;

''(2) integrating the practice of telemedicine within the National Disaster Medical System; and

''(3) other strategies to improve such capacity as determined appropriate by the Secretary.

''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to''; and

(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

''(c) COMPOSITION.—The Corps shall be composed of individuals who—

''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

''(2) are certified in accordance with the certification program developed under subsection (d);

''(3) are geographically diverse in residence;

''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

''(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

''(d) CERTIFICATION; DRILLS.—

''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be

allowed travel or transportation expenses, including per diem in lieu of subsistence.

''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency.

''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) (referred to in this section as the 'verification network') shall include—

''(1) with respect to each volunteer health professional included in the verification network—

''(A) information necessary for the rapid identification of, and communication with, such professionals; and

''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

(3) in subsection (c), strike ''system'' and insert ''network''; and

(4) by striking subsection (d) and inserting the following:

''(d) ACCESSIBILITY.—The Secretary shall ensure that the verification network is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the verification network.

''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

''(g) UPDATING OF INFORMATION.—The States that are participants in the verification network shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in the verification network.

''(h) CLARIFICATION.—Inclusion of a health professional in the verification network shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

(5) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (a) and inserting the following;

''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

''(A) medical management of casualties, taking into account the needs of at-risk individuals;

''(B) public health aspects of public health emergencies;

''(C) mental health aspects of public health emergencies;

''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

''(A) take into account continuing professional education requirements of public health and healthcare professions; and

''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

''(5) DISSEMINATION AND TRAINING.—

''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.''.

(2) by striking subsections (c) through (g) and inserting the following:

''(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

''(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health

security capabilities consistent with section 2802(b)(2).

''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

''(A) define the public health preparedness and response needs of the community involved;

''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

''(A) to carry out subsection (a)—

''(i) $5,000,000 to carry out paragraphs (1) through (4); and

''(ii) $7,000,000 to carry out paragraph (5);

''(B) to carry out subsection (c), $3,000,000; and

''(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

''(1)(A) be a partnership consisting of—

''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

''(iii)(I) one or more political subdivisions;

''(II) one or more States; or

''(III) one or more States and one or more political subdivisions; and

''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

''(2)(A) be an entity described in section 319C–1(b)(1); and

''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C–1(b)(2) and an assurance that the State will adhere to any applicable guidelines established by the Secretary.

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

''(d) PREFERENCES.—

''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

''(A) include one or more hospitals that are participants in the National Disaster Medical System;

''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials..

''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

''(h) MAINTENANCE OF FUNDING.—

''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C–1(g), (j), and (k) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C–1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and

pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

(3) in subsection (d), by—

(A) striking ''develop and'';

(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

(B) in paragraph (2)—

(i) by striking ''bioterrorism and other''; and

(ii) by striking ''319F(a)'' and inserting ''319F''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

SEC. 401. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

''SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

''(a) DEFINITIONS.—In this section:

''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

''(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

''(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

''(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

''(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

''(6) ADVANCED RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

''(i) are conducted after basic research and preclinical development of the product; and

''(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

''(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

''(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

''(ii) design and development of tests or models, including animal models, for such testing;

''(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

''(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

''(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

''(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

''(8) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

''(9) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

''(10) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

''(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products. The Secretary shall carry out such activities as may be practicable to disseminate the information contained in such plan to persons who may have the capacity to substantially contribute to the activities described in such strategic plan. The Secretary shall update and incorporate such plan as part of the National Health Security Strategy described in section 2802.

''(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

''(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

''(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

''(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

''(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

''(2) IN GENERAL.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate the acceleration of countermeasure and product advanced research and development by—

''(A) facilitating collaboration between the Department of Health and Human Services and other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) promoting countermeasure and product advanced research and development;

''(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

''(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

''(4) DUTIES.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

''(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

''(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

''(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

''(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

''(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

''(iii) carry out the activities described in section 405 of the Pandemic and All-Hazards Preparedness Act.

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

''(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

''(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

''(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

''(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

''(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

''(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal

Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

''(ii) with respect to persons performing countermeasure and product advanced research and development funded under this section, enable such offices or employees to provide to the extent practicable such advice in a manner that is ongoing and that is otherwise designed to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

''(i) innovation in technologies that may assist countermeasure and product advanced research and development;

''(ii) research on and development of research tools and other devices and technologies; and

''(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

''(5) TRANSACTION AUTHORITIES.—

''(A) OTHER TRANSACTIONS.—

''(i) IN GENERAL.—The Secretary shall have the authority to enter into other transactions under this subsection in the same manner as the Secretary of Defense enters into such transactions under section 2371 of title 10, United States Code.

''(ii) LIMITATIONS ON AUTHORITY.—

''(I) IN GENERAL.—Subsections (b), (c), and (h) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) shall apply to other transactions under this subparagraph as if such transactions were for prototype projects described by subsection (a) of such section 845.

''(II) WRITTEN DETERMINATIONS REQUIRED.—The authority of this subparagraph may be exercised for a project that is expected to cost the Department of Health and Human Services in excess of $20,000,000 only upon a written determination by the senior procurement executive for the Department (as designated for purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))), that the use of such authority is essential to promoting the success of the project. The authority of the senior procurement executive under this subclause may not be delegated.

''(iii) GUIDELINES.—The Secretary shall establish guidelines regarding the use of the authority under clause (i). Such guidelines shall include auditing requirements.

''(B) EXPEDITED AUTHORITIES.—

''(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.

''(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

''(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

''(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

''(C) ADVANCE PAYMENTS; ADVERTISING.—The Secretary may waive the requirements of section 3324(a) of title 31, United States Code, or section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) upon the determination by the Secretary that such waiver is necessary to obtain countermeasures or products under this section.

''(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

''(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

''(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may assess the feasibility and appropriateness of establishing, through contract, grant, cooperative agreement, or other transaction, an arrangement with an existing research center in order to achieve the goals of this section. If such an agreement is not feasible and appropriate, the Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers, in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)).

''(6) AT-RISK INDIVIDUALS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, elderly, and other at-risk individuals.

''(7) PERSONNEL AUTHORITIES.—

''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—

''(i) IN GENERAL.—In addition to any other personnel authorities, the Secretary may—

''(I) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

''(II) compensate them in the same manner and subject to the same terms and conditions in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(ii) MANNER OF EXERCISE OF AUTHORITY.—The authority provided for in this subparagraph shall be exercised subject to the same limitations described in section 319F–1(e)(2).

''(iii) TERM OF APPOINTMENT.—The term limitations described in section 9903(c) of title 5, United States Code, shall apply to appointments under this subparagraph, except that the references to the 'Secretary' and to the 'Department of Defense's national security missions' shall be deemed to be to the Secretary of Health and Human Services and to the mission of the Department of Health and Human Services under this section.

''(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may appoint special consultants pursuant to section 207(f).

''(C) LIMITATION.—

''(i) IN GENERAL.—The Secretary may hire up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less, under the authorities provided for in subparagraphs (A) and (B).

''(ii) REPORT.—The Secretary shall report to Congress on a biennial basis on the implementation of this subparagraph.

''(d) FUND.—

''(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section in addition to such amounts as are otherwise available for this purpose.

''(2) FUNDING.—To carry out the purposes of this section, there are authorized to be appropriated to the Fund—

''(A) $1,070,000,000 for fiscal years 2006 through 2008, the amounts to remain available until expended; and

''(B) such sums as may be necessary for subsequent fiscal years, the amounts to remain available until expended.

''(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) DISCLOSURE.—

''(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c) that reveals significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

''(B) REVIEW.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years, or more frequently as determined necessary by the Secretary, to determine the relevance or necessity of continued nondisclosure.

''(C) SUNSET.—This paragraph shall cease to have force or effect on the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act.

''(2) REVIEW.—Notwithstanding section 14 of the Federal Advisory Committee Act, a working group of BARDA under this section and the National Biodefense Science Board under section 319M shall each terminate on the date that is 5 years after the date on which each such group or Board, as applicable, was established. Such 5-year period may be extended by the Secretary for one or more additional 5-year periods if the Secretary determines that any such extension is appropriate.''.

SEC. 402. NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 401, is further amended by inserting after section 319L the following:

''SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this

section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

''(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

''(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

''(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

''(C) four individuals representing academia; and

''(D) five other members as determined appropriate by the Secretary, of whom—

''(i) one such member shall be a practicing healthcare professional; and

''(ii) one such member shall be an individual from an organization representing healthcare consumers.

''(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

''(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

''(5) DUTIES.—The Board shall—

''(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

''(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

''(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

''(6) MEETINGS.—

''(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall hold the first meeting of the Board.

''(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

''(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(9) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(10) PERSONNEL.—

''(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

''(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

''(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

''(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

''(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.''.

SEC. 403. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

''(2) DEFINITIONS.—In this section:

''(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

''(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

''(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph.

''(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.''.

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by striking ''treat, identify, or prevent'' each place it appears and inserting ''diagnose, mitigate, prevent, or treat''.

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: ''None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 319F–2(c)(1)(B).''.

SEC. 404. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 405. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a)) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the ''Chairman''), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation,

and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security.

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection. Such transcript (or a portion thereof) shall not be disclosed under section 552 of title 5, United States Code, to the extent that the Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure of such transcript (or portion thereof) would pose a threat to national security. The transcript (or portion thereof) with respect to which the Secretary has made such a determination shall be deemed to be information described in subsection (b)(3) of such section 552.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term ''countermeasure or product'' refers to a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''covered activities'' includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term ''covered activities'' shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 406. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (3)—

(i) by striking ''COUNTERMEASURES.—The Secretary'' and inserting the following: ''COUNTERMEASURES.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) INFORMATION.—The Secretary shall institute a process for making publicly available the results of assessments under subparagraph (A) while withholding such information as—

''(i) would, in the judgment of the Secretary, tend to reveal public health vulnerabilities; or

''(ii) would otherwise be exempt from disclosure under section 552 of title 5, United States Code.'';

(C) in paragraph (4)(A), by inserting ''not developed or'' after ''currently'';

(D) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(E) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ''Homeland Security Secretary'' and inserting the following: ''INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary''; and

(ii) by striking clause (ii);

(F) in paragraph (7)(C)(ii)—

(i) by amending subclause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract, except that such payments shall not exceed 50 percent of the total contract amount. If the specified milestones are reached, the advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

''(VIII) WARM BASED SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(G) in paragraph (8)(A), by adding at the end the following: ''Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this subsection for the procurement of countermeasures.''.

Mr. BARTON of Texas. Mr. Speaker, please insert this exchange of correspondence on S. 3678 into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We write to clarify the intent of Title I of S. 3678, the ''Pandemic and All-Hazards Preparedness Act,'' regarding the respective roles and responsibilities of the Secretary of Homeland Security and the Secretary of Health and Human Services during Incidents of National Significance under the National Response Plan (NRP). Title I of S. 3678 should not be construed to designate the Department of Health and Human Services as the lead Federal agency under the NRP during incidents of National Significance that require a medical and/or public health response.

The NRP is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. Under the NRP, the Department of Homeland Security (DHS) is the Federal department responsible for coordinating Federal operations and/or resources during Incidents of National Significance, while the Department of Health and Human Services (DHHS) is the Federal coordinator and primary agency for Emergency Support Function 8, Public Health and Medical Services. Nothing in Title I should be interpreted to change or affect the existing relationship between DHS as the incident manager and DHHS as the primary agency for medical services, as currently defined by the NRP for Incidents of National Significance.

Rather than amending or otherwise diminishing the existing responsibilities of the Secretary of Homeland Security under the NRP, S. 3678 is intended to clarify and more specifically define the medical preparedness and response authorities of the Secretary of Health and Human Services with respect to the Public Health Service Act.

A copy of this letter will be included in the RECORD during consideration of the bill on the House floor and should be construed as a definitive expression of Congressional intent on this matter.

Sincerely,

PETER T. KING,
Chairman, Committee on Homeland Security.

JOE BARTON,
Chairman, Committee on Energy and Commerce.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 8, 2006.

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

DEAR MR. CHAIRMAN: The House is tentatively scheduled to consider today S. 3678, the ''Pandemic and All-Hazards Preparedness Act.'' The bill contains certain provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation to the floor, I agree to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 8, 2006.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC

DEAR MR. CHAIRMAN, Thank you for your letter regarding S. 3678, the ''Pandemic and All-Hazards Preparedness Act,'' and your willingness to forego consideration of S. 3678 by the Government Reform Committee.

In the interest of permitting the House to proceed expeditiously to consider S. 3678, I appreciate your willingness to support this legislation moving to the floor. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter.

I appreciate you willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate on this bill.

Sincerely,

JOE BARTON,
Chairman.

Ms. ESHOO. Mr. Speaker, as the Democratic sponsor of the House version of this bill, H.R. 5533, I am proud to rise today in strong support of this legislation. This bill addresses an urgent issue which is critical to our Nation's security and public health: The threat of bioterror and pandemic disease.

Last week the State Department issued a warning that the continuing spread of a highly contagious avian influenza (H5N1) virus among animals in Asia, Africa, the Middle East and Europe has the potential to significantly threaten human health. The virus has already caused nearly 150 human deaths around the world. If a virus such as H5N1 mutates and spreads easily from one person to another, avian influenza could break out globally. While there are no reports of sustained human-to-human transmission of avian influenza, the U.S. government and international health agencies are scrambling to prepare for a possible pandemic.

In hearings earlier this year on the Project Bioshield Act, it was apparent that gaps remain in our effort to address emerging threats

to public health. In particular, we learned that very few companies are willing to risk their limited resources to develop the vaccines and antidotes to respond to chemical, biological, radiological or nuclear attacks or to a fast-spreading influenza such as H5N1. Put simply, there is little economic incentive for companies to conduct the vital research necessary in this field.

The centerpiece of our legislation is a new office within HHS, the Biomedical Advanced Research and Development Authority (BARDA), which will be a single point of federal authority for the development of medical countermeasures.

The bill enables the Secretary of HHS and the BARDA Director to collaborate and consult with agency leaders, academia, and industry on developing needed medical countermeasures and pandemic or epidemic products. This bill also empowers BARDA to make milestone payments to drug developers at key stages of their work, helping to reduce the financial risks of taking on such a great challenge.

This legislation has broad bipartisan support in the House of Representatives and the Senate, and I thank the bill's many cosponsors for their support. I especially want to thank Congressman MIKE ROGERS for his leadership on this issue. This bill demonstrates the good that can come out of bipartisan teamwork and I'm proud to have worked with him to make this bill a reality.

I also want to thank Chairmen BARTON and DEAL as well as Ranking Member DINGELL for acknowledging the importance of this legislation and working with us every step of the way to get it done before the end of the year.

I also want to thank the staff members who have put so much time and energy into this legislation: Kelly Childress with Representative ROGERS, Nandan Kenkeremath with Chairman BARTON, Brandon Clark with Chairman DEAL, John Ford with Representative DINGELL, and Jason Mahler and Jennifer Nieto of my staff.

Mr. Speaker, this is a good bill that ensures our country is doing its best to prepare for the worst. Thank you for bringing this bill before the House today and I urge my colleagues to support it.

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.

UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes, 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 Texas?

Mr. KUCINICH. Reserving the right to object, Mr. Speaker, I just have an inquiry. The title of the bill seems pretty far reaching. Would you like to, for the benefit of those of us who aren't familiar with it, just give a couple-sentence summary that elaborates a little bit?

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Texas.

Mr. BARTON of Texas. This is just a bill on spam and enforcement of antispam and spyware, things of this sort. The bill would provide additional authority to the FCC to investigate spam that originates overseas and fraudulent practices of that sort.

Mr. KUCINICH. Mr. Speaker, I withdraw my reservation.

□ 0215

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1608

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2005'' or the ''U.S. SAFE WEB Act of 2005''.

(b) FINDINGS.—The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

(c) PURPOSE.—The purpose of this Act is to enhance the ability of the Federal Trade Commission to protect consumers from illegal spam, spyware, and cross-border fraud and deception and other consumer protection law violations.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

'' 'Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).''.

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

''(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(ii) involve material conduct occurring within the United States.

''(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.''.

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).''.

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

''(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

''(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

''(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

''(A) provide assistance using the powers set forth in this subsection;

''(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

''(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

''(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

''(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''clauses (a) and (b)'' in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting ''subsections (a), (b), and (j)''.

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c) FOREIGN LITIGATION.—

''(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

''(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

''(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

''(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.''.

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

''(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

''(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

''(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

''(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

''(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

''(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

''(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

''(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

''(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

''(c) EX PARTE APPLICATION BY COMMISSION.—

''(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

''(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

''(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

''(1) the underlying conduct reported;

''(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

''(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

''(e) VENUE AND PROCEDURE.—

''(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

''(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

''(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

''(1) endangering the life or physical safety of an individual;

''(2) flight from prosecution;

''(3) the destruction of, or tampering with, evidence;

''(4) the intimidation of potential witnesses; or

''(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

''(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

''(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

''(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking ''or'' after the semicolon;

(2) in subparagraph (D) by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (D) the following:

''(E) under section 21A of this Act;''.

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—

''(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

''(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

''(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

''(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

''(A) for the underlying conduct reported; or

''(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

''(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

''(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

''(A) related to possibly fraudulent or deceptive commercial practices;

''(B) related to persons involved in such practices; or

''(C) otherwise subject to recovery by the Commission; or

''(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

''(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

''(1) A financial institution as defined in section 5312 of title 31, United States Code.

''(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

''(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

''(4) An Internet service provider or provider of telephone services.''.

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Commission may—

''(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

''(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

''(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

''(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.''.

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of 10 title 31, United States Code, accept voluntary and uncompensated services.

''(b) LIMITATIONS.—

''(1) CONFLICTS OF INTEREST.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

''(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

''(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

''(3) TORT LIABILITY OF VOLUNTEERS.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.''.

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Undertaking Spam, Spyware, And Fraud Enforcement

With Enforcers beyond Borders Act of 2006'' or the ''U.S. SAFE WEB Act of 2006''.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

'' 'Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).''.

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

''(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(ii) involve material conduct occurring within the United States.

''(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.''.

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).''.

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

''(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

''(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

''(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

''(A) provide assistance using the powers set forth in this subsection;

''(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

''(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

''(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

''(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(1) of the Federal Trade Commission Act (15 U.S.C. 46(1)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''clauses (a) and (b)'' in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting ''subsections (a), (b), and (j)''.

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c) FOREIGN LITIGATION.—

''(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

''(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and

for expenses related to litigation in foreign courts in which the Commission has an interest.

''(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

''(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.''.

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

''(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

''(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

''(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

''(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

''(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

''(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

''(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

''(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

''(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

''(c) EX PARTE APPLICATION BY COMMISSION.—

''(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

''(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

''(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

''(1) the underlying conduct reported;

''(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

''(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

''(e) VENUE AND PROCEDURE.—

''(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et

seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

''(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

''(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

''(1) endangering the life or physical safety of an individual;

''(2) flight from prosecution;

''(3) the destruction of, or tampering with, evidence;

''(4) the intimidation of potential witnesses; or

''(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

''(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

''(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

''(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking ''or'' after the semicolon;

(2) in subparagraph (D) by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (D) the following:

''(E) under section 21A of this Act;''.

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—

''(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

''(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

''(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

''(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

''(A) for the underlying conduct reported; or

''(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

''(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

''(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

''(A) related to possibly fraudulent or deceptive commercial practices;

''(B) related to persons involved in such practices; or

''(C) otherwise subject to recovery by the Commission; or

''(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

''(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

''(1) A financial institution as defined in section 5312 of title 31, United States Code.

''(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

''(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

''(4) An Internet service provider or provider of telephone services.''.

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Commission may—

''(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

''(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

''(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

''(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.''.

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.''.

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. SUNSET.

This Act, and the amendments made by this Act, shall cease to have effect on the date that is 7 years after the date of enactment of this Act.

SEC. 14. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission

Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

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.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6143) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing lifesaving care for those with HIV/AIDS, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ryan White HIV/AIDS Treatment Modernization Act of 2006''.

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

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

SEC. 101. ESTABLISHMENT OF PROGRAM; GENERAL ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—Section 2601 of the Public Health Service Act (42 U.S.C. 300ff–11) is amended by striking subsections (b) through (d) and inserting the following:

''(b) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (a); and

''(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(c) BOUNDARIES.—For purposes of determining eligibility under this part—

''(1) with respect to a metropolitan area that received funding under this part in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or

''(2) with respect to a metropolitan area that becomes eligible to receive funding under this part in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this part.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended—

(1) by striking ''through (d)'' and inserting ''through (c)''; and

(2) by inserting ''and confirmed by'' after ''reported to''.

(c) DEFINITION OF METROPOLITAN AREA.—Section 2607(2) of the Public Health Service Act (42 U.S.C. 300ff–17(2)) is amended—

(1) by striking ''area referred'' and inserting ''area that is referred''; and

(2) by inserting before the period the following: '', and that has a population of 50,000 or more individuals''.

SEC. 102. TYPE AND DISTRIBUTION OF GRANTS; FORMULA GRANTS.

