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PROVIDING FOR CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

□ 1430

Mr. HASTINGS of Washington. Let me say, then, Mr. Speaker, I will be asking for my colleagues to defeat the previous question so we will have an opportunity to vote on the merits of this amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the ranking member of the Intelligence Committee (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding.

Mr. Speaker, I just need to clarify that the process that was used for the earmarks on this bill did not follow all of the rules that we had agreed upon in the committee and perhaps inconsistent with the Rules of the House. But I do know that they were inconsistent with the agreement that we have in the Intelligence Committee, which is that on a bipartisan basis the chairman and the ranking member would review earmarks, their content, the Member, and would sign off on the appropriateness of each of those earmarks