(a) DISTRIBUTION PERCENTAGES.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended—

(1) in the first sentence—

(A) by striking ''50 percent of the amount appropriated under section 2677'' and inserting ''66⅔ percent of the amount made available under section 2610(b) for carrying out this subpart''; and

(B) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(2) by striking the last sentence.

(b) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(1) in subparagraph (B), by striking ''estimated living cases of acquired immune deficiency syndrome'' and inserting ''living cases of HIV/AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention)''; and

(2) by striking subparagraphs (C) through (E) and inserting the following:

''(C) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for an eligible area for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, an eligible area is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living names-based non-AIDS cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State in which the area is located, subject to clause (viii); or

''(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, in consultation with the chief executive of the State in which the area is located, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for an eligible area applies only if, by October 1, 2006—

''(I)(aa) the State in which the area is located had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for an eligible area applies only if, as of April 1, 2008, the State in which the area is located is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may

terminate an exemption under clause (ii) for an eligible area if the State in which the area is located submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to an eligible area that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the eligible area in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for an eligible area shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the area.

''(vii) MULTIPLE POLITICAL JURISDICTIONS.—With respect to living non-AIDS cases of HIV, if an eligible area is not entirely within one political jurisdiction and as a result is subject to more than one reporting system for purposes of this subparagraph:

''(I) Names-based reporting under clause (i) applies in a jurisdictional portion of the area, or an exemption under clause (ii) applies in such portion (subject to applicable provisions of this subparagraph), according to whether names-based reporting or code-based reporting is used in such portion.

''(II) If under subclause (I) both names-based reporting and code-based reporting apply in the area, the number of code-based cases shall be reduced under clause (vi).

''(viii) LIST OF ELIGIBLE AREAS MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If an eligible area or portion thereof is in a State specified in subclause (II), the eligible area or portion shall be considered to meet the standard described in clause (ii)(I). No other eligible area or portion thereof may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(ix) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to an eligible area that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (viii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

''(x) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(c) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–13(a)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following subparagraph:

''(D) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT .—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (C)(vi)) applies in an eligible area or any portion thereof as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to this paragraph for such area for such fiscal year may not—

''(I) for fiscal year 2007, exceed by more than 5 percent the amount of the grant for the area that would have been made pursuant to this paragraph and paragraph (4) for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'; and

''(II) for each of the fiscal years 2008 and 2009, exceed by more than 5 percent the amount of the grant pursuant to this paragraph and paragraph (4) for the area for the preceding fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the fiscal year involved, subject to paragraph (4) and section 2610(d)(2).''.

(d) HOLD HARMLESS.—Section 2603(a) of the Public Health Service Act (42 U.S.C. 300ff–13(a)) is amended—

(1) in paragraph (3)(A)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by inserting after and below clause (ii) the following:

''which product shall then, as applicable, be increased under paragraph (4).''.

(2) by amending paragraph (4) to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each eligible area that received a grant pursuant to this subsection for fiscal year 2006, the Secretary shall, for each of the fiscal years 2007 through 2009, increase the amount of the grant made pursuant to paragraph (3) for the area to ensure that the amount of the grant for the fiscal year involved is not less than the following amount, as applicable to such fiscal year:

''(i) For fiscal year 2007, an amount equal to 95 percent of the amount of the grant that would have been made pursuant to paragraph (3) and this paragraph for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'.

''(ii) For each of the fiscal years 2008 and 2009, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2007.

''(B) SOURCE OF FUNDS FOR INCREASE.—

''(i) IN GENERAL.—From the amounts available for carrying out the single program referred to in section 2609(d)(2)(C) for a fiscal year (relating to supplemental grants), the Secretary shall make available such amounts as may be necessary to comply with subparagraph (A), subject to section 2610(d)(2).

''(ii) PRO RATA REDUCTION.—If the amounts referred to in clause (i) for a fiscal year are insufficient to fully comply with subparagraph (A) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to this subsection for the fiscal year, other than grants for eligible areas for which increases under subparagraph (A) apply. A reduction under the preceding sentence may not be made in an amount that would result in the eligible area involved becoming eligible for such an increase.

''(C) LIMITATION.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS; SUPPLEMENTAL GRANTS.

Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Not later than'' and all that follows through ''the Secretary shall'' and inserting the following: ''Subject to subsection (a)(4)(B)(i) and section 2610(d), the Secretary shall'';

(B) in subparagraph (B), by striking ''demonstrates the severe need in such area'' and inserting ''demonstrates the need in such area, on an objective and quantified basis,'';

(C) by striking subparagraph (F) and inserting the following:

''(F) demonstrates the inclusiveness of affected communities and individuals with HIV/AIDS;'';

(D) in subparagraph (G), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(H) demonstrates the ability of the applicant to expend funds efficiently by not having had, for the most recent grant year under subsection (a) for which data is available, more than 2 percent of grant funds under such subsection canceled or covered by any waivers under subsection (c)(3).''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''severe need'' and inserting ''demonstrated need'';

(B) by striking subparagraph (B) and inserting the following:

''(B) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of paragraph (1)(B) may include any or all of the following:

''(i) The unmet need for such services, as determined under section 2602(b)(4) or other community input process as defined under section 2609(d)(1)(A).

''(ii) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(iii) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(iv) The current prevalence of HIV/AIDS.

''(v) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(vi) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(vii) The prevalence of homelessness.

''(viii) The prevalence of individuals described under section 2602(b)(2)(M).

''(ix) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(x) The impact of a decline in the amount received pursuant to subsection (a) on services available to all individuals with HIV/AIDS identified and eligible under this title.''; and

(C) by striking subparagraphs (C) and (D) and inserting the following:

''(C) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this subsection to an eligible area to address the decline or disruption of all EMA-provided services related to the decline in the amounts received pursuant to subsection (a) consistent with the grant award for the eligible area for fiscal year 2006, to the extent that the factor under subparagraph (B)(x) (relating to a decline in funding) applies to the eligible area.''.

SEC. 104. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Section 2603 of the Public Health Service Act (42 U.S.C. 300ff–13) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(1) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made pursuant to subsection (a) or (b) for a fiscal year are available for obligation by the eligible area involved through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the area (referred to in this subsection as the 'grant year for the award'), except as provided in paragraph (3)(A).

''(2) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (b) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award—

''(A) the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area; and

''(B) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under subparagraph (A) to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(3) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(A) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (a) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area, unless—

''(i) before the end of the grant year, the chief elected official of the area submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the area intends to expend the funds involved; and

''(ii) the Secretary approves the waiver.

''(B) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under subparagraph (A) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(i) The unobligated funds are available for expenditure by the eligible area involved for the one-year period beginning upon the expiration of the grant year (referred to in this subsection as the 'carryover year').

''(ii) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area.

''(C) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under subparagraph (A) or (B)(ii), the grant funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such subparagraph to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(D) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(i) IN GENERAL.—In the case of an eligible area for which a balance from a grant award under subsection (a) is unobligated as of the end of the grant year for the award—

''(I) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such subsection for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under subparagraph (A) has been approved with respect to such balance); and

''(II) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants pursuant to subsection (b) for such first fiscal year, subject to subsection (a)(4) and section 2610(d)(2);

except that this clause does not apply to the eligible area if the amount of the unobligated balance was 2 percent or less.

''(ii) RELATION TO INCREASES IN GRANT.—A reduction under clause (i) for an eligible area for a fiscal year may not be taken into account in applying subsection (a)(4) with respect to the area for the subsequent fiscal year.''; and

(3) by adding at the end the following:

''(e) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

''(1) the total amount of supplemental funds available under this section for the year involved;

''(2) the amount of supplemental funds used in accordance with the hold harmless provisions of subsection (a)(4);

''(3) the amount of supplemental funds disbursed pursuant to subsection (b)(2)(C);

''(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

''(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).''.

SEC. 105. USE OF AMOUNTS.

Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended to read as follows:

''SEC. 2604. USE OF AMOUNTS.

''(a) REQUIREMENTS.—The Secretary may not make a grant under section 2601(a) to the chief elected official of an eligible area unless such political subdivision agrees that—

''(1) subject to paragraph (2), the allocation of funds and services within the eligible area will be made in accordance with the priorities established, pursuant to section 2602(b)(4)(C), by the HIV health services planning council that serves such eligible area;

''(2) funds provided under section 2601 will be expended only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses described in subsection (h); and

''(3) the use of such funds will comply with the requirements of this section.

''(b) DIRECT FINANCIAL ASSISTANCE TO APPROPRIATE ENTITIES.—

''(1) IN GENERAL.—The chief elected official of an eligible area shall use amounts from a grant under section 2601 to provide direct financial assistance to entities described in paragraph (2) for the purpose of providing core medical services and support services.

''(2) APPROPRIATE ENTITIES.—Direct financial assistance may be provided under paragraph (1) to public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2601 for an eligible area for a grant year, the chief elected official of the area shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (1) and (5)(B)(i) of subsection (h), use not less than 75 percent to provide core medical services that are needed in the eligible area for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a chief elected official for a grant year if the Secretary determines that, within the eligible area involved—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing the chief elected official of an eligible area that a grant under section 2601 is being made for the area for a grant year, the Secretary shall inform the official whether a waiver under subparagraph (A) is in effect for such year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual), means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by eligible

areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(f) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of paragraph (1) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(g) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

''(1) PROVISION OF SERVICE.—Subject to paragraph (2), the Secretary may not make a grant under section 2601(a) for the provision of services under this section in a State unless, in the case of any such service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State—

''(A) the political subdivision involved will provide the service directly, and the political subdivision has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(B) the political subdivision will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of an entity making an agreement pursuant to paragraph (1)(B) regarding the provision of services, the requirement established in such paragraph shall be waived by the HIV health services planning council for the eligible area if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

''(B) DETERMINATION.—A determination by the HIV health services planning council of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the entity accepts voluntary donations for the purpose of providing services to the public.

''(h) ADMINISTRATION.—

''(1) LIMITATION.—The chief elected official of an eligible area shall not use in excess of 10 percent of amounts received under a grant under this part for administrative expenses.

''(2) ALLOCATIONS BY CHIEF ELECTED OFFICIAL.—In the case of entities and subcontractors to which the chief elected official of an eligible area allocates amounts received by the official under a grant under this part, the official shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

''(3) ADMINISTRATIVE ACTIVITIES.—For purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the development of a clinical quality management program as described in paragraph (5), the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the activities carried out by the HIV health services planning council as established under section 2602(b), the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

''(4) SUBCONTRACTOR ADMINISTRATIVE ACTIVITIES.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead activities, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.

''(5) CLINICAL QUALITY MANAGEMENT.—

''(A) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—From amounts received under a grant awarded under this subpart for a fiscal year, the chief elected official of an eligible area may use for activities associated with the clinical quality management program required in subparagraph (A) not to exceed the lesser of—

''(I) 5 percent of amounts received under the grant; or

''(II) $3,000,000.

''(ii) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under subparagraph (A) may not be considered administrative expenses for purposes of the limitation established in paragraph (1).

''(i) CONSTRUCTION.—A chief elected official may not use amounts received under a grant awarded under this part to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

SEC. 106. ADDITIONAL AMENDMENTS TO PART A.

(a) REPORTING OF CASES.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff–11(a)) is amended by striking ''for the most recent period'' and inserting ''during the most recent period''.

(b) PLANNING COUNCIL REPRESENTATION.—Section 2602(b)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(2)(G)) is amended by inserting '', members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C'' after ''disease''.

(c) APPLICATION FOR GRANT.—

(1) PAYER OF LAST RESORT.—Section 2605(a)(6)(A) of the Public Health Service Act (42 U.S.C. 300ff–15(a)(6)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

(2) AUDITS.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) that the chief elected official will submit to the lead State agency under section 2617(b)(4), audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this part every 2 years and shall include necessary client-based data to compile unmet need calculations and Statewide coordinated statements of need process.''.

(3) COORDINATION.—Section 2605(b) of the Public Health Service Act (42 U.S.C. 300ff–15(b)) is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) the manner in which the expected expenditures are related to the planning process for States that receive funding under part B (including the planning process described in section 2617(b)); and

''(6) the expected expenditures and how those expenditures will improve overall client outcomes, as described under the State plan under section 2617(b), and through additional outcomes measures as identified by the HIV health services planning council under section 2602(b).''.

SEC. 107. NEW PROGRAM IN PART A; TRANSITIONAL GRANTS FOR CERTAIN AREAS INELIGIBLE UNDER SECTION 2601.

(a) IN GENERAL.—Part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11) is amended—

(1) by inserting after the part heading the following:

"Subpart I—General Grant Provisions"; and

(2) by adding at the end the following:

"Subpart II—Transitional Grants

"SEC. 2609. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of providing services described in section 2604 in transitional areas, subject to the same provisions regarding the allocation of grant funds as apply under subsection (c) of such section.

''(b) TRANSITIONAL AREAS.—For purposes of this section, the term 'transitional area' means, subject to subsection (c), a metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 1,000, but fewer than 2,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(c) CERTAIN ELIGIBILITY RULES.—

''(1) FISCAL YEAR 2007.—With respect to grants under subsection (a) for fiscal year 2007, a metropolitan area that received funding under subpart I for fiscal year 2006 but does not for fiscal

year 2007 qualify under such subpart as an eligible area and does not qualify under subsection (b) as a transitional area shall, notwithstanding subsection (b), be considered a transitional area.

''(2) CONTINUED STATUS AS TRANSITIONAL AREA.—

''(A) IN GENERAL.—Notwithstanding subsection (b), a metropolitan area that is a transitional area for a fiscal year continues, except as provided in subparagraph (B), to be a transitional area until the metropolitan area fails, for three consecutive fiscal years—

''(i) to qualify under such subsection as a transitional area; and

''(ii) to have a cumulative total of 1,500 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(B) EXCEPTION REGARDING STATUS AS ELIGIBLE AREA.—Subparagraph (A) does not apply for a fiscal year if the metropolitan area involved qualifies under subpart I as an eligible area.

''(d) APPLICATION OF CERTAIN PROVISIONS OF SUBPART I.—

''(1) ADMINISTRATION; PLANNING COUNCIL.—

''(A) IN GENERAL.—The provisions of section 2602 apply with respect to a grant under subsection (a) for a transitional area to the same extent and in the same manner as such provisions apply with respect to a grant under subpart I for an eligible area, except that, subject to subparagraph (B), the chief elected official of the transitional area may elect not to comply with the provisions of section 2602(b) if the official provides documentation to the Secretary that details the process used to obtain community input (particularly from those with HIV) in the transitional area for formulating the overall plan for priority setting and allocating funds from the grant under subsection (a).

''(B) EXCEPTION.—For each of the fiscal years 2007 through 2009, the exception described in subparagraph (A) does not apply if the transitional area involved received funding under subpart I for fiscal year 2006.

''(2) TYPE AND DISTRIBUTION OF GRANTS; TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(A) FORMULA GRANTS; SUPPLEMENTAL GRANTS.—The provisions of section 2603 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I, subject to subparagraphs (B) and (C).

''(B) FORMULA GRANTS; INCREASE IN GRANT.—For purposes of subparagraph (A), section 2603(a)(4) does not apply.

''(C) SUPPLEMENTAL GRANTS; SINGLE PROGRAM WITH SUBPART I PROGRAM.—With respect to section 2603(b) as applied for purposes of subparagraph (A):

''(i) The Secretary shall combine amounts available pursuant to such subparagraph with amounts available for carrying out section 2603(b) and shall administer the two programs as a single program.

''(ii) In the single program, the Secretary has discretion in allocating amounts between eligible areas under subpart I and transitional areas under this section, subject to the eligibility criteria that apply under such section, and subject to section 2603(b)(2)(C) (relating to priority in making grants).

''(iii) Pursuant to section 2603(b)(1), amounts for the single program are subject to use under sections 2603(a)(4) and 2610(d)(1).

''(3) APPLICATION; TECHNICAL ASSISTANCE; DEFINITIONS.—The provisions of sections 2605, 2606, and 2607 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I.''.

(b) CONFORMING AMENDMENTS.—Subpart I of part A of title XXVI of the Public Health Service Act, as designated by subsection (a)(1) of this section, is amended by striking ''this part'' each place such term appears and inserting ''this subpart''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

Part A of title XXVI of the Public Health Service Act, as amended by section 106(a), is amended by adding at the end the following:

''Subpart III—General Provisions

''SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $604,000,000 for fiscal year 2007, $626,300,000 for fiscal year 2008, and $649,500,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) FISCAL YEAR 2007.—Of the amount appropriated under subsection (a) for fiscal year 2007, the Secretary shall reserve—

''(A) $458,310,000 for grants under subpart I; and

''(B) $145,690,000 for grants under section 2609.

''(2) SUBSEQUENT FISCAL YEARS.—Of the amount appropriated under subsection (a) for fiscal year 2008 and each subsequent fiscal year—

''(A) the Secretary shall reserve an amount for grants under subpart I; and

''(B) the Secretary shall reserve an amount for grants under section 2609.

''(c) TRANSFER OF CERTAIN AMOUNTS; CHANGE IN STATUS AS ELIGIBLE AREA OR TRANSITIONAL AREA.—Notwithstanding subsection (b):

''(1) If a metropolitan area is an eligible area under subpart I for a fiscal year, but for a subsequent fiscal year ceases to be an eligible area by reason of section 2601(b)—

''(A)(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for the first such subsequent year of not being an eligible area is deemed to be reduced by an amount equal to the amount of the grant made pursuant to section 2603(a) for the metropolitan area for the preceding fiscal year; and

''(ii)(I) if the metropolitan area qualifies for such first subsequent fiscal year as a transitional area under 2609, the amount reserved under paragraph (1)(B) or (2)(B) of subsection (b) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year; or

''(II) if the metropolitan area does not qualify for such first subsequent fiscal year as a transitional area under 2609, an amount equal to the amount of such reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623; and

''(B) if a transfer under subparagraph (A)(ii)(II) is made with respect to the metropolitan area for such first subsequent fiscal year, then—

''(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for such year is deemed to be reduced by an additional $500,000; and

''(ii) an amount equal to the amount of such additional reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(2) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year ceases to be a transitional area by reason of section 2609(c)(2) (and does not qualify for such subsequent fiscal year as an eligible area under subpart I)—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of not being a transitional area is deemed to be reduced by an amount equal to the total of—

''(i) the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(ii) $500,000; and

''(B) an amount equal to the amount of the reduction under subparagraph (A) for such year is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(3) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year qualifies as an eligible area under subpart I—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of becoming an eligible area is deemed to be reduced by an amount equal to the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(B) the amount reserved under subsection (b)(2)(A) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year.

''(d) CERTAIN TRANSFERS; ALLOCATIONS BETWEEN PROGRAMS UNDER SUBPART I.—With respect to paragraphs (1)(B)(i) and (2)(A)(ii) of subsection (c), the Secretary shall administer any reductions under such paragraphs for a fiscal year in accordance with the following:

''(1) The reductions shall be made from amounts available for the single program referred to in section 2609(d)(2)(C) (relating to supplemental grants).

''(2) The reductions shall be made before the amounts referred to in paragraph (1) are used for purposes of section 2603(a)(4).

''(3) If the amounts referred to in paragraph (1) are not sufficient for making all the reductions, the reductions shall be reduced until the total amount of the reductions equals the total of the amounts referred to in such paragraph.

''(e) RULES OF CONSTRUCTION REGARDING FIRST SUBSEQUENT FISCAL YEAR.—Paragraphs (1) and (2) of subsection (c) apply with respect to each series of fiscal years during which a metropolitan area is an eligible area under subpart I or a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year ceases to be such an area by reason of section 2601(b) or 2609(c)(2), respectively, rather than applying to a single such series. Paragraph (3) of subsection (c) applies with respect to each series of fiscal years during which a metropolitan area is a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year becomes an eligible area under subpart I, rather than applying to a single such series.''.

TITLE II—CARE GRANTS

SEC. 201. GENERAL USE OF GRANTS.

(a) IN GENERAL.—Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended to read as follows:

''SEC. 2612. GENERAL USE OF GRANTS.

''(a) IN GENERAL.—A State may use amounts provided under grants made under section 2611 for—

''(1) core medical services described in subsection (b);

''(2) support services described in subsection (c); and

''(3) administrative expenses described in section 2618(b)(3).

''(b) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2611 for a State for a grant year, the State shall, of the portion of the grant remaining after reserving amounts for purposes of

subparagraphs (A) and (E)(ii)(I) of section 2618(b)(3), use not less than 75 percent to provide core medical services that are needed in the State for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a State for a grant year if the Secretary determines that, within the State—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing a State that a grant under section 2611 is being made to the State for a fiscal year, the Secretary shall inform the State whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual infected with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (d).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(c) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this subsection, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(d) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by States, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(e) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if such State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(f) CONSTRUCTION.—A State may not use amounts received under a grant awarded under section 2611 to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

(b) HIV CARE CONSORTIA.—Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''may use'' and inserting ''may, subject to subsection (f), use''; and

(B) by striking ''section 2612(a)(1)'' and inserting ''section 2612(a)''; and

(2) by adding at the end the following subsection:

''(f) ALLOCATION OF FUNDS; TREATMENT AS SUPPORT SERVICES.—For purposes of the requirement of section 2612(b)(1), expenditures of grants under section 2611 for or through consortia under this section are deemed to be support services, not core medical services. The preceding sentence may not be construed as having any legal effect on the provisions of subsection (a) that relate to authorized expenditures of the grant.''.

(c) TECHNICAL AMENDMENTS.—Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) in section 2611—

(A) in subsection (a), by striking the subsection designation and heading; and

(B) by striking subsection (b);

(2) in section 2614—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''section 2612(a)(2)'' and inserting ''section 2612(b)(3)(J)''; and

(B) in subsection (c)(2)(B), by striking ''homemaker or'';

(3) in section 2615(a) by striking ''section 2612(a)(3)'' and inserting ''section 2612(b)(3)(F)''; and

(4) in section 2616(a) by striking ''section 2612(a)(5)'' and inserting ''section 2612(b)(3)(B)''.

SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.

(a) REQUIREMENT OF MINIMUM DRUG LIST.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended—

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

''(1) ensure that the therapeutics included on the list of classes of core antiretroviral therapeutics established by the Secretary under subsection (e) are, at a minimum, the treatments provided by the State pursuant to this section;'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) LIST OF CLASSES OF CORE ANTIRETROVIRAL THERAPEUTICS.—For purposes of subsection (c)(1), the Secretary shall develop and maintain a list of classes of core antiretroviral therapeutics, which list shall be based on the therapeutics included in the guidelines of the Secretary known as the Clinical Practice Guidelines for Use of HIV/AIDS Drugs, relating to drugs needed to manage symptoms associated with HIV. The preceding sentence does not affect the authority of the Secretary to modify such Guidelines.''.

(b) DRUG REBATE PROGRAM.—Section 2616 of the Public Health Service Act, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(g) DRUG REBATE PROGRAM.—A State shall ensure that any drug rebates received on drugs purchased from funds provided pursuant to this section are applied to activities supported under this subpart, with priority given to activities described under this section.''.

SEC. 203. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—

(1) STATE DISTRIBUTION FACTOR.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(A) in subparagraph (B), by striking ''estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved'' and inserting ''number of living cases of HIV/AIDS in the State involved''; and

(B) by amending subparagraph (D) to read as follows:

''(D) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for a State for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS in the State that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, a State is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living non-AIDS names-based cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State, subject to clause (vii); or

''(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, after consultation with the chief executive of the State, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for a State applies only if, by October 1, 2006—

''(I)(aa) the State had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that,

as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for a State applies only if, as of April 1, 2008, the State is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for a State if the State submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to a State that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the State in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for a State shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the State.

''(vii) LIST OF STATES MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If a State is specified in subclause (II), the State shall be considered to meet the standard described in clause (ii)(I). No other State may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(viii) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to a State that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (vii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

''(ix) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(2) NON-EMA DISTRIBUTION FACTOR.—Section 2618(a)(2)(C) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(C)) is amended—

(A) in clause (i), by striking ''estimated number of living cases of acquired immune deficiency syndrome'' each place such term appears and inserting ''number of living cases of HIV/AIDS''; and

(B) in clause (ii), by amending such clause to read as follows:

''(ii) a number equal to the sum of—

''(I) the total number of living cases of HIV/AIDS that are within areas in such State that are eligible areas under subpart I of part A for the fiscal year involved, which individual number for an area is the number that applies under section 2601 for the area for such fiscal year; and

''(II) the total number of such cases that are within areas in such State that are transitional areas under section 2609 for such fiscal year, which individual number for an area is the number that applies under such section for the fiscal year.''.

(b) FORMULA AMENDMENTS GENERALLY.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''The amount referred to'' in the matter preceding clause (i) and all that follows through the end of clause (i) and inserting the following: ''For purposes of paragraph (1), the amount referred to in this paragraph for a State (including a territory) for a fiscal year is, subject to subparagraphs (E) and (F)—

''(i) an amount equal to the amount made available under section 2623 for the fiscal year involved for grants pursuant to paragraph (1), subject to subparagraph (G); and''; and

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ''.80'' and inserting ''0.75''; and

(II) by striking ''and'' at the end;

(ii) in subclause (II)—

(I) by inserting ''non-EMA'' after ''respective''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(III) if the State does not for such fiscal year contain any area that is an eligible area under subpart I of part A or any area that is a transitional area under section 2609 (referred to in this subclause as a 'no-EMA State'), the product of 0.05 and the ratio of the number of cases that applies for the State under subparagraph (D) to the sum of the respective numbers of cases that so apply for all no-EMA States.'';

(2) by striking subparagraphs (E) through (H);

(3) by inserting after subparagraph (D) the following subparagraphs:

''(E) CODE-BASED STATES; LIMITATION ON INCREASE IN GRANT.—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (D)(vi)) applies in a State as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to paragraph (1) for the State may not for the fiscal year involved exceed by more than 5 percent the amount of the grant pursuant to this paragraph for the State for the preceding fiscal year, except that the limitation under this clause may not result in a grant pursuant to paragraph (1) for a fiscal year that is less than the minimum amount that applies to the State under such paragraph for such fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to section 2620, subject to subparagraph (H).''; and

(4) by redesignating subparagraph (I) as subparagraph (F).

(c) SEPARATE ADAP GRANTS.—Section 2618(a)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(G)), as redesignated by subsection (b)(4) of this section, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''section 2677'' and inserting ''section 2623'';

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding after and below subclause (II) the following:

''which product shall then, as applicable, be increased under subparagraph (H).'';

(2) in clause (ii)—

(A) by striking subclauses (I) through (III) and inserting the following:

''(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall award supplemental grants to States described in subclause (II) to enable such States to purchase and distribute to eligible individuals under section 2616(b) pharmaceutical therapeutics described under subsections (c)(2) and (e) of such section.

''(II) ELIGIBLE STATES.—For purposes of subclause (I), a State shall be an eligible State if the State did not have unobligated funds subject to reallocation under section 2618(d) in the previous fiscal year and, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under this clause. For purposes of determining severe need, the Secretary shall consider eligibility standards, formulary composition, the number of eligible individuals to whom a State is unable to provide therapeutics described in section 2616(a), and an unanticipated increase of eligible individuals with HIV/AIDS.

''(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that the State will make available (directly or through donations of public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant, except that the Secretary may waive this subclause if the State has otherwise fully complied with section 2617(d) with respect to the grant year involved. The provisions of this subclause shall apply to States that are not required to comply with such section 2617(d).''.

(B) in subclause (IV), by moving the subclause two ems to the left;

(C) in subclause (V), by striking ''3 percent'' and inserting ''5 percent''; and

(D) by striking subclause (VI); and

(3) by adding at the end the following clause:

''(iii) CODE-BASED STATES; LIMITATION ON INCREASE IN FORMULA GRANT.—The limitation under subparagraph (E)(i) applies to grants pursuant to clause (i) of this subparagraph to the same extent and in the same manner as such limitation applies to grants pursuant to paragraph (1), except that the reference to minimum grants does not apply for purposes of this clause. Amounts available as a result of the limitation under the preceding sentence shall be made available by the Secretary as additional amounts for grants under clause (ii) of this subparagraph.''.

(d) HOLD HARMLESS.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)), as amended by subsection (b)(4) of this section, is amended by adding at the end the following subparagraph:

''(H) INCREASE IN FORMULA GRANTS.—

''(i) ASSURANCE OF AMOUNT.—

''(I) GENERAL RULE.—For fiscal year 2007, the Secretary shall ensure, subject to clauses (ii) through (iv), that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 95 percent of such total for the State for fiscal year 2006.

''(II) RULE OF CONSTRUCTION.—With respect to the application of subclause (I), the 95 percent requirement under such subclause shall apply with respect to each grant awarded under paragraph (1) and with respect to each grant awarded under subparagraph (G).

''(ii) FISCAL YEAR 2007.—For purposes of clause (i) as applied for fiscal year 2007, the references in such clause to subparagraph (G) are deemed to be references to subparagraph (I) as such subparagraph was in effect for fiscal year 2006.

''(iii) FISCAL YEARS 2008 AND 2009.—For each of the fiscal years 2008 and 2009, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 100 percent of such total for the State for fiscal year 2007.

''(iv) SOURCE OF FUNDS FOR INCREASE.—

''(I) IN GENERAL.—From the amount reserved under section 2623(b)(2) for a fiscal year, and from amounts available for such section pursuant to subsection (d) of this section, the Secretary shall make available such amounts as may be necessary to comply with clause (i).

''(II) PRO RATA REDUCTION.—If the amounts referred to in subclause (I) for a fiscal year are insufficient to fully comply with clause (i) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to paragraph (1) for the fiscal year, other than grants for States for which increases under clause (i) apply and other than States described in paragraph (1)(A)(i)(I). A reduction under the preceding sentence may not be made in an amount that would result in the State involved becoming eligible for such an increase.

''(v) APPLICABILITY.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

(e) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff–28(b)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6);

(2) in paragraph (2) (as so redesignated)—

(A) by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(B) by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(3) in paragraph (3) (as so redesignated)—

(A) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Subject to paragraph (4,) and except as provided in paragraph (5), a State may not use more than 10 percent of amounts received under a grant awarded under section 2611 for administration.'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) ALLOCATIONS.—In the case of entities and subcontractors to which a State allocates amounts received by the State under a grant under section 2611, the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).'';

(D) in subparagraph (C) (as so redesignated), by inserting before the period the following: '', including a clinical quality management program under subparagraph (E)''; and

(E) by adding at the end the following:

''(E) CLINICAL QUALITY MANAGEMENT.—

''(i) REQUIREMENT.—Each State that receives a grant under section 2611 shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(ii) USE OF FUNDS.—

''(I) IN GENERAL.—From amounts received under a grant awarded under section 2611 for a fiscal year, a State may use for activities associated with the clinical quality management program required in clause (i) not to exceed the lesser of—

''(aa) 5 percent of amounts received under the grant; or

''(bb) $3,000,000.

''(II) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under clause (i) may not be considered administrative expenses for purposes of the limitation established in subparagraph (A).'';

(4) in paragraph (4) (as so redesignated)—

(A) by striking ''paragraph (6)'' and inserting ''paragraph (5)''; and

(B) by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (2) and (3)''; and

(5) in paragraph (5) (as so redesignated), by striking ''paragraphs (3)'' and all that follows through ''(5),'' and inserting the following: ''paragraphs (2) and (3), may, notwithstanding paragraphs (2) through (4),''.

(f) REALLOCATION FOR SUPPLEMENTAL GRANTS.—Section 2618(d) of the Public Health Service Act (42 U.S.C. 300ff–28(d)) is amended to read as follows:

''(d) REALLOCATION.—Any portion of a grant made to a State under section 2611 for a fiscal year that has not been obligated as described in subsection (c) ceases to be available to the State and shall be made available by the Secretary for grants under section 2620, in addition to amounts made available for such grants under section 2623(b)(2).''.

(g) DEFINITIONS; OTHER TECHNICAL AMENDMENTS.—Section 2618(a) of the Public Health Service Act (42 U.S.C. 300ff–28(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 2677'' and inserting ''section 2623'';

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking ''each of the several States and the District of Columbia'' and inserting ''each of the 50 States, the District of Columbia, Guam, and the Virgin Islands (referred to in this paragraph as a 'covered State')''; and

(B) in clause (i)—

(i) in subclause (I), by striking ''State or District'' and inserting ''covered State''; and

(ii) in subclause (II)—

(I) by striking ''State or District'' and inserting ''covered State''; and

(II) by inserting ''and'' after the semicolon; and

(3) in paragraph (1)(B), by striking ''each territory of the United States, as defined in paragraph (3),'' and inserting ''each territory other than Guam and the Virgin Islands'';

(4) in paragraph (2)(C)(i), by striking ''or territory''; and

(5) by striking paragraph (3).

SEC. 204. ADDITIONAL AMENDMENTS TO SUBPART I OF PART B.

(a) REFERENCES TO PART B.—Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by striking ''this part'' each place such term appears and inserting ''section 2611''.

(b) HEPATITIS.—Section 2614(a)(3) of the Public Health Service Act (42 U.S.C. 300ff–24(a)(3)) is amended by inserting '', including specialty care and vaccinations for hepatitis co-infection,'' after ''health services''.

(c) APPLICATION FOR GRANT.—

(1) COORDINATION.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3), the following:

''(4) the designation of a lead State agency that shall—

''(A) administer all assistance received under this part;

''(B) conduct the needs assessment and prepare the State plan under paragraph (3);

''(C) prepare all applications for assistance under this part;

''(D) receive notices with respect to programs under this title;

''(E) every 2 years, collect and submit to the Secretary all audits, consistent with Office of Management and Budget circular A133, from grantees within the State, including audits regarding funds expended in accordance with this part; and

''(F) carry out any other duties determined appropriate by the Secretary to facilitate the coordination of programs under this title.'';

(C) in paragraph (5) (as so redesignated)—

(i) in subparagraph (E), by striking ''and'' at the end; and

(ii) by inserting after subparagraph (F) the following:

''(G) includes key outcomes to be measured by all entities in the State receiving assistance under this title; and''; and

(D) in paragraph (7) (as so redesignated), in subparagraph (A)—

(i) by striking ''paragraph (5)'' and inserting ''paragraph (6)''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

(2) NATIVE AMERICAN REPRESENTATION.—Section 2617(b)(6) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before ''representatives of grantees'' the following: ''members of a Federally recognized Indian tribe as represented in the State,''.

(3) PAYER OF LAST RESORT.—Section 2617(b)(7)(F)(ii) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before the semicolon the following: ''(except for a program administered by or providing the services of the Indian Health Service)''.

(d) MATCHING FUNDS; APPLICABILITY OF REQUIREMENT.—Section 2617(d)(3) of the Public Health Service Act (42 U.S.C. 300ff–27(d)(3)) is amended—

(1) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(2) in subparagraph (C), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

SEC. 205. SUPPLEMENTAL GRANTS ON BASIS OF DEMONSTRATED NEED.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended—

(1) by redesignating section 2620 as section 2621; and

(2) by inserting after section 2619 the following:

''SEC. 2620. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—For the purpose of providing services described in section 2612(a), the Secretary shall make grants to States—

''(1) whose applications under section 2617 have demonstrated the need in the State, on an objective and quantified basis, for supplemental financial assistance to provide such services; and

''(2) that did not, for the most recent grant year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) for which data is available, have more than 2 percent of grant funds under such sections canceled or covered by any waivers under section 2622(c).

''(b) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of subsection (a)(1) may include any or all of the following:

''(1) The unmet need for such services, as determined under section 2617(b).

''(2) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(3) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(4) The current prevalence of HIV/AIDS.

''(5) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(6) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(7) The prevalence of homelessness.

''(8) The prevalence of individuals described under section 2602(b)(2)(M).

''(9) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(10) The impact of a decline in the amount received pursuant to section 2618 on services available to all individuals with HIV/AIDS identified and eligible under this title.

''(c) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this section to a State to address the decline in services related to the decline in the amounts received pursuant to section 2618 consistent with the grant award to the State for fiscal year 2006, to the extent that the factor under subsection (b)(10) (relating to a decline in funding) applies to the State.

''(d) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

''(1) the total amount of supplemental funds available under this section for the year involved;

''(2) the amount of supplemental funds used in accordance with the hold harmless provisions of section 2618(a)(2);

''(3) the amount of supplemental funds disbursed pursuant to subsection (c);

''(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

''(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).

''(e) CORE MEDICAL SERVICES.—The provisions of section 2612(b) apply with respect to a grant under this section to the same extent and in the same manner as such provisions apply with respect to a grant made pursuant to section 2618(a)(1).

''(f) APPLICABILITY OF GRANT AUTHORITY.—The authority to make grants under this section applies beginning with the first fiscal year for which amounts are made available for such grants under section 2623(b)(1).''.

SEC. 206. EMERGING COMMUNITIES.

Section 2621 of the Public Health Service Act, as redesignated by section 205(1) of this Act, is amended—

(1) in the heading for the section, by striking ''**SUPPLEMENTAL GRANTS**'' and inserting ''**EMERGING COMMUNITIES**'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) agree that the grant will be used to provide funds directly to emerging communities in the State, separately from other funds under this title that are provided by the State to such communities; and''.

(3) by striking subsections (d) and (e) and inserting the following:

''(d) DEFINITIONS OF EMERGING COMMUNITY.—For purposes of this section, the term 'emerging community' means a metropolitan area (as defined in section 2607) for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 500, but fewer than 1,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(e) CONTINUED STATUS AS EMERGING COMMUNITY.—Notwithstanding any other provision of this section, a metropolitan area that is an emerging community for a fiscal year continues to be an emerging community until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (d); and

''(2) to have a cumulative total of 750 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(f) DISTRIBUTION.—The amount of a grant under subsection (a) for a State for a fiscal year shall be an amount equal to the product of—

''(1) the amount available under section 2623(b)(1) for the fiscal year; and

''(2) a percentage equal to the ratio constituted by the number of living cases of HIV/AIDS in emerging communities in the State to the sum of the respective numbers of such cases in such communities for all States.''.

SEC. 207. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 205, is further amended by adding at the end the following:

''SEC. 2622. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

''(a) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G), or under section 2620 or 2621, are available for obligation by the State through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the State (referred to in this section as the 'grant year for the award'), except as provided in subsection (c)(1).

''(b) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(2)(G)(ii), or under section 2620 or 2621, has an unobligated balance as of the end of the grant year for the award—

''(1) the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State; and

''(2) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under paragraph (1) to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(c) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(1) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State, unless—

''(A) before the end of the grant year, the State submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the State intends to expend the funds involved; and

''(B) the Secretary approves the waiver.

''(2) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under paragraph (1) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(A) The unobligated funds are available for expenditure by the State involved for the one-year period beginning upon the expiration of the grant year (referred to in this section as the 'carryover year').

''(B) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State.

''(3) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under paragraph (1) or (2)(B), the grant funds involved shall be made available by the Secretary as additional amounts for grants under section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such paragraph to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(4) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(A) IN GENERAL.—In the case of a State for which a balance from a grant award made pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) is unobligated as of the end of the grant year for the award—

''(i) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such section for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under paragraph (1) has been approved with respect to such balance); and

''(ii) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants under section 2620 for such first fiscal year, subject to section 2618(a)(2)(H);

except that this subparagraph does not apply to the State if the amount of the unobligated balance was 2 percent or less.

''(B) RELATION TO INCREASES IN GRANT.—A reduction under subparagraph (A) for a State for a fiscal year may not be taken into account in applying section 2618(a)(2)(H) with respect to the State for the subsequent fiscal year.

''(d) TREATMENT OF DRUG REBATES.—For purposes of this section, funds that are drug rebates referred to in section 2616(g) may not be considered part of any grant award referred to in subsection (a).''.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR SUBPART I OF PART B.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.), as amended by section 207, is further amended by adding at the end the following:

''SEC. 2623. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,195,500,000 for fiscal year 2007, $1,239,500,000 for fiscal year 2008, and $1,285,200,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) EMERGING COMMUNITIES.—Of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve $5,000,000 for grants under section 2621.

''(2) SUPPLEMENTAL GRANTS.—

''(A) IN GENERAL.—Of the amount appropriated under subsection (a) for a fiscal year in excess of the 2006 adjusted amount, the Secretary shall reserve 1/3 for grants under section 2620, except that the availability of the reserved funds for such grants is subject to section 2618(a)(2)(H) as applied for such year, and except that any amount appropriated exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(G)) is not subject to this subparagraph.

''(B) 2006 ADJUSTED AMOUNT.—For purposes of subparagraph (A), the term '2006 adjusted amount' means the amount appropriated for fiscal year 2006 under section 2677(b) (as such section was in effect for such fiscal year), excluding any amount appropriated for such year exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(I), as so in effect).''.

SEC. 209. EARLY DIAGNOSIS GRANT PROGRAM.

Section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33) is amended to read as follows:

''SEC. 2625. EARLY DIAGNOSIS GRANT PROGRAM.

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, acting through the Centers for Disease Control and Prevention, shall make grants to such States for the purposes described in subsection (c).

''(b) DESCRIPTION OF COMPLIANT STATES.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if, under such laws or regulations (including programs carried out pursuant to the discretion of State officials), both of the policies described in paragraph (1) are in effect, or both of the policies described in paragraph (2) are in effect, as follows:

''(1)(A) Voluntary opt-out testing of pregnant women.

''(B) Universal testing of newborns.

''(2)(A) Voluntary opt-out testing of clients at sexually transmitted disease clinics.

''(B) Voluntary opt-out testing of clients at substance abuse treatment centers.

The Secretary shall periodically ensure that the applicable policies are being carried out and recertify compliance.

''(c) USE OF FUNDS.—A State may use funds provided under subsection (a) for HIV/AIDS testing (including rapid testing), prevention counseling, treatment of newborns exposed to HIV/AIDS, treatment of mothers infected with HIV/AIDS, and costs associated with linking those diagnosed with HIV/AIDS to care and treatment for HIV/AIDS.

''(d) APPLICATION.—A State that is eligible for the grant under subsection (a) shall submit an application to the Secretary, in such form, in such manner, and containing such information as the Secretary may require.

''(e) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) to a State for a fiscal year may not be made in an amount exceeding $10,000,000.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to pre-empt State laws regarding HIV/AIDS counseling and testing.

''(g) DEFINITIONS.—In this section:

''(1) The term 'voluntary opt-out testing' means HIV/AIDS testing—

''(A) that is administered to an individual seeking other health care services; and

''(B) in which—

''(i) pre-test counseling is not required but the individual is informed that the individual will receive an HIV/AIDS test and the individual may opt out of such testing; and

''(ii) for those individuals with a positive test result, post-test counseling (including referrals for care) is provided and confidentiality is protected.

''(2) The term 'universal testing of newborns' means HIV/AIDS testing that is administered within 48 hours of delivery to—

''(A) all infants born in the State; or

''(B) all infants born in the State whose mother's HIV/AIDS status is unknown at the time of delivery.

''(h) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated annually to the Centers for Disease Control and Prevention for HIV/AIDS prevention activities, $30,000,000 shall be made available for each of the fiscal years 2007 through 2009 for grants under subsection (a), of which $20,000,000 shall be made available for grants to States with the policies described in subsection (b)(1), and $10,000,000 shall be made available for grants to States with the policies described in subsection (b)(2). Funds provided under this section are available until expended.''.

SEC. 210. CERTAIN PARTNER NOTIFICATION PROGRAMS; AUTHORIZATION OF APPROPRIATIONS.

Section 2631(d) of the Public Health Service Act (42 U.S.C. 300ff–38(d)) is amended by striking ''there are'' and all that follows and inserting the following: ''there is authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2009.''.

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM; CORE MEDICAL SERVICES.

(a) IN GENERAL.—Section 2651 of the Public Health Service Act (42 U.S.C. 300ff–51) is amended to read as follows:

''SEC. 2651. ESTABLISHMENT OF A PROGRAM.

''(a) IN GENERAL.—For the purposes described in subsection (b), the Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private entities specified in section 2652(a).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to expend the grant only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses as described in section 2664(g)(3).

''(2) EARLY INTERVENTION SERVICES.—An applicant for a grant under subsection (a) shall expend not less than 50 percent of the amount received under the grant for the services described in subparagraphs (B) through (E) of subsection (e)(1) for individuals with HIV/AIDS.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under subsection (a) to an applicant for a fiscal year, the applicant shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (3) and (5) of section 2664(g), use not less than 75 percent to provide core medical services that are needed in the area involved for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) The Secretary shall waive the application of paragraph (1) with respect to an applicant for a grant if the Secretary determines that, within the service area of the applicant—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing an applicant that a grant under subsection (a) is being made for a fiscal year, the Secretary shall inform the applicant whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments under section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this section, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) SPECIFICATION OF EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The early intervention services referred to in this section are—

''(A) counseling individuals with respect to HIV/AIDS in accordance with section 2662;

''(B) testing individuals with respect to HIV/AIDS, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from HIV/AIDS;

''(C) referrals described in paragraph (2);

''(D) other clinical and diagnostic services regarding HIV/AIDS, and periodic medical evaluations of individuals with HIV/AIDS; and

''(E) providing the therapeutic measures described in subparagraph (B).

''(2) REFERRALS.—The services referred to in paragraph (1)(C) are referrals of individuals with HIV/AIDS to appropriate providers of health and support services, including, as appropriate—

''(A) to entities receiving amounts under part A or B for the provision of such services;

''(B) to biomedical research facilities of institutions of higher education that offer experimental treatment for such disease, or to community-based organizations or other entities that provide such treatment; or

''(C) to grantees under section 2671, in the case of a pregnant woman.

''(3) REQUIREMENT OF AVAILABILITY OF ALL EARLY INTERVENTION SERVICES THROUGH EACH GRANTEE.—

''(A) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each of the early intervention services specified in paragraph (2) will be available through the grantee. With respect to compliance with such agreement, such a grantee may expend the grant to provide the early intervention services directly, and may expend the grant to enter into agreements with public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, under which the entities provide the services.

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) subparagraphs (A), (D), (E), and (F) of section 2652(a)(1) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of paragraph (1) directly and onsite or at sites where other primary care services are rendered; and

''(ii) subparagraphs (B) and (C) of section 2652(a)(1) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in paragraph (1)(C), and for follow-up concerning such referrals.''.

(b) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT PROGRAM.—Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), by amending the paragraph to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for administrative expenses with respect to the grant, including planning and evaluation, except that the costs of a clinical quality management program under paragraph (5) may not be considered administrative expenses for purposes of such limitation;''; and

(2) in paragraph (5), by inserting ''clinical'' before ''quality management''.

SEC. 302. ELIGIBLE ENTITIES; PREFERENCES; PLANNING AND DEVELOPMENT GRANTS.

(a) MINIMUM QUALIFICATION OF GRANTEES.—Section 2652(a) of the Public Health Service Act (42 U.S.C. 300ff–52(a)) is amended to read as follows:

''(a) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—The entities referred to in section 2651(a) are public entities and nonprofit private entities that are—

''(A) federally-qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

''(B) grantees under section 1001 (regarding family planning) other than States;

''(C) comprehensive hemophilia diagnostic and treatment centers;

''(D) rural health clinics;

''(E) health facilities operated by or pursuant to a contract with the Indian Health Service;

''(F) community-based organizations, clinics, hospitals and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use; or

''(G) nonprofit private entities that provide comprehensive primary care services to populations at risk of HIV/AIDS, including faith-based and community-based organizations.

''(2) UNDERSERVED POPULATIONS.—Entities described in paragraph (1) shall serve underserved populations which may include minority populations and Native American populations, ex-offenders, individuals with comorbidities including hepatitis B or C, mental illness, or substance abuse, low-income populations, inner city populations, and rural populations.''.

(b) PREFERENCES IN MAKING GRANTS.—Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(B) in subparagraph (D), by inserting before the semicolon the following: ''and the number of cases of individuals co-infected with HIV/AIDS and hepatitis B or C''; and

(2) in subsection (d)(2), by striking ''special consideration'' and inserting ''preference''.

(c) PLANNING AND DEVELOPMENT GRANTS.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''HIV''; and

(B) in subparagraph (B), by striking ''HIV'' and inserting ''HIV/AIDS''; and

(2) in paragraph (3), by striking ''or underserved communities'' and inserting ''areas or to underserved populations''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''such sums'' and all that follows through ''2005''and inserting '', $218,600,000 for fiscal year 2007, $226,700,000 for fiscal year 2008, and $235,100,000 for fiscal year 2009''.

SEC. 304. CONFIDENTIALITY AND INFORMED CONSENT.

Section 2661 of the Public Health Service Act (42 U.S.C. 300ff–61) is amended to read as follows:

''SEC. 2661. CONFIDENTIALITY AND INFORMED CONSENT.

''(a) CONFIDENTIALITY.—The Secretary may not make a grant under this part unless, in the case of any entity applying for a grant under section 2651, the entity agrees to ensure that information regarding the receipt of early intervention services pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

''(b) INFORMED CONSENT.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in testing an individual for HIV/AIDS, the applicant will test an individual only after the individual confirms that the decision of the individual with respect to undergoing such testing is voluntarily made.''.

SEC. 305. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662 of the Public Health Service Act (42 U.S.C. 300ff–62) is amended to read as follows:

''SEC. 2662. PROVISION OF CERTAIN COUNSELING SERVICES.

''(a) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing conducted for HIV/AIDS indicate that an individual does not have such condition, the applicant will provide the individual information, including—

''(1) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, hepatitis C, and other sexually transmitted diseases;

''(2) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C;

''(3) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(4) the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases;

''(5) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(6) information regarding the availability of hepatitis B vaccine and information about hepatitis treatments.

''(b) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing for HIV/AIDS indicate that the individual has such condition, the applicant will provide to the individual appropriate counseling regarding the condition, including—

''(1) information regarding—

''(A) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, and hepatitis C;

''(B) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C; and

''(C) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(2) reviewing the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases; and

''(3) providing counseling—

''(A) on the availability, through the applicant, of early intervention services;

''(B) on the availability in the geographic area of appropriate health care, mental health care, and social and support services, including providing referrals for such services, as appropriate;

''(C)(i) that explains the benefits of locating and counseling any individual by whom the infected individual may have been exposed to HIV/AIDS, hepatitis B, or hepatitis C and any individual whom the infected individual may have exposed to HIV/AIDS, hepatitis B, or hepatitis C; and

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV/AIDS, hepatitis B, or hepatitis C; and

''(D) on the availability of the services of public health authorities with respect to locating and counseling any individual described in subparagraph (C);

''(4) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(5) information regarding the availability of hepatitis B vaccine.

''(c) ADDITIONAL REQUIREMENTS REGARDING APPROPRIATE COUNSELING.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in counseling individuals with respect to HIV/AIDS, the applicant will ensure that the counseling is provided under conditions appropriate to the needs of the individuals.

''(d) COUNSELING OF EMERGENCY RESPONSE EMPLOYEES.—The Secretary may not make a grant under this part to a State unless the State agrees that, in counseling individuals with respect to HIV/AIDS, the State will ensure that, in the case of emergency response employees, the counseling is provided to such employees under conditions appropriate to the needs of the employees regarding the counseling.

''(e) RULE OF CONSTRUCTION REGARDING COUNSELING WITHOUT TESTING.—Agreements made pursuant to this section may not be construed to prohibit any grantee under this part from expending the grant for the purpose of providing counseling services described in this section to an individual who does not undergo testing for HIV/AIDS as a result of the grantee or the individual determining that such testing of the individual is not appropriate.''.

SEC. 306. GENERAL PROVISIONS.

(a) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2663 of the Public Health Service Act (42 U.S.C. 300ff–63) is amended by striking ''will, without'' and all that follows through ''be carried'' and inserting ''with funds appropriated through this Act will be carried''.

(b) ADDITIONAL REQUIRED AGREEMENTS.—Section 2664(a) of the Public Health Service Act (42 U.S.C. 300ff–64(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(C) information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process described in section 2602) and for States funded under part B (including the planning process described in section 2617(b)); and

''(D) a specification of the expected expenditures and how those expenditures will improve overall client outcomes, as described in the State plan under section 2617(b);'';

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(3) the applicant agrees to provide additional documentation to the Secretary regarding the process used to obtain community input into the design and implementation of activities related to such grant; and

''(4) the applicant agrees to submit, every 2 years, to the lead State agency under section 2617(b)(4) audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this title and shall include necessary client level data to complete unmet need calculations and Statewide coordinated statements of need process.''.

(c) PAYER OF LAST RESORT.—Section 2664(f)(1)(A) of the Public Health Service Act (42 U.S.C. 300ff–64(f)(1)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

SEC. 401. WOMEN, INFANTS, CHILDREN, AND YOUTH.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended to read as follows:

''PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth with HIV/AIDS.

''(b) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—Funds provided under grants awarded under subsection (a) may be used for the following support services:

''(1) Family-centered care including case management.

''(2) Referrals for additional services including—

''(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

''(B) referrals for other social and support services, as appropriate.

''(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

''(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

''(c) COORDINATION WITH OTHER ENTITIES.—A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

''(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act, including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

''(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

''(3) The applicant will every 2 years submit to the lead State agency under section 2617(b)(4) audits regarding funds expended in accordance with this title and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

''(d) ADMINISTRATION; APPLICATION.—A grant may only be awarded to an entity under subsection (a) if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. Such application shall include the following:

''(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 2602) and for States funded under part B (including the planning process outlined in section 2617(b)).

''(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 2617(b)) or through additional outcome measures.

''(e) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

''(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

''(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

''(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

''(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

''(f) ADMINISTRATIVE EXPENSES.—

''(1) LIMITATION.—A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

''(2) CLINICAL QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(g) TRAINING AND TECHNICAL ASSISTANCE.—From the amounts appropriated under subsection (i) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

''(h) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE EXPENSES.—The term 'administrative expenses' means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

''(2) INDIRECT COSTS.—The term 'indirect costs' means costs included in a Federally negotiated indirect rate.

''(3) SERVICES.—The term 'services' means—

''(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

''(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated, $71,800,000 for each of the fiscal years 2007 through 2009.''.

SEC. 402. GAO REPORT.

Not later than 24 months after the date of enactment of this Act, the Comptroller General of the Government Accountability Office shall conduct an evaluation, and submit to Congress a report, concerning the funding provided for under part D of title XXVI of the Public Health Service Act to determine—

(1) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, for individuals with HIV/AIDS;

(2) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, to family members of women, infants, children, and youth infected with HIV/AIDS;

(3) how funds are used to provide family-centered care involving outpatient or ambulatory care authorized under section 2671(a) of such title;

(4) how funds are used to provide additional services authorized under section 2671(b) of such title; and

(5) how funds are used to help identify HIV-positive pregnant women and their children who are exposed to HIV and connect them with care that can improve their health and prevent perinatal transmission.

TITLE V—GENERAL PROVISIONS

SEC. 501. GENERAL PROVISIONS.

Part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–80 et seq.) is amended to read as follows:

''PART E—GENERAL PROVISIONS

''SEC. 2681. COORDINATION.

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Centers for Medicare & Medicaid Services coordinate the planning, funding, and implementation of Federal HIV programs (including all minority AIDS initiatives of the Public Health Service, including under section 2693) to enhance the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for assistance under this title.

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease.

''(c) INTEGRATION BY STATE.—As a condition of receipt of funds under this title, a State shall provide assurances to the Secretary that health support services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV/AIDS is enhanced.

''(d) INTEGRATION BY LOCAL OR PRIVATE ENTITIES.—As a condition of receipt of funds under this title, a local government or private nonprofit entity shall provide assurances to the Secretary that services funded under this title will

be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

"SEC. 2682. AUDITS.

''(a) IN GENERAL.—For fiscal year 2009, and each subsequent fiscal year, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.

''(b) POSTING ON THE INTERNET.—All audits that the Secretary receives from the State lead agency under section 2617(b)(4) shall be posted, in their entirety, on the Internet website of the Health Resources and Services Administration.

"SEC. 2683. PUBLIC HEALTH EMERGENCY.

''(a) IN GENERAL.—In an emergency area and during an emergency period, the Secretary shall have the authority to waive such requirements of this title to improve the health and safety of those receiving care under this title and the general public, except that the Secretary may not expend more than 5 percent of the funds allocated under this title for sections 2620 and section 2603(b).

''(b) EMERGENCY AREA AND EMERGENCY PERIOD.—In this section:

''(1) EMERGENCY AREA.—The term 'emergency area' means a geographic area in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(2) EMERGENCY PERIOD.—The term 'emergency period' means the period in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(c) UNOBLIGATED FUNDS.—If funds under a grant under this section are not expended for an emergency in the fiscal year in which the emergency is declared, such funds shall be returned to the Secretary for reallocation under sections 2603(b) and 2620.

"SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds appropriated under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

"SEC. 2685. PRIVACY PROTECTIONS.

''(a) IN GENERAL.—The Secretary shall ensure that any information submitted to, or collected by, the Secretary under this title excludes any personally identifiable information.

''(b) DEFINITION.—In this section, the term 'personally identifiable information' has the meaning given such term under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"SEC. 2686. GAO REPORT.

''The Comptroller General of the Government Accountability Office shall biennially submit to the appropriate committees of Congress a report that includes a description of Federal, State, and local barriers to HIV program integration, particularly for racial and ethnic minorities, including activities carried out under subpart III of part F, and recommendations for enhancing the continuity of care and the provision of prevention services for individuals with HIV/AIDS or those at risk for such disease. Such report shall include a demonstration of the manner in which funds under this subpart are being expended and to what extent the services provided with such funds increase access to prevention and care services for individuals with HIV/AIDS and build stronger community linkages to address HIV prevention and care for racial and ethnic minority communities.

"SEC. 2687. SEVERITY OF NEED INDEX.

''(a) DEVELOPMENT OF INDEX.—Not later than September 30, 2008, the Secretary shall develop and submit to the appropriate committees of Congress a severity of need index in accordance with subsection (c).

''(b) DEFINITION OF SEVERITY OF NEED INDEX.—In this section, the term 'severity of need index' means the index of the relative needs of individuals within a State or area, as identified by a number of different factors, and is a factor or set of factors that is multiplied by the number of living HIV/AIDS cases in a State or area, providing different weights to those cases based on needs. Such factors or set of factors may be different for different components of the provisions under this title.

''(c) REQUIREMENTS FOR SECRETARIAL SUBMISSION.—When the Secretary submits to the appropriate committees of Congress the severity of need index under subsection (a), the Secretary shall provide the following:

''(1) Methodology for and rationale behind developing the severity of need index, including information related to the field testing of the severity of need index.

''(2) An independent contractor analysis of activities carried out under paragraph (1).

''(3) Information regarding the process by which the Secretary received community input regarding the application and development of the severity of need index.

''(d) ANNUAL REPORTS.—If the Secretary fails to submit the severity of need index under subsection (a) in either of fiscal years 2007 or 2008, the Secretary shall prepare and submit to the appropriate committees of Congress a report for such fiscal year—

''(1) that updates progress toward having client level data;

''(2) that updates the progress toward having a severity of need index, including information related to the methodology and process for obtaining community input; and

''(3) that, as applicable, states whether the Secretary could develop a severity of need index before fiscal year 2009.

"SEC. 2688. DEFINITIONS.

''For purposes of this title:

''(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(2) CO-OCCURRING CONDITIONS.—The term 'co-occurring conditions' means one or more adverse health conditions in an individual with HIV/AIDS, without regard to whether the individual has AIDS and without regard to whether the conditions arise from HIV.

''(3) COUNSELING.—The term 'counseling' means such counseling provided by an individual trained to provide such counseling.

''(4) FAMILY-CENTERED CARE.—The term 'family-centered care' means the system of services described in this title that is targeted specifically to the special needs of infants, children, women and families. Family-centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV/AIDS.

''(5) FAMILIES WITH HIV/AIDS.—The term 'families with HIV/AIDS' means families in which one or more members have HIV/AIDS.

''(6) HIV.—The term 'HIV' means infection with the human immunodeficiency virus.

''(7) HIV/AIDS.—

''(A) IN GENERAL.—The term 'HIV/AIDS' means HIV, and includes AIDS and any condition arising from AIDS.

''(B) COUNTING OF CASES.—The term 'living cases of HIV/AIDS', with respect to the counting of cases in a geographic area during a period of time, means the sum of—

''(i) the number of living non-AIDS cases of HIV in the area; and

''(ii) the number of living cases of AIDS in the area.

''(C) NON-AIDS CASES.—The term 'non-AIDS', with respect to a case of HIV, means that the individual involved has HIV but does not have AIDS.

''(8) HUMAN IMMUNODEFICIENCY VIRUS.—The term 'human immunodeficiency virus' means the etiologic agent for AIDS.

''(9) OFFICIAL POVERTY LINE.—The term 'official poverty line' means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

''(10) PERSON.—The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

''(11) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and each of the territories.

''(B) TERRITORIES.—The term 'territory' means each of American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

''(12) YOUTH WITH HIV.—The term 'youth with HIV' means individuals who are 13 through 24 years old and who have HIV/AIDS.''.

TITLE VI—DEMONSTRATION AND TRAINING

SEC. 601. DEMONSTRATION AND TRAINING.

Subpart I of part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended to read as follows:

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D for each fiscal year, the Secretary shall use the greater of $20,000,000 or an amount equal to 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer special projects of national significance to—

''(1) quickly respond to emerging needs of individuals receiving assistance under this title; and

''(2) to fund special programs to develop a standard electronic client information data system to improve the ability of grantees under this title to report client-level data to the Secretary.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) to entities eligible for funding under parts A, B, C, and D based on—

''(1) whether the funding will promote obtaining client level data as it relates to the creation of a severity of need index, including funds to facilitate the purchase and enhance the utilization of qualified health information technology systems;

''(2) demonstrated ability to create and maintain a qualified health information technology system;

''(3) the potential replicability of the proposed activity in other similar localities or nationally;

''(4) the demonstrated reliability of the proposed qualified health information technology system across a variety of providers, geographic regions, and clients; and

''(5) the demonstrated ability to maintain a safe and secure qualified health information system; or

''(6) newly emerging needs of individuals receiving assistance under this title.

''(c) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(d) PRIVACY PROTECTION.—The Secretary may not make a grant under this section for the development of a qualified health information technology system unless the applicant provides assurances to the Secretary that the system will, at a minimum, comply with the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(e) REPLICATION.—The Secretary shall make information concerning successful models or programs developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance for grantees funded under this part.''.

SEC. 602. AIDS EDUCATION AND TRAINING CENTERS.

(a) AMENDMENTS REGARDING SCHOOLS AND CENTERS.—Section 2692(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''and Native Americans'' after ''minority individuals''; and

(B) by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) train or result in the training of health professionals and allied health professionals to provide treatment for hepatitis B or C co-infected individuals.''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR SCHOOLS, CENTERS, AND DENTAL PROGRAMS.—Section 2692(c) of the Public Health Service Act (42 U.S.C. 300ff–111(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SCHOOLS; CENTERS.—For the purpose of awarding grants under subsection (a), there is authorized to be appropriated $34,700,000 for each of the fiscal years 2007 through 2009.

''(2) DENTAL SCHOOLS.—For the purpose of awarding grants under subsection (b), there is authorized to be appropriated $13,000,000 for each of the fiscal years 2007 through 2009.''.

SEC. 603. CODIFICATION OF MINORITY AIDS INITIATIVE.

Part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended by adding at the end the following:

''Subpart III—Minority AIDS Initiative

''SEC. 2693. MINORITY AIDS INITIATIVE.

''(a) IN GENERAL.—For the purpose of carrying out activities under this section to evaluate and address the disproportionate impact of HIV/AIDS on, and the disparities in access, treatment, care, and outcomes for, racial and ethnic minorities (including African Americans, Alaska Natives, Latinos, American Indians, Asian Americans, Native Hawaiians, and Pacific Islanders), there are authorized to be appropriated $131,200,000 for fiscal year 2007, $135,100,000 for fiscal year 2008, and $139,100,000 for fiscal year 2009.

''(b) CERTAIN ACTIVITIES.—

''(1) IN GENERAL.—In carrying out the purpose described in subsection (a), the Secretary shall provide for—

''(A) emergency assistance under part A;

''(B) care grants under part B;

''(C) early intervention services under part C;

''(D) services through projects for HIV-related care under part D; and

''(E) activities through education and training centers under section 2692.

''(2) ALLOCATIONS AMONG ACTIVITIES.—Activities under paragraph (1) shall be carried out by the Secretary in accordance with the following:

''(A) For competitive, supplemental grants to improve HIV-related health outcomes to reduce existing racial and ethnic health disparities, the Secretary shall, of the amount appropriated under subsection (a) for a fiscal year, reserve the following, as applicable:

''(i) For fiscal year 2007, $43,800,000.

''(ii) For fiscal year 2008, $45,400,000.

''(iii) For fiscal year 2009, $47,100,000.

''(B) For competitive grants used for supplemental support education and outreach services to increase the number of eligible racial and ethnic minorities who have access to treatment through the program under section 2616 for therapeutics, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $7,000,000.

''(ii) For fiscal year 2008, $7,300,000.

''(iii) For fiscal year 2009, $7,500,000.

''(C) For planning grants, capacity-building grants, and services grants to health care providers who have a history of providing culturally and linguistically appropriate care and services to racial and ethnic minorities, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $53,400,000.

''(ii) For fiscal year 2008, $55,400,000.

''(iii) For fiscal year 2009, $57,400,000.

''(D) For eliminating racial and ethnic disparities in the delivery of comprehensive, culturally and linguistically appropriate care services for HIV disease for women, infants, children, and youth, the Secretary shall, of the amount appropriated under subsection (a), reserve $18,500,000 for each of the fiscal years 2007 through 2009.

''(E) For increasing the training capacity of centers to expand the number of health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV disease-related treatments and medical care for racial and ethnic minority adults, adolescents, and children with HIV disease, the Secretary shall, of the amount appropriated under subsection (a), reserve $8,500,000 for each of the fiscal years 2007 through 2009.

''(c) CONSISTENCY WITH PRIOR PROGRAM.—With respect to the purpose described in subsection (a), the Secretary shall carry out this section consistent with the activities carried out under this title by the Secretary pursuant to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002 (Public Law 107–116).''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. HEPATITIS; USE OF FUNDS.

Section 2667 of the Public Health Service Act (42 U.S.C. 300ff–67) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.''.

SEC. 702. CERTAIN REFERENCES.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is amended—

(1) by striking ''acquired immune deficiency syndrome'' each place such term appears, other than in section 2687(1) (as added by section 501 of this Act), and inserting ''AIDS'';

(2) by striking ''such syndrome'' and inserting ''AIDS''; and

(3) by striking ''HIV disease'' each place such term appears and inserting ''HIV/AIDS''.

SEC. 703. REPEAL.

Effective on October 1, 2009, title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is repealed.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. ENGEL. Mr. Speaker, as home to 17 percent of the Nation's AIDS population, there are few pieces of legislation we will pass this year that are as profoundly important to New York as the Ryan White CARE Act. New York remains the epicenter of the HIV/AIDS crisis, leading the Nation in both the number of persons living with HIV/AIDS and the number of new cases of HIV/AIDS each year.

This vital program which provides lifesaving services for individuals with HIV/AIDS has unfortunately been relegated to a vicious formula fight over the past year pitting States against each other, with a lot of false statements being lodged along the way. I want to be clear that despite what some may say, the HIV/AIDS epidemic has not ''shifted,'' it has expanded. One-half of all people living with AIDS reside in five States: New York, California, Florida, Texas and New Jersey. Three of these States: NY, NJ, and FL, will continue to face losses under this reauthorization. There is no question that other States have mounting epidemics and they are absolutely entitled and deserving of more funding.

An ideal Ryan White bill would have ensured that every State had enough money to meet their full needs. I offered an amendment in committee to increase funding for the bill with Mr. TOWNS, Ms. ESHOO and Mrs. CAPPS. It failed on an essentially party line vote, which is a shame as this will minimize our ability to alleviate the growing unmet need for HIV/AIDS treatment services in our communities nationwide.

However, there is no question that through hard work and real compromise the bill that we will vote on today is dramatically better than the Ryan White bill we voted on September 28. I am proud to have been able to help negotiate changes with my House and Senate colleagues that will contain essential protections for New York and other States. While, NY will still endure losses that I believe are unjust for the State that remains the epicenter of the AIDS Crisis, the most draconian cuts have largely been mitigated and no longer threaten to decimate our State's system of care. For this we can all be proud.

I am also pleased that the troubling Severity of Need Index (SONI) provision, which would have taken State and local resources into account when determining Federal funding has been improved. We have always viewed caring for our HIV/AIDS patients as a partnership between the local, State and Federal governments and strongly believe the Severity of Need Index is a powerful disincentive for States and local areas to take action. In this bill, HRSA will be allowed to work towards developing a SONI but will be prohibited from

using it to determine Federal funding in this reauthorization. Another victory for responsible public policy.

Finally, it was an astute decision to intentionally shorten this reauthorization from 5 to 3 years to incentivize the stakeholders and authorizing committees to work swiftly and astutely on crafting a new Ryan White bill that will be more just for all HIV/AIDS patients nationwide.

Is this the bill I wanted? Of course not. I remain concerned that States' differing HIV surveillance systems will prevent funding from truly following the epidemic during the 3 years of the reauthorization. However, I am grateful that this bill strongly limits formula losses to counter potential undeserved funding shifts.

So, in the end, our mutual compromise has resulted in a new bill that we can accept if not embrace. I wish to thank all the people who worked so hard on this bill, including John Ford and William Garner of Mr. DINGELL's staff who strove to accommodate so many varying regional concerns about HIV/AIDS. I am grateful for the tireless efforts of the NY delegation, the New York Department of Health and NYC Mayor's office who worked many long nights and weekends with us to help advocate for the best possible bill we could negotiate. This was certainly a team effort, and I know that the knowledge gained from the countless hours of discussions we have had over the past year will strengthen our ability to craft an even better Ryan White reauthorization in 3 years.

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

There was no objection.

A motion to reconsider was laid on the table.

CHRISTOPHER AND DANA REEVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1554) to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. PALLONE. Mr. Speaker, reserving the right to object, again on this one, I would ask the chairman if the bill we are considering now, as amended, is the one timed 12:24, November 30, 2006, 12:24 p.m.

Again, I am concerned at this hour about what we are actually considering.

Mr. BARTON of Texas. We have to ask the desk. I think the answer is yes. The desk has the copy. The number is on the bottom left-hand corner. It has been cleared.

The SPEAKER pro tempore. It says December 8, 2006.

Mr. PALLONE. So this is something that was changed within the last hour or so again?

Mr. BARTON of Texas. We can withdraw it. I have no problem asking unanimous consent to withdraw this request to verify that what you have is the right version.

Mr. PALLONE. I would appreciate that.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to withdraw the amendment to H.R. 1554.

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

There was no objection.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5280) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

Mr. Speaker, the bill I called up, it came over from the Senate and we do not have a copy of it.

Mr. Speaker, I ask unanimous consent to withdraw my motion on H.R. 5280 until we get everything straightened out.

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

There was no objection.

CHRISTOPHER AND DANA REEVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1554) to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1554

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 ''Christopher Reeve Paralysis Act''.

SEC. 2. TABLE OF CONTENTS.

TITLE I—PARALYSIS RESEARCH

SEC. 101. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) IN GENERAL.—

(1) ENHANCED COORDINATION OF ACTIVITIES.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') may expand and coordinate the activities of such Institutes with respect to research on paralysis. In order to further expand upon the activities of this section, the Director may consider the methods outlined in the report under section 2(b) of Public Law 108–427 with respect to spinal cord injury and paralysis research (relating to the Roadmap for Medical Research of the National Institutes of Health).

(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute of Neurological Disorders and Stroke (in this section referred to as the ''Institute'') and in collaboration with any other agencies that the Director determines appropriate.

(b) COORDINATION.—

(1) IN GENERAL.—The Director may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the agencies of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(2) REPORT.—Not later than December 1, 2005, the Director shall prepare a report to Congress that provides a description of the paralysis activities of the Institute and strategies for future activities.

(c) CHRISTOPHER REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may under subsection (a)(1) make awards of grants to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded under grants as a Christopher Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication between members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(d) PUBLIC INPUT.—The Director may under subsection (a)(1) provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.

TITLE II—PARALYSIS REHABILITATION RESEARCH AND CARE

SEC. 201. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—

(1) EXPANSION OF ACTIVITIES.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') may expand and coordinate the activities of such Institutes with respect to research with implications for enhancing daily function for people with paralysis.

(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute on Child Health and Human Development and the National Center for Medical Rehabilitation Research and in collaboration with the National Institute on Neurological Disorders and Stroke, the Centers for Disease Control and Prevention, and any other agencies that the Director determines appropriate.

(b) PARALYSIS CLINICAL TRIALS NETWORKS.—

(1) IN GENERAL.—The Director may make awards of grants to public or nonprofit private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(2) RESEARCH.—Each multicenter clinical trial network may—

(A) focus on areas of key scientific concern, including—

(i) improving functional mobility;

(ii) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(iii) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(iv) developing improved assistive technology to improve function and independence; and

(v) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(B) replicate the findings of network members for scientific and translation purposes.

(3) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks and ensure regular communication between members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

(c) REPORT.—Not later than December 1, 2005, the Director shall submit to the Congress a report that provides a description of research activities with implications for enhancing daily function for persons with paralysis.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.

TITLE III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

SEC. 301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this title referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Comprehensive Paralysis and Other Physical Disability Quality of Life Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, establish a hospital-based paralysis registry and conduct relevant population-based research; and

(4) the development of comprehensive, unique and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) physical activity;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing paralysis registries for the support of relevant population-based research;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing state-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To nonprofit private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with state-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service.

(e) REPORT TO CONGRESS.—Not later than December 1, 2005, the Secretary shall submit to the Congress a report describing the results of the evaluation under subsection (a), and as applicable, the strategies developed under such subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2006 through 2009.

TITLE IV—ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 401. EXPANSION AND COORDINATION OF ACTIVITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—

(1) ENHANCED COORDINATION OF ACTIVITIES.—The Secretary of Veterans Affairs may expand and coordinate activities of the Veterans Health Administration of the Department of Veterans Affairs with respect to research on paralysis.

(2) ADMINISTRATION OF PROGRAM.—The Secretary shall carry out this section through the Chief Research and Development Officer of the Administration and in collaboration with the National Institutes of Health and other agencies the Secretary determines appropriate.

(b) ESTABLISHMENT OF PARALYSIS RESEARCH, EDUCATION, AND CLINICAL CARE.—

(1) IN GENERAL.—The Secretary may establish within the Department of Veterans Affairs centers to be known as Paralysis Research, Education and Clinical Care Centers. Such centers shall be established through the award of grants to Administration medical centers that are affiliated with medical schools or other organizations the Secretary

considers appropriate. Such grants may be used to pay all or part of the costs of planning, establishing, improving, and providing basic operating support for such centers.

(2) RESEARCH.—Each center under paragraph (1)—

(A) may focus on basic biomedical research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(B) may focus on clinical science research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(C) may focus on rehabilitation research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma;

(D) may focus on health services research on the types of paralysis that result from neurologic dysfunction, neurodegeneration, or trauma to improve health outcomes, increase the cost-effectiveness of service, and implement best practices in the treatment of such types of paralysis; and

(E) may facilitate and enhance the dissemination of scientific findings and evidence-based practices.

(3) COORDINATION OF CENTERS INTO CONSORTIA.—The Secretary may, as appropriate, provide for the linkage and coordination of information among centers under paragraph (1) in order to create national consortia of centers and to ensure regular communications between members of the centers. Each consortium—-

(A) may expand the capacity of its Administration medical centers to conduct basic, clinical, rehabilitation, and health-sciences research with respect to paralysis by increasing the available research resources;

(B) may identify gaps in research, clinical service, or implementation strategies;

(C) may operate as a multidisciplinary research and clinical care team to determine best practices, to develop standards of care, and to establish guidelines for implementation throughout the Department of Veterans Affairs; and

(D) may use the facilities of a single lead institution, or facilities formed from several cooperating institutions, that meet such requirements as prescribed by the Secretary and—

(i) may provide core funding that will enhance ongoing research by bringing together paralysis health care and research communities in a manner that will enrich the effectiveness of clinical care, present research and future directions; and

(ii) may include administrative, research, clinical, educational and implementation cores, other cores may be proposed.

(4) COORDINATION OF INFORMATION; REPORTS.—The Secretary may, as appropriate, provide for the coordination of information among centers and consortia under this section and ensure regular communication with respect to the activities of the centers and consortia, and may require the periodic preparation of reports on the activities of the centers and consortia, and require the submission of such reports.

(c) ESTABLISHMENT OF QUALITY ENHANCEMENT RESEARCH INITIATIVES FOR PARALYSIS.—

(1) IN GENERAL.—The Secretary may make grants to Administration medical centers for the purpose of carrying out projects to translate clinical findings and recommendations with respect to paralysis into evidence-based best practices for use by the Administration. Such projects shall be designated by the Secretary as Quality Enhancement Research Initiative projects (referred to in this subsection as ''QUERI projects'').

(2) REQUIREMENT.—A grant may be made under paragraph (1) to an Administration medical center only if the center is affiliated with a school of medicine or with another entity determined by the Secretary to be appropriate.

(3) CERTAIN USES OF GRANT.—The activities for which a grant under paragraph (1) may be expended by a QUERI project include the following:

(A) To pay all or part of the costs of planning, establishing, improving and providing basic operating support for the project.

(B) To work toward implementing best practices identified under paragraph (1) throughout the Administration through efforts to facilitate comprehensive organizational change, and to evaluate and refine such implementation efforts through the collection, analysis, and reporting of data on critical patient outcomes and system performance.

(C) To identify high-risk or high-volume primary or secondary consequences of paralysis that results from neurologic dysfunction, neurodegeneration, or trauma.

(D) To systematically examine quality of care for persons with paralysis from neurologic dysfunction, neurodegeneration, or trauma.

(E) To define existing practice patterns and outcomes for persons with paralysis throughout the Administration and current variation from best practices both within and outside of the Department of Veterans Affairs.

(F) To enhance ongoing research by bringing together paralysis clinical care and health service research communities to identify the health care needs of the paralysis community, examine standard practices, determine best practices and to implement best practices for persons with paralysis and their families.

(G) To formulate health service research protocols aimed at determining paralysis-care related best practices, closing the gap between current practices in paralysis care in the Department of Veterans Affairs, assessing the best practices within and outside of the Department of Veterans Affairs, and developing strategies for the implementation of best practices.

(H) To implement information, tools, products and other interventions determined to be in the best interest of persons with paralysis (including performance criteria for clinicians and psychosocial interventions for veterans and their families).

(I) To disseminate findings in scientific peer-reviewed journals and other venues deemed appropriate, such as veteran service organization publications.

(4) ORGANIZATION OF PROJECT.—Each QUERI project may use the facilities of a single lead Administration medical center, or be formed from cooperating such centers that meet such requirements as may be prescribed by the Secretary.

(5) MAINTENANCE OF EFFORT.—A grant may be made under paragraph (1) only if, with respect to activities for which the award is authorized to be expended, the applicant for the award agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the applicant for the fiscal year preceding the first fiscal year for which the applicant receives such an award.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated in the aggregate $25,000,000 for fiscal years 2006 through 2009. Amounts appropriated under this section are in addition to any other amounts appropriated for such purpose.

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) The term ''Administration'' means the Veterans Health Administration of the Department of Veterans Affairs.

(2) The term ''Secretary'' means the Secretary of Veterans Affairs.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act''.

SEC. 2. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this Act referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality-of-life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Comprehensive Paralysis and Other Physical Disability Quality of Life Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality-of-life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a hospital-based registry, and the conduct of relevant population-based research, on motor disability (including paralysis); and

(4) the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality-of-life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) physical activity;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordination of services and removal of barriers that prevent full participation and integration into the community; and

(G) recognition of the unique needs of underserved populations.

(c) GRANTS.—In carrying out subsection (a), the Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing paralysis registries for the support of relevant population-based research;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To nonprofit private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate with other activities of the Public Health Service.

(e) REPORT TO CONGRESS.—Not later than December 1, 2007, the Secretary shall submit to the Congress a report describing the results of the study under subsection (a) and, as applicable, the national plan developed under subsection (b)(1).

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated in the aggregate $25,000,000 for the fiscal years 2007 through 2010.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) as science and research have advanced, so too has the need to increase strategic planning across the National Institutes of Health to identify research that is important to the advancement of biomedical science; and

(2) research involving collaboration among the national research institutes and national centers of the National Institutes of Health is crucial for advancing research on paralysis and thereby improving rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. PALLONE. Mr. Speaker, reserving an objection at this time, again I was going to ask the chairman, the version I have now is December 8 at 5:25 p.m. Does that include the amendment that the gentleman now proposed? Or is this something new?

Mr. BARTON of Texas. Yes.

Mr. PALLONE. So the amendment that you proposed would be the version that I have now for December 8 at 5:25 p.m.?

Mr. BARTON of Texas. Yes.

Mr. PALLONE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 1554, the Christopher Reeve Paralysis Act, legislation that will enhance paralysis research and improve the lives of people suffering from mobility impairments caused by disease or accident.

I first introduced the Christopher Reeve Paralysis Act in 2003 after meeting with the extraordinary man for whom this bill is named. Christopher Reeve told me how dramatically the accident that left him paralyzed changed his life and forced him to completely depend on others for his everyday needs.

What impressed me so much about Christopher was not only his strength and courage in dealing with what only people similarly situated can understand, but his resolve and determination to one day walk again and help others who shared his condition. And though Chris never walked again before his death, he and his wife Dana, who also has since so tragically passed away, pushed to the national forefront the issue of the need for better research into paralysis and greater emphasis on rehabilitation. This bill is part of their legacy.

The substitute amendment offered to the bill this evening represents a significant step forward in our efforts to find a cure for paralysis and mobility impairment. The amendment authorizes grants through the Department of Health and Human Services to expand research on paralysis, better coordinate that research, and intensify efforts to translate clinical research into progress on rehabilitation and improving the quality-of-life of people with paralysis and mobility impairment.

The bill will encourage the development of unique programs through the Centers for Disease Control and Prevention to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. CDC grants could be used to help states develop coordinated services to assist people with paralysis or for non-profit organizations to improve access to important services and better integrate people with paralysis into society.

It is my hope that efforts in these areas ultimately will help translate clinical research into evidence-based best practices for treating paralysis and improving quality-of-life for mobility-impaired individuals.

Finally, the amendment renames the bill the Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act, to appropriately recognize the tireless efforts of both Chris and Dana Reeve, both of whom were taken from this Earth much too soon.

There is no question that this bill is desperately needed. Though Christopher Reeve was certainly one of the most vocal and visible advocates for people affected by paralysis, he fought for many more who shared his condition. And while there are tremendous economic costs associated with disability caused by paralysis, we cannot begin to measure the impact that this condition has on those living with paralysis and on those who love and care for them.

Before I conclude, I want to thank Energy and Commerce Committee Chairman JOE BARTON and Health Subcommittee Chairman NATHAN DEAL, both for their willingness to move forward on this bill and for their leadership on issues important to so many of us. I am proud to have worked with you both for so many years and wish you well as you continue your service in Congress.

I also want to thank full Committee Ranking Member JOHN DINGELL, Subcommittee Ranking Member SHERROD BROWN, and the majority and minority committee staffs for their work on this measure, especially Randy Pate of the majority staff and Cheryl Jaeger of Majority Whip BLUNT's staff. I also would be remiss if I did not thank several former staffers of mine, Steve Tilton, Jeremy Allen, and Jeanne Haggerty, for their previous work on this bill. The work of all of these dedicated people has led us to where we are today.

Mr. Speaker, we clearly need to better focus and enhance our national effort to cure paralysis and improve the lives of people who suffer from mobility impairment. The passage and enactment of the Christopher and Dana Reeve Quality of Life for Persons with Paralysis Act will be another critical step toward helping millions of Americans walk again, and carrying on the fight that Christopher and Dana Reeve fought so valiantly. I urge all of our colleagues to support it.

The amendment 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.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6164, H.R. 5280, H.R. 5472, H.R. 1245, S. 3718, S. 1608, S. 3678, S. 707, H.R. 6143, H.R. 1554, S. 3546. S. 2563, S. 4092 and H. Res. 335, and to insert extraneous material on the bills.

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

There was no objection.

FALLEN FIREFIGHTERS ASSISTANCE TAX CLARIFICATION ACT OF 2006

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 6429) to treat payments by charitable organizations with respect to certain firefighters as exempt payments, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6429

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 ''Fallen Firefighters Assistance Tax Clarification Act of 2006''.

SEC. 2. PAYMENTS BY CHARITABLE ORGANIZATIONS WITH RESPECT TO CERTAIN FIREFIGHTERS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, payments made on behalf of any firefighter who died as the result of the October 2006 Esperanza Incident fire in southern California to any family member of such firefighter by an organization described in paragraph (1) or (2) of section 509(a) of such Code shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made in good faith using a reasonable and objective formula which is consistently applied.

(b) APPLICATION.—Subsection (a) shall apply only to payments made on or after October 26, 2006, and before June 1, 2007.

Mr. LEWIS of California. Mr. Speaker, the communities in our Southern California mountains, and the community of Federal firefighters, suffered a terrible tragedy a little more than a month ago when five Federal firefighters were killed protecting our homes and families. Our constituents have promised to provide for the survivors of Engine Captain Mark Loutzenhiser, Fire Engine Operator Jess McLean, Assistant Fire Engine Operator Jason McKay, Firefighter Daniel Hoover-Najera, and Firefighter Pablo Cerda. With the help of the Riverside County Board of Supervisors and a local United Way chapter, nearly $1 million has been raised. But we need to ensure that our tax regulations do not block the distribution of this money to the deserving families. My colleague and friend Representative MARY BONO has introduced a very simple bill, which would give permission to the United Way to organize the fund's dispersal. It is a narrow bill that creates a one-time income tax exemption for those firefighter families receiving money from the fund. It also allows donations to the fund to be deductible. Mr. Speaker, it is my hope that the members of this body will help us help these families, who have suffered a terrible loss in the name of public service and protecting our communities from wildfires.

Mrs. BONO. Mr. Speaker, after five United States Forest Service fire fighters were killed in the line of duty battling the Esperanza fire to protect life and property, a fund was set up to help care for the families of these brave men.

Thousands of citizens from across the country donated to this worthy cause. The response was so overwhelming that soon, the County of Riverside found itself with approximately $1 million to distribute to their survivors. The County turned to the Central County United Way in Hemet, CA to help manage these donations.

Local officials were surprised to learn soon thereafter that tax-exempt charitable organizations are not allowed to raise money for a group as small and specific as the families of these five American heros.

My colleagues, Chairman JERRY LEWIS and Congressman KEN CALVERT, and I, along with Senators BARBARA BOXER and DIANNE FEINSTEIN, are trying to remedy this situation.

The pain these families have suffered through should not be worsened due to their inability to receive funds that Americans so generously donated. Nor should the United Way jeopardize its tax exempt status to help distribute these donations.

Sometimes, our rules and regulations just don't make sense and they prevent charity and kind heartedness from being furthered. While no amount of money will ease the suffering of the families of these fallen firefighters, Congress can take an important step to help get them the donations they deserve.

I want to thank Chairman BILL THOMAS, Majority Leader JOHN BOEHNER and Ranking Member CHARLES RANGEL for helping to make this bill possible. Your kindness and thoughtfulness will not be forgotten.

I urge the passage of this critical piece of legislation.

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.

SOCIAL SECURITY TRUST FUNDS RESTORATION ACT OF 2006

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the Senate bill (S. 4091) to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for others purposes, 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, the title said ''for other purposes.'' Would you elaborate?

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

Mr. KUCINICH. I yield to the gentleman from California.

Mr. THOMAS. That is boilerplate language that is used. This is something that we do virtually every year because there are always accounting errors, and this allows for the correcting of the accounting errors.

Mr. KUCINICH. Mr. Speaker, I withdraw my 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. 4091

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 ''Social Security Trust Funds Restoration Act of 2006''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) CLERICAL ERROR.—The term ''clerical error'' means the bookkeeping errors at the Social Security Administration that resulted in the overpayment of amounts transferred from the Trust Funds to the general fund of the Treasury during the period commencing with 1999 and ending with 2005 as transfers, under the voluntary withholding program authorized by section 3402(p) of the Internal Revenue Code of 1986, of anticipated taxes on benefit payments under title II of the Social Security Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(3) TRUST FUNDS.—The term ''Trust Funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 3. RESTORATION OF TRUST FUNDS.

(a) APPROPRIATION.—There is hereby appropriated to each of the Trust Funds, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the difference between—

(1) the sum of—

(A) the amounts that the Secretary determines, in consultation with the Commissioner of Social Security, were overpaid from such Trust Fund to the general fund of the Treasury by reason of the clerical error, and

(B) the amount that the Secretary determines, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the interest income that would have been payable to such Trust Fund pursuant to section 201(d) of the Social Security Act on obligations issued under chapter 31 of title 31, United States Code, that was not paid by reason of the clerical error, and

(2) the sum of—

(A) the amounts that are refunded to such Trust Fund as overpayments by reason of the clerical error to the extent not limited by periods of limitation under applicable provisions of the Internal Revenue Code of 1986, and

(B) the interest that is paid to such Trust Fund on the overpayments resulting from the clerical error to the extent allowed under applicable provisions of such Code.

(b) INVESTMENT.—The Secretary shall invest the amounts appropriated to each of the Trust Funds under subsection (a) in accordance with the currently applicable investment policy for such Trust Fund.

SEC. 4. TIMING.

(a) ACTIONS BY THE SECRETARY.—The Secretary shall take such actions as are necessary to accomplish the restoration described in section 3 not later than 120 days after the date of the enactment of this Act.

(b) ACTION BY THE COMMISSIONER.—The Commissioner of Social Security shall cooperate with the Secretary to the extent necessary to enable the Secretary to meet the requirements of subsection (a).

SEC. 5. CONGRESSIONAL NOTIFICATION.

Not later than 30 days after the Secretary takes the last action necessary to accomplish the restoration described in section 3, the Secretary shall notify each House of the Congress in writing of the actions so taken.

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.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 3885) to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam,

American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3885

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 ''District of Columbia and United States Territories Circulating Quarter Dollar Program Act''.

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

''(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

''(1) REDESIGN IN 2009.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

''(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(3) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Coinage Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(6) OTHER PROVISIONS.—

''(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

''(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

''(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CASTLE:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''District of Columbia and United States Territories Circulating Quarter Dollar Program Act''.

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(r) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

''(1) REDESIGN IN 2009.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

''(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

''(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(3) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

''(i) selected by the Secretary after consultation with—

''(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

''(II) the Commission of Fine Arts; and

''(ii) reviewed by the Citizens Coinage Advisory Committee.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the

District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(6) OTHER PROVISIONS.—

''(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

''(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

''(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.''.

Mr. CASTLE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 3885, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act. I want to thank both Chairman OXLEY and Chairman PRYCE for the Financial Services Committee's support for this legislation, and Leader BOEHNER and incoming chairman BARNEY FRANK for their help in getting the bill to the floor as the 109th Congress winds down.

The legislation before us would create a 1-year program following the end of the popular 50 State Quarter program that would create circulating quarters that bear images honoring the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Mr. Speaker, the 50 State Quarter program has proved to be a great success—it has reinvigorated interest in coin collecting, has proven an invaluable educational tool, and has contributed close to $6 billion dollars to the U.S. Treasury, so far, through seigniorage and the sale of products for collectors. These savings will reduce interest on the debt, something we should all support. The state quarters have been the most popular coin program in the United State's Mint history, with an estimated 140 million Americans collecting the coins. Next year, in a program modeled after the state quarters, the Mint will begin issuing dollar coins bearing the images of the Presidents, changing the design four times a year.

Mr. Speaker, DC and the territories weren't included in the state quarter program, but they deserve their own quarters and Americans deserve to be able to get those quarters and learn about their history. This legislation is a good bipartisan bill supported by other members of the Financial Services Committee and passed in the House in every Congress since we approved the state quarter legislation. I am pleased today that we have brought this much-needed bill to the floor. I urge my colleagues on both sides of the aisle to join me in supporting this important legislation, and I hope our colleagues in the other body now will approve it as well. The Mint needs adequate time to plan the designs for these coins, and sending this bill to the President 2 years from now is too late.

The amendment 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.

GENERAL LEAVE

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

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

There was no objection.

COMMEMORATING ONE-YEAR ANNIVERSARY OF NOVEMBER 9, 2005, TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. PENCE. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 1095) commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 1095

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the House of Representatives—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and its government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5304, de novo;

S. 3718, de novo;

S. 3546, 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.

□ 0230

PREVENTING HARASSMENT THROUGH OUTBOUND NUMBER ENFORCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5304, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5304, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

POOL AND SPA SAFETY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3718.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3718.

The question was taken.

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

Mr. WESTMORELAND. 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.

The vote was taken by electronic device, and there were—yeas 191, nays 108, not voting 134, as follows:

[Roll No. 542]

YEAS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Boehner
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Butterfield
Cannon
Capito
Capps
Capuano
Cardin
Carnahan
Castle
Chabot
Chandler
Cleaver
Clyburn
Cooper
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeLauro
Dent
Diaz-Balart, M.
Doggett
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Ferguson
Fitzpatrick (PA)
Fortenberry
Fossella
Frank (MA)
Gilchrest
Gingrey
Gonzalez
Green, Al
Green, Gene
Hinchey
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kline
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Murphy
Nadler
Napolitano
Northup
Oberstar
Obey
Olver
Pallone
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—108

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chocola
Cole (OK)
Conaway
Doolittle
Drake
Dreier
Duncan
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Jones (OH)
Kelly
King (IA)
Kingston
Knollenberg
Kuhl (NY)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McHenry
McHugh
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Osborne
Pearce
Pence
Poe
Pombo
Price (GA)
Putnam
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sekula Gibbs
Sessions
Shadegg
Sherwood
Sodrel
Souder
Sullivan
Terry
Thornberry
Tiahrt
Turner
Walden (OR)
Westmoreland
Wilson (SC)

NOT VOTING—134

Baker
Bass
Beauprez
Berry
Bilirakis
Blumenauer
Bonilla
Boucher
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Carson
Case
Clay
Coble
Conyers
Costa
Costello
Cramer
Cubin
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
Diaz-Balart, L.
Dicks
Dingell
Doyle
Emerson
English (PA)
Evans
Everett
Fattah
Feeney
Filner
Ford
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herger
Herseth
Higgins
Hinojosa
Holden
Hooley
Hyde
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Lantos
Larson (CT)
Leach
Lewis (CA)
Linder
Markey
Marshall
McCrery
McKinney
McMorris Rodgers
Meehan
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Neal (MA)
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Rush
Ryan (OH)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shuster
Simpson
Slaughter
Smith (TX)
Solis
Stark
Stearns
Strickland
Sweeney
Tancredo
Taylor (NC)
Velázquez
Wamp
Waters
Watson
Waxman
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

□ 0253

Messrs. LEWIS of Kentucky, AKIN, ISSA, ROGERS of Alabama, CAMP, MARCHANT and BRADLEY of New Hampshire changed their vote from ''yea'' to ''nay.''

Messrs. CANNON, CAPUANO and KANJORSKI changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

DIETARY SUPPLEMENT AND NONPRESCRIPTION DRUG CONSUMER PROTECTION ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the Senate bill, S. 3546.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 3546, 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 203, nays 98, not voting 132, as follows:

[Roll No. 543]

YEAS—203

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boren
Boswell
Boyd
Brady (PA)
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Castle
Chabot
Chandler
Cleaver
Clyburn
Cooper
Crenshaw
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
DeLauro
Diaz-Balart, M.
Doggett
Doolittle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Ferguson
Fortenberry
Fossella
Frank (MA)
Gilchrest
Gonzalez
Granger
Green (WI)
Green, Al
Green, Gene
Harris
Hastert
Hastings (WA)
Herseth
Hinchey
Hobson
Holt
Honda
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Murphy
Nadler
Napolitano
Northup
Oberstar
Obey
Olver
Osborne
Pallone
Payne
Pelosi
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weller
Wolf
Woolsey
Wu
Wynn

NAYS—98

Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carter
Chocola

Cole (OK)
Conaway
DeFazio
Dent
Drake
Duncan
Fitzpatrick (PA)
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Gutknecht
Hall
Hart
Hayes
Hayworth
Hensarling
Hoekstra
Hostettler
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaTourette
Lewis (KY)
Lofgren, Zoe
Lucas
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (MN)
Platts
Poe
Price (GA)
Putnam
Rehberg
Renzi
Rogers (AL)
Royce
Ryan (WI)
Sekula Gibbs
Sessions
Shadegg
Sherwood
Sodrel
Souder
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Westmoreland
Wexler
Wilson (NM)
Wilson (SC)

NOT VOTING—132

Baker
Bass
Beauprez
Berry
Bilirakis
Blumenauer
Bonilla
Boucher
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Case
Clay
Coble
Conyers
Costa
Costello
Cramer
Cubin
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
Diaz-Balart, L.
Dicks
Dingell
Doyle
Emerson
English (PA)
Evans
Farr
Fattah
Feeney
Filner
Ford
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herger
Higgins
Hinojosa
Holden
Hooley
Hyde
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Lantos
Larson (CT)
Leach
Lewis (CA)
Linder
Markey
Marshall
Matsui
McCrery
McKinney
Meehan
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Neal (MA)
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Ryan (OH)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shuster
Simpson
Slaughter
Smith (TX)
Solis
Stark
Stearns
Strickland
Sweeney
Tancredo
Taylor (NC)
Thompson (CA)
Velázquez
Wamp
Waters
Watson
Waxman
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

□ 0306

Mr. FRANK of Massachusetts and Mr. EVERETT changed their vote from ''nay'' to ''yea.''

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.

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY ACT

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 707) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 707

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 ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act'' or the ''PREEMIE Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Premature birth is a serious and growing problem. The rate of preterm birth increased 27 percent between 1982 and 2002 (from 9.4 percent to 11.9 percent). In 2001, more than 480,000 babies were born prematurely in the United States.

(2) Preterm birth accounts for 24 percent of deaths in the first month of life.

(3) Premature infants are 14 times more likely to die in the first year of life.

(4) Premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

(5) Preterm and low birthweight birth is a significant financial burden in health care. The estimated charges for hospital stays for infants with any diagnosis of prematurity/low birthweight were $15,500,000,000 in 2002. The average lifetime medical costs of a premature baby are conservatively estimated at $500,000.

(6) The proportion of preterm infants born to African-American mothers (17.3 percent) was significantly higher compared to the rate of infants born to white mothers (10.6 percent). Prematurity or low birthweight is the leading cause of death for African-American infants.

(7) The cause of approximately half of all premature births is unknown.

(8) Women who smoke during pregnancy are twice as likely as nonsmokers to give birth to a low birthweight baby. Babies born to smokers weigh, on average, 200 grams less than nonsmokers' babies.

(9) To reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, the development of treatments for prevention of preterm birth, and treatments improving outcomes for infants born preterm.

(b) PURPOSES.—It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF NIH RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409J. EXPANSION AND COORDINATION OF RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND INFANT MORTALITY.

''(a) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on the causes of preterm labor and delivery, infant mortality, and improving the care and treatment of preterm and low birthweight infants.

''(b) AUTHORIZATION OF RESEARCH NETWORKS.—There shall be established within the National Institutes of Health a Maternal-Fetal Medicine Units Network and a Neonatal Research Units Network. In complying with this subsection, the Director of NIH shall utilize existing networks.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.''.

(b) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''(e) The Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.''.

(c) STUDY ON ASSISTED REPRODUCTION TECHNOLOGIES.—Section 1004(c) of the Children's Health Act of 2000 (Public Law 106–310) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) consider the impact of assisted reproduction technologies on the mother's and children's health and development.''.

(d) STUDY ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct a study on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) REVIEW OF PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—The Director of the Centers for Disease Control and Prevention shall conduct a review of the Pregnancy Risk Assessment Monitoring Survey to ensure that the Survey includes information relative to medical care and intervention received, in order to track pregnancy outcomes and reduce instances of preterm birth.

(f) STUDY ON THE HEALTH AND ECONOMIC CONSEQUENCES OF PRETERM BIRTH.—

(1) IN GENERAL.—The Director of the National Institutes of Health in conjunction with the Director of the Centers for Disease Control and Prevention shall enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study to define and address the health and economic consequences of preterm birth. In conducting the study, the Institute of Medicine shall—

(A) review and assess the epidemiology of premature birth and low birthweight, and the associated maternal and child health effects in the United States, with attention

paid to categories of gestational age, plurality, maternal age, and racial or ethnic disparities;

(B) review and describe the spectrum of short and long-term disability and health-related quality of life associated with premature births and the impact on maternal health, health care and quality of life, family employment, caregiver issues, and other social and financial burdens;

(C) assess the direct and indirect costs associated with premature birth, including morbidity, disability, and mortality;

(D) identify gaps and provide recommendations for feasible systems of monitoring and assessing associated economic and quality of life burdens associated with prematurity;

(E) explore the implications of the burden of premature births for national health policy;

(F) identify community outreach models that are effective in decreasing prematurity rates in communities;

(G) consider options for addressing, as appropriate, the allocation of public funds to biomedical and behavioral research, the costs and benefits of preventive interventions, public health, and access to health care; and

(H) provide recommendations on best practices and interventions to prevent premature birth, as well as the most promising areas of research to further prevention efforts.

(2) REPORT.—Not later than 1 year after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the appropriate committees of Congress a report concerning the results of the study conducted under such paragraph.

(g) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall conduct an assessment of the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known risk factors of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

''(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, shall conduct a demonstration project to improve the provision of information on prematurity to health professionals and other health care providers and the public.

''(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) shall include the establishment of programs—

''(1) to provide information and education to health professionals, other health care providers, and the public concerning—

''(A) the signs of preterm labor, updated as new research results become available;

''(B) the screening for and the treating of infections;

''(C) counseling on optimal weight and good nutrition, including folic acid;

''(D) smoking cessation education and counseling; and

''(E) stress management; and

''(2) to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight.

''(c) REQUIREMENT.—Any program or activity funded under this section shall be evidence-based.

''(d) NICU FAMILY SUPPORT PROGRAMS.—The Secretary shall conduct, through the awarding of grants to public and nonprofit private entities, projects to respond to the emotional and informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death. Activities under such projects may include providing books and videos to families that provide information about the neonatal intensive care unit experience, and providing direct services that provide emotional support within the neonatal intensive care unit setting.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.''.

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of—

(1) the agencies of the Department of Health and Human Services; and

(2) voluntary health care organizations, including grassroots advocacy organizations, providers of specialty obstetrical and pediatric care, and researcher organizations.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services on current Departmental activities relating to prematurity and low birthweight;

(2) plan and hold a conference on prematurity and low birthweight under the sponsorship of the Surgeon General;

(3) establish a consensus research plan for the Department of Health and Human Services on prematurity and low birthweight;

(4) report to the Secretary of Health and Human Services and the appropriate committees of Congress on recommendations derived from the conference held under paragraph (2) and on the status of Departmental research activities concerning prematurity and low birthweight;

(5) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(6) oversee the coordination of the implementation of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of fiscal years 2005 through 2009.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act'' or the ''PREEMIE Act''.

SEC. 2. PURPOSE.

It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''(e) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.''.

(b) STUDIES ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, conduct ongoing epidemiological studies on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).

(c) PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall establish systems for the collection of maternal-infant clinical and biomedical information, including electronic health records, electronic databases, and biobanks, to link with the Pregnancy Risk Assessment Monitoring System (PRAMS) and other epidemiological studies of prematurity in order to track pregnancy outcomes and prevent preterm birth.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1) $3,000,000 for each of fiscal years 2007 through 2011.

(d) EVALUATION OF EXISTING TOOLS AND MEASURES.—The Secretary of Health and Human Services shall review existing tools

and measures to ensure that such tools and measures include information related to the known risk factors of low birth weight and preterm birth.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, except for subsection (c), $5,000,000 for each of fiscal years 2007 through 2011.

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended—

(1) by redesignating the second section 399O (relating to grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking) as section 399P; and

(2) by adding at the end the following:

"SEC. 399Q. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

''(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, may conduct demonstration projects for the purpose of improving the provision of information on prematurity to health professionals and other health care providers and the public and improving the treatment and outcomes for babies born preterm.

''(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) may include the establishment of—

''(1) programs to test and evaluate various strategies to provide information and education to health professionals, other health care providers, and the public concerning—

''(A) the signs of preterm labor, updated as new research results become available;

''(B) the screening for and the treating of infections;

''(C) counseling on optimal weight and good nutrition, including folic acid;

''(D) smoking cessation education and counseling;

''(E) stress management; and

''(F) appropriate prenatal care;

''(2) programs to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight;

''(3) programs to respond to the informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death; and

''(4) such other programs as the Secretary determines appropriate to achieve the purpose specified in subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011.''.

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of the agencies of the Department of Health and Human Services.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services and Congress on current Departmental activities relating to prematurity and low birthweight;

(2) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(3) oversee the coordination of the implementation of this Act.

SEC. 6. SURGEON GENERAL'S CONFERENCE ON PRETERM BIRTH.

(a) CONVENING OF CONFERENCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Surgeon General of the Public Health Service, shall convene a conference on preterm birth.

(b) PURPOSE OF CONFERENCE.—The purpose of the conference convened under subsection (a) shall be to—

(1) increase awareness of preterm birth as a serious, common, and costly public health problem in the United States;

(2) review the findings and reports issued by the Interagency Coordinating Council, key stakeholders, and any other relevant entities; and

(3) establish an agenda for activities in both the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(c) REPORT.—The Secretary of Health and Human Services shall submit to the Congress and make available to the public a report on the agenda established under subsection (b)(3), including recommendations for activities in the public and private sectors that will speed the identification of, and treatments for, the causes of and risk factors for preterm labor and delivery.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (other than subsection (c)) $125,000.

SEC. 7. EFFECTIVE DATE OF CERTAIN HEAD START REGULATIONS.

Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2007, or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2007 to carry out the Head Start Act, whichever date is earlier.

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PALLONE. Reserving the right to object, I would just like to ask the chairman if the bill as amended now is the version that we have dated December 8 at 11:35 p.m.?

Mr. BARTON of Texas. That is exactly the bill that is at the desk. I have a copy here and I have read it and I can assure the Members that it is okay on both sides of the aisle.

Mr. PALLONE. Thank you, Mr. Chairman. We have no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

The 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.

REAUTHORIZING SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. WALDEN of Oregon. Mr. Speaker, on behalf of the 4,400 rural schools who will lose funding and the counties and the forests of America, I ask unanimous consent that the Committees on Ways and Means, Agriculture and Resources be discharged from further consideration of the bill (H.R. 6423) to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 and to offset the cost of payments to States and counties under such Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to consideration of the bill?

Mr. HULSHOF. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 1108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1108

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO COMMITTEE TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER. Pursuant to House Resolution 1108, the Chair appoints the following Members of the House to the committee to notify the President:

The gentleman from Ohio (Mr. BOEHNER).

The gentlewoman from California (Ms. PELOSI).

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the chairman

and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 109th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, DECEMBER 13, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day pursuant to this order, it adjourn to meet on the third Constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 503, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 13, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 13, 2006.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF HON. JOHN BOEHNER, HON. FRANK R. WOLF, AND HON. TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 109TH CONGRESS

The SPEAKER laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2006.

I hereby appoint the Honorable JOHN BOEHNER, the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Ninth Congress.

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

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

□ 0315

REAPPOINTMENT AND APPOINTMENT AS MEMBERS TO THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER. Pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), the Chair reappoints the following member on the part of the House Coordinating Council on Juvenile Justice and Delinquency Prevention:

Ms. Adele I. Grubbs, Georgia, to a 1-year term; and, in addition, the appointment of Ms. Pamela F. Rodriquez, Illinois, to a 3-year term.

REAPPOINTMENT AS MEMBER TO THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Chair reappoints the following member on the part of the House to the United States-China Economic and Security Review Commission:

Mr. Larry Wortzel, Williamsburg, Virginia, for a term expiring December 31, 2008.

His current term expires December 31, 2006.

APPOINTMENT AS MEMBER TO BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, the Chair appoints the following member on the part of the House to the Board of Visitors to the United States Air Force Academy:

Mr. Terry Isaacson, Tempe, Arizona.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of illness.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today from 2 p.m. and the balance of the week on account of meeting with constituents in the district.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 4:00 p.m. on account of illness.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Wednesday, December 6, 2006:

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 4510. An act to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

On Thursday, December 7, 2006:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 854. An act to provide for certain lands to be held in trust for Utu Utu Gwaitu Paiute Tribe.

H.R. 1285. An act to extend for 3 years changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999.

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building''.

H.R. 4057. An act to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

H.R. 4246. An act to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''.

H.R. 4583. An act to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building''.

H.R. 4766. An act to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs; and for other purposes.

H.R. 5108. An act to designate the facility of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building''.

H.R. 5136. An act to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building''.

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherryhill Avenue in Tucson,

Arizona, as the ''Morris K. 'Mo' Udall Post Office Building''.

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office''.

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the ''John J. Sinde Post Office Building''.

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building''.

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building''.

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher P. Petty and Major William F. Hecker, III Post Office Building''.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

On Friday, December 8, 2006:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 4416. An act to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

H.R. 5076. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5646. An act to study and promote the use of energy efficient computer servers in the United States.

H.R. 6131. An act to permit certain expenditures from the Leaking Underground Storage Tank Trust Fund.

H.J. Res. 102. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles on Thursday, December 7, 2006:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 3938. An act to reauthorize the Export-Import Bank of the United States.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

On Friday, December 8, 2006:

S. 843. An act to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

S. 4046. An act to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4050. An act to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the ''Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building.

SINE DIE ADJOURNMENT

Mr. BOEHNER. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Wednesday, December 13, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 503, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Thereupon (at 3 o'clock and 17 minutes a.m.), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Wednesday, December 13, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 503, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10508. A letter from the Congressional Review Coordinator, APHIS, Deparment of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. APHIS-2006-0149] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10509. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation entitled, ''For the purpose of providing relief and assistance to the village of Caseyville, Illinois regarding flood prevention and easement of issues in the area of Caseyville''; to the Committee on Agriculture.

10510. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Shelled Garden Peas From Kenya [Docket No. APHIS-2006-0073] (RIN: 0579-AC17) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10511. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Addition of Counties in Arkansas and Tennessee to the List of Quarantined Areas [Docket No. APHIS-2006-0080] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Application of Pesticides to Waters of the United States in Compliance With FIFRA [OW-2003-0063; FRL-8248-1] (RIN: 2040-AE79) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2006-0815; FRL-8098-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Paraquat dichloride; Pesticide Tolerance Correction [EPA-HQ-OPP-2006-0664; FRL-8100-3] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyproconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0654; FRL-8093-4] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2006-0902; FRL-8105-5] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10517. A letter from the Principal Deputy Associate Administrator, Evironmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances [EPA-HQ-OPP-2006-0181; FRL-8103-8] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10518. A letter from the Secretary, Department of Homeland Security, transmitting a preliminary report of a violation of the Antideficiency Act by the Transportation Security Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10519. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Jerry L. Sinn, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10520. A letter from the Assistant Secretary for Special Operations and Low-Interest Conflict, Department of Defense, transmitting the Department's Fiscal Year 2006 annual report on the Regional Defense Counterterrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

10521. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10522. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital Regulation Amendment (RIN: 2550-AA35) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10523. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Advertisement of Membership (RIN: 3064-AD05) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10524. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's second Report to Congress Under Sections 313(b) of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

10525. A letter from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Record Retention (RIN: 2550-AA34) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10526. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Filing of Transfer Agent Forms [Release No. 34-54864; File No. S7-14-06] (RIN: 3235-AJ68) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10527. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment [Docket No. S-051A] (RIN: 1218-AC16) received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10528. A letter from the Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, transmitting the Department's final rule — Steel Erection; Slip Resistance of Skeletal Structural Steel [Docket No. S-775 A] (RIN: 1218-AC14) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10529. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefit's Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10530. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Technical Amendments: Transfer of Office Functions and Removal of Obsolete Regulations (RIN: 1901-AB22) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10531. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings [Docket No. EE-RM/STD-02-112] (RIN: 1904-AB13) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10532. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Nonprocurement Debarment and Suspension (RIN: 1991-AB74) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10533. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Export Notification; Change to Reporting Requirements; Technical Correction [EPA-HQ-OPPT-2005-0058; FRL-8104-9] (RIN: 2070-AJ01) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants: Asbestos Management and Control; State of New Hampshire Department of Environmental Services [EPA-R01-OAR-2006-0345; FRL-8238] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10535. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Removal of Douglas County Transportation Control Measure [EPA-R04-OAR-2006-0577-2006(a); FRL-8248-7] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10536. 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 Reid Vapor Pressure Requirements for Gasoline [EPA-R06-OAR-2006-0016; FRL-8248-3] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10537. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Site Remediation [EPA-HQ-OAR-2002-0021; FRL-8249-3] received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10538. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas [EPA-HQ-OAR-2003-0090; FRL-8249-4] (RIN: 2060-AN90) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10539. 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 Phrase II of the Nitrogen Oxides (NOx) SIP Call; Correction [EPA-R03-OAR-2006-072; FRL-8249-7] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10540. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2006-0900; FRL-8250-7] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10541. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-092; FRL-8250-9] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10542. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-083 ; FRL-8251-2] received December 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10543. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Ground Water Rule [EPA-HQ-OW-2002-0061; FRL-8231-9] (RIN: 2040-AA97) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Delaware; Amendments to the Definition of a ''major source'' [FDMS Docket No. EPA-R03-OAR-2006-0933; FRL-8252-3] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10545. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of TSCA Section 4 Testing Requirements for Coke-Oven Light Oil (Coal) [EPA-HQ-OPPT-2005-0033; FRL-8103-2] (RIN: 2070-AD16) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10546. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections [EPA-HQ-OAR-2002-0058; FRL-8252-2] (RIN: 2060-AN32) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10547. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Monitoring and Volatile Organic Compound Rules [EPA-R09-OAR-0630; FRL-8243-9] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans South Carolina: Revisions to State Implementation Plan [EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005-200620b; FRL-8252-9] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10549. 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; Maine; Redesignation of the Portland, Maine and the Hancock, Knox, Lincoln, and Waldo Counties, Maine Ozone Nonattainment Areas to Attainment and Approval of these Areas' Maintenance Plans [EPA-R01-OAR-2006-OAR-0226; FRL-8253-4] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10550. 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; Delaware; Revisions to Regulation 1102 — Permits [EPA-R03-OAR-2006-0696; FRL-8252-5] received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10551. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Burkesville, Greensburg, Hodgenville, Horse Cave, Lebanon, Lebanon Junction, Lewisport, Louisville, Lyndon, New Haven, Springfield and St, Matthews, Kentucky, Edinburgh, Hope, Tell City and Versailles, Indiana, Belle Meade, Goodlettsville, Hendersonville, Manchester and Millersville, Tennessee) [MB Docket No. 06-77; RM-11324; RM-1134] received November 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10552. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma) [MB Docket No. 06-65] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10553. A letter from the Associate Bureau Chief, Chief of Staff, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications [WT Docket No. 00-48] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10554. A letter from the Associate Bureau Chief, Chief of Staff, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service [WT Docket No. 01-289] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10555. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Maritime Automatic Indentification Systems [WT Docket No. 04-344] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10556. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ione, Oregon; Walla Walla, Washington and Athena, Hermiston, La Grande, and Arlington, Oregon) [MB Docket No. 05-9] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10557. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eattonton and Lexington, Georgia) [MB Docket No. 04-379] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10558. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Oak Harbor and Sedro-Woolley, Washington) [MB Docket No. 04-305] received December December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10559. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Columbus and Monona, Wisconsin) [MB Docket No. 05-122] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10560. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Huntsville, Missouri) [MB Docket No. 04-115] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10561. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Atwood, Kansas, McCook and Ogallala, Nebraska, Burlington and Flagler, COlorado) [MB Docket No. 05-45] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10562. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Homerville, Georgia) [MB Docket No. 05-32] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10563. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port Norris, New Jersey, Fruitland, and Willards, Maryland, Chester, Lakeside, and Warsaw, Virginia) [MB Docket No. 04-409] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10564. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Broadcast Stations (Powers, Oregon) [MB Docket No. 05-14] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10565. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Boonville and Wheatland, Missouri) [MB Docket No. 06-88] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10566. A letter from the Acting Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands [ET Docket No. 04-186] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10567. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Carrizo Springs, Texas) [MB Docket No. 06-50] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10568. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities [Docket No. RM06-12-000; Order No. 689] (RIN: 1902-AD16) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10569. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's second annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10570. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — National Source Tracking of Sealed Sources (RIN: 3150-AH48) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10571. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 24-06 informing of an intent to sign the Visual Science and Technology for Deployable Distribution Mission Operations Simulations between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10572. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 25-06 informing of an intent to sign the Battle Control System — Fixed Modernization Memorandum of Understanding between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10573. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 26-06 informing of an intent to sign a Memorandum of Understanding Concerning an Improvement Program to the Roliing Airframe Missile Antiship Missile Defense System between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10574. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f)

of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 27-06 informing of an intent to sign a Memorandum of Understanding Concerning Research, Development, Test and Evaluation Projects between the United States and France, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10575. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10576. 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. 07-03, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

10577. 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. 07-07, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

10578. 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. 07-09, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

10579. 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. 07-01, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the North Atlantic Treaty Organization for defense articles and services; to the Committee on International Relations.

10580. 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. 07-02, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

10581. 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. 07-08, concerning the Department of the Air Force's and Navy's proposed Letter(s) of Offer and Acceptance to Greece for defense articles and services; to the Committee on International Relations.

10582. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the June 2006 Australia Group (AG) Plenary Meeting; Clarifications and Corrections; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 061027281-6281-01] (RIN: 0694-AD86) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-04, Waiving Prohibition on United States Military Assistance with Respect to Comoros and Saint Kitts and Nevis; to the Committee on International Relations.

10584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Intercountry Adoption — Department Issuance of Certification in Hague Convention Adoption Cases (RIN: 1400-AC19) received October 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10585. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of Japan (Transmittal No. DDTC 057-06); to the Committee on International Relations.

10586. 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 Canada (Transmittal No. RSAT-11-06); to the Committee on International Relations.

10587. 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 Spain (Transmittal No. RSAT-08-06); to the Committee on International Relations.

10588. 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 Singapore (Transmittal No. DDTC 070-06); to the Committee on International Relations.

10589. 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 France (Transmittal No. DDTC 069-06); to the Committee on International Relations.

10590. 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 South Korea (Transmittal No. DDTC 071-06); to the Committee on International Relations.

10591. 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 Belgium (Transmittal No. DDTC 066-06); to the Committee on International Relations.

10592. 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 041-06); to the Committee on International Relations.

10593. 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 Mexico (Transmittal No. DDTC 076-06); to the Committee on International Relations.

10594. 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 Singapore (Transmittal No. DDTC 073-06); to the Committee on International Relations.

10595. 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 the United Kingdom (Transmittal No. DDTC 077-06); to the Committee on International Relations.

10596. 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 the United Kingdom (Transmittal No. DDTC 074-06); to the Committee on International Relations.

10597. 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 Sweden (Transmittal No. DDTC 060-06); to the Committee on International Relations.

10598. 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 the United Kingdom (Transmittal No. DDTC 021-06); to the Committee on International Relations.

10599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 065-06); to the Committee on International Relations.

10600. 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 the United Kingdom (Transmittal No. DDTC 072-06); to the Committee on International Relations.

10601. 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 Japan (Transmittal No. DDTC 068-06); to the Committee on International Relations.

10602. 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 Norway (Transmittal No. DDTC 062-06); to the Committee on International Relations.

10603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Canada (Transmittal No. DDTC 061-06); to the Committee on International Relations.

10604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a strategic plan regarding, ''Establishment of Visa and Passport Security Program in the Department of State,'' pursuant to Public Law 108-458, section 7218; to the Committee on International Relations.

10605. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10606. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10607. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10608. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10609. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10610. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10611. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10612. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10613. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2006 through September 30, 2006; to the Committee on Government Reform.

10614. A letter from the Acting General Deputy General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10615. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

10616. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2006 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10617. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

10618. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10619. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10620. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2006; to the Committee on Government Reform.

10621. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2006 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Government Reform.

10622. A letter from the Chairman, Federal Election Commission, transmitting the semiannual report of activities of the Inspector General covering the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10623. A letter from the Acting Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-14; Introduction [Docket FAR-2--6-0023, Sequence 7] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10624. A letter from the Chief Executive Officer, Millennium Challenge Corporation, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006; to the Committee on Government Reform.

10625. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10626. A letter from the Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a copy of the Administration's first annual report on Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act; to the Committee on Government Reform.

10627. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

10628. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10629. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2006 to September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10630. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2006, through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

10631. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2006 through September 30, 2006 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10632. A letter from the Clerk of the House of Representatives, transmitting a copy of the Fourth Report of the Advisory Committee on the Records of Congress for the period January 1, 2001 to December 31, 2006, pursuant to Public Law 101-509, section 2703; (H. Doc. No. 109-156); to the Committee on Government Reform and ordered to be printed.

10633. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 092106G] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10634. A letter from the Director, Office of Sustainablr Fisheries, NMFS, Department of Commerce, transmitting the Department'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. 092206E] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10635. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 051104293-5344-02; I.D. 092206D] received October 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10636. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices [Docket No. 050428118-5118-01] (RIN: 0694-AC82) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10637. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Addition of ''Montenegro'' and ''Serbia'' as separate countries in the Export Administration Regulations based on U.S. recognition of Montenegro as a sovereign state [Docket No. 061101286-6286-01] (RIN: 0694-AD85) received November 27, 2006,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10638. A letter from the Staff Director, Commission on Civil Rights, transmitting a copy of the charter of the California State Advisory Committeed to the Comission on Civil Rights; to the Committee on the Judiciary.

10639. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Motts Channel, Wrightsville Beach, NC [CGD05-06-106] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10640. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sanibel Island Bridge Span C, Ft. Myers Beach, FL [COTP St. Petersburg 06-220] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10641. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-06-109] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10642. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocheco River Dredging Project, Cocheco River, NH [CGD01-06-131] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10643. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kealakekua Bay, HI [COTP Honolulu 06-007] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10644. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis River/Duluth/Interlake Tar [CGD09-06-122] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10645. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zonel; Sanibel Island Bridge Span A, Ft. Myers Beach, FL [COTP St. Petersburg 06-219] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10646. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Caloosahatchee River, FL [COTP Sector St. Petersburg 06-195] (RIN: 0625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10647. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Albert Witted Air Show, Tampa Bay, FL [COTP Sector St. Petersburg 06-175] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10648. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tacoma Narrows, WA [CGD13-06-047] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10649. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Channel Closure for Bridge Construction Rehabilitation, Bayville Bridge at Mile 0.1, Mill Creek, Town of Oyster Bay, Nassau County, NY [CGD01-06-116] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10650. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River, NJ [CGD05-05-131] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10651. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St, Croix River, Prescott, WI [CGD08-06-021] (RIN: 0625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10652. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Missouri River, Iowa, Kansas, Missouri [CGD08-06-002] (RIN: 1625-AA00) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10653. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Thames River, New London, CT [CGD01-06-122] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10654. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chincoteague Channel, Chincoteague, VA [CGD05-06-002] (RIN: 1625-AA09) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10655. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; S.E. Third Avenue, Andrews Avenue, Marshall/Seventh Avenue and Davie Boulevard/S.W. Twelth Steet bridges, New River and New River South Fork, Miles 1.4, 2.3, 2.7, and 0.9 at Fort Lauderdale, FL [CGD07-06-019] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10656. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Saugus River, Lynn and Revere, MA [CGD01-06-051] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10657. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, Queens, NY [CGD01-06-033] (RIN: 1625-AA09) received December 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10658. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fuji Heavy Industries, Ltd. FA-200 Series Airplanes [Docket No. FAA-2006-25259; Directorate Identifier 2006-CE-36-AD; Amendment 39-14783; AD 2006-20-13] (RIN: 2120-AA64) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10659. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Modification to Class E; Clovis, NM [Docket No. FAA-2006-25499; Airspace Docket No. 06-ASW-09] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10660. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Half Moon Bay, CA [Docket No. FAA-2006-24781; Airspace Docket No. 06-AWP-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10661. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Provo, UT [Docket No. FAA-2006-25647; Airspace Docket No. 06-AWP-14] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docket No. 06-AWP-5] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10663. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Barter Island, AK [Docket No. FAA-2006-23714; Airspace Docket No. 06-AAL-07] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10664. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E2 Surface Area; Elko, NV [Docket No. FAA-2006-25252; Airspace Docket No. 06-AWP-12] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10665. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-24243; Airspace Docket No. 06-AWP-11] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10666. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule —

Amendment to Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docekt No. 06-AWP-5] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10667. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Amendment of Class Airspace; Leesburg, FL [Docket No. FAA-2006-23866; Airspace Docket No. 06-ASO-3] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10668. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mooresville, NC [Docket No. FAA-2006-24858; Airspace Docket No. 06-ASO-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Willow, AK [Docket No. FAA-2006-23709; Airspace Docket No. 06-AAL-02] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10670. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Adak, AK [Docket No. FAA-2006-24003; Airspace Docket No. 06-AAL-12] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10671. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wellington, KS [Docket No. FAA-2006-24869; Airspace Docket No. 06-ACE-4] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10672. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kaiser/Lake Ozark, MO [Docket No. FAA-2006-25008; Airspace Docket No. 06-ACE-6] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10673. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mason City, IA [Docket No. FAA-2006-24370; Airspace Docket No. 06-ACE-3] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10674. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, NE [Docket No. FAA-2006-25007; Airspace Docket No. 06-ACE-5] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10675. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Keokuk, IA [Docket No. FAA-2006-25009; Airspace Docket No. 06-ACE-7] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10676. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Higginsville, MO [Docket No. FAA-2006-25059; Airspace Docket No. 06-ACE-8] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10677. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; West Plains, MO [Docket No. FAA-2006-25502; Airspace Docket No. 06-ACE-10] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10678. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Eagle, CO [Docket No. FAA-2006-24467; Airspace Docket No. 06-ANM-2] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Broomfield, CO [Docket No. FAA-2006-25153; Airspace Docket No. 06-AWP-10] (RIN: 2120-AA66) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2006-24697; Directorate Identifier 2006-NM-045-AD; Amendment 39-14781; AD 2006-20-11] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-23145; Directorate Identifier 2000-NM-215-AD; Amendment 39-14777; AD 2006-20-08] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA02006-24256; Directorate Identifier 2006-NM-010-AD; Amendment 39-14782; AD 2006-20-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon (Beech) Model 400, 400A, and 400T Series Airplanes; and Raytheon (Mitsubishi) Model MU-300 Airplanes [Docket No. FAA-2006-26004; Directorate Identifier 2006-NM-212-AD; Amendment 39-14785; AD 2006-21-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2006-23815; Directorate Identifier 2005-NM-222-AD; Amendment 39-14784; AD 2006-21-01] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No. FAA-2006-25722; Directorate Identifier 2006-NM-141-AD; Amendment 39-14749; AD 2006-18-10] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-21 Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-41 Airplanes; and Model DC-9-51 Airplanes [Docket No. FAA-2006-24585; Directorate Identifier 2004-NM-275-AD; Amendment 39-14743; AD 2006-18-05] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-22125; Directorate Identifier 2005-NM-130-AD; Amendment 39-14745; AD 2006-18-07] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24199; Directorate Identifier 2006-NM-025-AD; Amendment 39-14744; AD 2006-18-06] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodyear Aviation Tires, Part Number 217K22-1, Installed on Various Transport Category Airplanes, Including But Not Limited to Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes; and Gulfstream Model G-1159, G-1159A, G-1159B, G-IV, GIV-X, GV, and GV-SP Series Airplanes [Docket No. FAA-2006-24667; Directorate Identifier 2006-NM-009-AD; Amendment 39-14746; AD 2006-18-08] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Tay 650-15 and Tay 651-54 Turbofan Engines [Docket No. FAA-2006-25513; Directorate Identifier 99-NE-61-AD; Amendment 39-14753; AD 2006-18-14] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket No. FAA-2006-24951; Directorate Identifier 2005-NM-184-AD; Amendment 39-14752; AD 2006-18-13] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-

Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. 2003-NM-114-AD; Amendment 39-14751; AD 2006-18-12] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()2Y()—() Series Propellers [Docket No. FAA-2006-25244; Directorate Identifier 2006-NE-25-AD; Amendment 39-14754; AD 2006-18-15] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2006-24640; Directorate Identifier 2006-CE-26-AD; Amendment 39-14755; AD 2006-18-16] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-23873; Directorate Identifier 2005-NM-110-AD; Amendment 39-14756; AD 2006-18-17] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Arrow Falcon Exporters, Inc. (previously Utah State University) [Docket No. FAA-2006-25097; Directorate Identifier 2005-SW-19-AD; Amendment 39-14762; AD 2006-19-05] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30513; Amdt. No. 3184] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 3014; Amdt. 3185] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Additional Types of Child Restraints Systems That May Be Furnished and Used on Aircraft; Corrections [Docket No. 2006-25334; Amendment Nos. 125-51 and 135-106] (RIN: 2120-AI76) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30508, Amdt. 3180] received December 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30515, Amdt. 3187] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30506, Amdt. 3178] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30517, Amdt. No. 3188] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10704. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Insrtument Approach Procedures; Miscellaneous Amendments [Docket No. 30518; Amdt. No. 3189] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10705. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines [Docket No. FAA-2006-23807; Directorate Identifier 2005-NE-51-AD; Amendment 39-14763; AD 2006-19-06] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fuji Heavy Industries, Ltd. FA-200 Series Airplanes [Docket No. FAA-2006-25259; Directorate Identifier 2006-CE-36-AD; Amendment 39-14783; AD 2006-20-13] (RIN: 2120-AA64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10707. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revisions to the Civil Penalty Inflation Adjustment Rule and Tables; Correction [Docket No. FAA-2002-11483; Amendment No. 13-33] (RIN: 2120-AI52) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-324] (RIN: 2120-AH14) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Disqualification for Airman and Medical Certification Holders Based on Alcohol Violations and Refusals To Submit to Drug or Alcohol Testing [Docket No. FAA-2004-19835] (RIN: 2120-AH82) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10710. A letter from the Program Analsyt, FAA, Department of Transportation, transmitting the Department's final rule — Disqualification for Airman and Airman Medical Certificate Holders Based on Alcohol Violations or Refusals to Submit to Drug and Alcohol Testing [Docket No. FAA-2004-19835: Amendment No. 61-114, 63-34, 65-47, 67-19, 91-291, 121-325, 135-105] (RIN: 2120-AH82) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation by Reference [Docket No, 29334; Amendment 71-38] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Thermal/Acoustic Insulation Installed on Transport Category Airplanes [Docket No. 2005-23462] (RIN: 2120-AI64) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Removal of References to Part 123 from 14 CFR Part 43 — received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrator Devices Onboard Aircraft [Docket No. FAA-2004-18596; SFAR 106] (RIN: 2120-AI81) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30516; Amdt. No. 3186] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30510; Amdt. No. 463] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Airworthiness Certification of New Aircraft; Correction [Docket No. FAA-2003-14825; Amendment No. 21-88, 91-293] (RIN: 2120-AH90) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Licensing and Safety Requirements for Launch; Correction [Docket No. FAA-2000-7953; Amendment Nos. 401-4, 406-3, 413-7, 415-4, 417-0] (RIN: 2120-AG37) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30496; Amdt. No. 462] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule —

Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30511; Amdt. No. 3182] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30512; Amdt. No. 3183] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10722. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Major Issues in Rail Rate Cases — received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Public Participation in Class Exemption Proceedings — received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the Chairman, John F. Kennedy Center for the Performing Arts, transmitting the Center's audited financial statements for the period ending October 3, 2004 and October 2, 2005, pursuant to 20 U.S.C. 76l(c); to the Committee on Transportation and Infrastructure.

10725. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Security Guards and Patrol Services Industry (RIN: 3245-AF28) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10726. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Surety Bond Guarantee Program (RIN: 3245-AE81) received November 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10727. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees (RIN: 2900-AM13) received November 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10728. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medical: Informed Consent — Extension of Time Period and Modification of Witness Requirement for Signature Consent (RIN: 2900-AM19) received November 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10729. A letter from the Secretary, Department of Labor, transmitting the Department's thirteenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2006, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

10730. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of a draft bill to provide the Department of the Treasury with the authority to complete the reimbursement of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund (the Social Security Trust Funds) for certain bookkeping errors by the Social Security Administration; to the Committee on Ways and Means.

10731. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Erickson Post Acquisition, Inc. v. Commissioner [Docket Number: 8218-00; T.C. Memo. 2003-218] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10732. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Disregarded Entities Under Section 752 [TD 9289] (RIN: 1545-BD48) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10733. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Computation of taxable income from sources within the United States and from other sources and activities [Rev. Proc. 2006-42] received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10734. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Exemption of Work Activity as a Basis for a Continuing Disability Review [Docket No. SSA-2006-0101] (RIN: 0960-AE93) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10735. A letter from the Acting Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Rules for the Issuance of Work Report Receipts, Payment of Benefits for Trial Work Period Service Months After a Fraud Conviction Changes to the Student Earned Income Exclusion, and Expansion of the Reentitlement Period for Childhood Disability Benefits [Docket No. SSA-2006-0099] (RIN: 0960-AG10) received December 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10736. A letter from the Deputy Chief Counsel for Regulations, TSA, Department of Homeland Security, transmitting the Department's final rule — Air Cargo Security Requirements; Compliance Dates; Amendment [Docket No. TSA-2004-19515; Amendment Nos. 1544-6, 1546-3, and 1548-3] (RIN: 1652-AA52) received October 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10737. A letter from the Cheif, Border Security Regulations Branch, CBP, Department of Homeland Security, transmitting the Department's final rule — Documents Required for Travelers Departing From or Arriving in the United States at Air Ports-of-Entry from within the Western Hemisphere (RIN: 1651-AA66) received November 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

10738. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Notification of Hospital Discharge Appeal Rights [CMS-4105-F] (RIN: 0938-AO41) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10739. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospital Conditions of Participation; Requirements for History and Physical Examinations; Authentication of Verbal Orders; Securing Medications; and Postanesthesia Evaluations [CMS-3122-F] (RIN: 0938-AM88) received November 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10740. A letter from the Regulations Coodinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Mediaid Programs; Hospital Conditions of Participation: Patients' Rights [CMS-3018-F] (RIN: 0938-AN30) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10741. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions [CMS-1201-F] (RIN: 0938-AN83) received December 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10742. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''the OASIS study: The Costs and Benefits Associated With The Collection of Outcome and Assesment Information Set (OASIS) Data on Private Pay Home Health Patients'' as required by section 704 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAXTON: Joint Economic Committee. Report of the Joint Economic Committee on the 2006 Economic Report of the President (Rept. 109–726). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 1105. Resolution providing for consideration of the joint resolution (H.J. Res. 102) making further continuing appropriations for the fiscal year 2007, and for other purposes (Rept. 109–727). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Transportation and Infrastructure discharged from further consideration. H.R. 2567 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee Commerce discharged from further consideration. H.R. 3509 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Science and Energy and Commerce discharged from further consideration. H.R. 4941 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Homeland Security and Science discharged from further consideration. H.R. 5316 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2567. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable, with an amendment; referred to the Committees on the Judiciary, and Transportation and Infrastructure for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(1), rule X and clause 1(r), rule X respectively (Rept. 109–730, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3509. A bill to establish a statute of repose for durable goods used in a trade or business, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 109–728, Pt. 1). Ordered to be printed.

Mr. KING of New York: Committee on Homeland Security. H.R. 4941. A bill to reform the science and technology programs and activities of the Department of Homeland Security, and for other purposes, with an amendment; referred to the Committees on Science, and Energy and Commerce for a period ending not later than December 8, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(o), rule X and clause 1(f), rule X, respectively (Rept. 109–729, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5316. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes, with an amendment; referred to the Committee on Science for a period ending not later than December 8, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X (Rept. 109–519, Pt. 2).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5316. Referral to the Committee on Homeland Security extended for a period ending not later than December 8, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 6420. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain medical care providers that fail to provide a minimum level of charity medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. BARTON of Texas, and Mr. BOEHLERT):

H.R. 6421. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H.R. 6422. A bill to amend the Fair Labor Standards Act of 1938 (29 U.S.C> 206(a)(1) to reflect the actual costs of living in various regions of the country and to bring the minimum to a fair wage that can support federal workers and contractors and their families; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself, Mr. BARTON of Texas, Mr. DEFAZIO, Mr. DOOLITTLE, Mr. DICKS, Mr. THOMPSON of California, and Mr. HASTINGS of Washington):

H.R. 6423. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 and to offset the cost of payments to States and counties under such Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, 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. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 6424. A bill to increase the Federal Housing Administration mortgage commitment level for fiscal year 2007 to carry out the purposes of sections 238 and 519 of the National Housing Act, and for other purposes; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Ms. DELAURO, Mr. FORTUÑO, Mr. KILDEE, and Mrs. SCHMIDT):

H.R. 6425. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARTON of Texas (for himself and Mr. TERRY):

H.R. 6426. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration on December 31, 2009, to eliminate the actual budget deficit for fiscal year 2009, and for other purposes; to the Committee on the Budget.

By Mr. LATHAM:

H.R. 6427. A bill to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes; to the Committee on the Judiciary. considered and passed.

By Mr. BAKER (for himself and Mr. MELANCON):

H.R. 6428. A bill to authorize the Secretary of the Army to carry out certain elements of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Transportation and Infrastructure. considered and passed.

By Mrs. BONO (for herself, Mr. LEWIS of California, and Mr. CALVERT):

H.R. 6429. A bill to treat payments by charitable organizations with respect to certain firefighters as exempt payments; considered and passed.

By Mr. MANZULLO (for himself and Mr. PETERSON of Minnesota):

H.R. 6430. A bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, and for other purposes; to the Committee on Homeland Security, 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. NUNES:

H.R. 6431. A bill to direct the Secretary of Health and Human Services to approve the Change In Scope Request submitted by Family HealthCare Network to the Bureau of Primary Health Care on December 8, 2005; to the Committee on Energy and Commerce.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. ROSS, and Mr. SKELTON):

H.R. 6432. A bill to provide a clarification with respect to the Mississippi River and Tributaries project; to the Committee on Transportation and Infrastructure.

By Mr. FARR:

H.R. 6433. A bill to authorize assistance for the reconstruction and stabilization of Lebanon; to the Committee on International Relations.

By Mrs. MILLER of Michigan:

H.R. 6434. A bill to amend the Miscellaneous Trade and Technical Corrections Act of 2004 to authorize the establishment of Integrated Border Inspection Areas at the Blue Water Bridge connecting Port Huron, Michigan, and Point Edward, Ontario, Canada; to the Committee on Ways and Means, 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. UDALL of Colorado (for himself, Mr. WELLER, Mr. WAMP, and Mr. UDALL of New Mexico):

H.R. 6435. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 6436. A bill to amend the Colorado River Storage Project Act and Public Law 87-483, to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Resources.

By Mr. ROYCE:

H. Con. Res. 502. Concurrent resolution to correct the enrollment of the bill H. R. 5682; considered and agreed to.

By Mr. GUTKNECHT:

H. Con. Res. 503. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Ninth Congress; considered and agreed to.

By Ms. LEE (for herself, Mr. DOGGETT, Mr. AL GREEN of Texas, Ms. WATSON, Mr. PAYNE, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. CAPUANO, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. HOLT, Mr. REICHERT, Mr. CROWLEY, Ms. NORTON, Mr. WEXLER, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. LANTOS, Ms. MOORE of

Wisconsin, Ms. WATERS, Mr. FATTAH, Mr. STARK, Mr. BERMAN, Mr. CLEAVER, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. WYNN, Mr. ENGEL, Mr. LEWIS of Georgia, Ms. HARMAN, Mr. COSTA, Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Mr. DAVIS of Alabama, Mrs. JONES of Ohio, Mr. SCHIFF, Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. MEEKS of New York, Ms. WOOLSEY, and Mr. OLVER):

H. Con. Res. 504. Concurrent resolution calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; to the Committee on International Relations.

By Mr. EHLERS (for himself and Ms. MILLENDER-MCDONALD):

H. Res. 1104. A resolution providing for a severance payment for employees of leadership offices and committees of the House of Representatives who are separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House; to the Committee on House Administration.

By Ms. MCKINNEY:

H. Res. 1106. A resolution Articles of Impeachment against George Walker Bush, President of the United States of America, and other officials, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. GUTKNECHT:

H. Res. 1107. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Tenth Congress; considered and agreed to.

By Mr. BOEHNER:

H. Res. 1108. A resolution appointing a committee to inform the President; considered and agreed to.

By Mr. BURTON of Indiana:

H. Res. 1109. A resolution honoring Physicians for Peace for its efforts to foster peace and diplomacy throughout the world, and paying tribute to the life and achievements of its founder, Dr. Charles E. Horton, on the occasion of his death; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. DAVIS of Illinois, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Ms. WATSON, Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. KUCINICH, Ms. WATERS, Mr. MICHAUD, Mr. DEFAZIO, Mr. LYNCH, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. HINCHEY, Mr. FARR, Mr. STARK, Mr. VAN HOLLEN, Mr. HOLT, Mr. BROWN of Ohio, Mr. PASCRELL, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, and Mr. FILNER):

H. Res. 1110. A resolution expressing the sense of the House of Representatives that the President should express public support for the workers' rights and protection provisions of China's ''Draft Labor Contract Law'' and repudiate efforts by some United States corporations and their representatives in China to diminish such rights and protection provisions; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. KILPATRICK of Michigan.
H.R. 147: Ms. BORDALLO.
H.R. 414: Mr. PETRI and Mr. LANTOS.
H.R. 699: Mr. RAHALL.
H.R. 1264: Mr. FORTUÑO.
H.R. 1298: Mr. GOHMERT.
H.R. 1507: Mrs. MCCARTHY.
H.R. 1548: Ms. PRYCE of Ohio.
H.R. 1642: Mr. ANDREWS.
H.R. 1690: Ms. BORDALLO.
H.R. 2230: Mr. TIAHRT.
H.R. 2561: Mr. PASTOR.
H.R. 2869: Mr. RAHALL.
H.R. 2952: Mr. POMBO, Mrs. BONO, and Mr. BILBRAY.
H.R. 3098: Mrs. BIGGERT.
H.R. 3954: Mr. CRAMER and Ms. DELAURO.
H.R. 4033: Mr. SHERMAN and Mr. FATTAH.
H.R. 4222: Mr. FATTAH.
H.R. 4597: Mr. SPRATT.
H.R. 5005: Mr. TOM DAVIS of Virginia.
H.R. 5179: Mr. SOUDER.
H.R. 5200: Ms. BORDALLO.
H.R. 5312: Mr. ALLEN.
H.R. 5557: Mr. BLUMENAUER.
H.R. 5635: Ms. SCHWARTZ of Pennsylvania.
H.R. 5680: Mr. TIBERI.
H.R. 5707: Mr. PEARCE.
H.R. 5787: Mr. DENT.
H.R. 5850: Ms. BEAN.
H.R. 5928: Mr. FILNER, Mr. HONDA, and Mr. FATTAH.
H.R. 6040: Ms. FOXX.
H.R. 6046: Ms. ROYBAL-ALLARD and Mr. OLVER.
H.R. 6064: Mr. MORAN of Virginia and Ms. DEGETTE.
H.R. 6067: Mr. BLUMENAUER.
H.R. 6132: Mr. MCCOTTER.
H.R. 6178: Mr. STARK.
H.R. 6193: Mr. BARTLETT of Maryland.
H.R. 6216: Ms. MILLENDER-MCDONALD.
H.R. 6237: Ms. SCHAKOWSKY.
H.R. 6269: Mr. EHLERS.
H.R. 6309: Mr. WATT.
H.R. 6313: Mr. TANNER, Mr. CASTLE, and Mr. CLAY.
H.R. 6327: Mr. CAMPBELL of California, Mr. CONAWAY, Mr. MCCAUL of Texas, Mrs. MCMORRIS RODGERS, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. TAYLOR of North Carolina, Mrs. CAPITO, Mr. SHUSTER, Mrs. JO ANN DAVIS of Virginia, Mr. POE, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GOODLATTE, Ms. BEAN, Mr. BOUCHER, Mr. HONDA, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. ROSS, and Mr. SNYDER.
H.R. 6328: Mr. FRANK of Massachusetts.
H.R. 6373: Mr. FLAKE.
H.R. 6384: Mr. BOREN.
H.R. 6404: Mr. MCKEON, Mr. ABERCROMBIE, Mr. CONYERS, and Mr. YOUNG of Alaska.
H. Con. Res. 69: Mr. BEAUPREZ and Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 397: Ms. SCHAKOWSKY.
H. Con. Res. 404: Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Ms. SOLIS, Mr. NADLER, Ms. VELÁZQUEZ, and Ms. WASSERMAN SCHULTZ.
H. Con. Res. 424: Ms. MCCOLLUM of Minnesota and Mr. LEVIN.
H. Con. Res. 457: Mr. FRANK of Massachusetts and Ms. SCHWARTZ of Pennsylvania.
H. Res. 518: Mr. ROGERS of Kentucky.
H. Res. 790: Mr. HINOJOSA and Mr. ANDREWS.
H. Res. 984: Mr. MEEHAN.
H. Res. 1050: Ms. BERKLEY.
H. Res. 1080: Ms. SCHWARTZ of Pennsylvania and Mr. GONZALEZ.
H. Res. 1081: Ms. MCCOLLUM of Minnesota, Mr. TOWNS, Mr. EVANS, and Mr. KING of New York.

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. 6136: Mr. ENGEL.

PETITIONS, ETC.

Under clause 3 of rule XII,

160. The SPEAKER presented a petition of Mr. Jamie T. Richardson, a citizen of Columbus, Ohio, relative to a petition urging the Congress of the United States to create a new national holiday; which was referred to the Committee on Government Reform.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 14 by Mr. FILNER on House Resolution 917: Rodney Alexander.

Petition 15 by Mr. DOGGETT on House Resolution 987: Louie Gohmert, Danny K. Davis, and John T. Salazar.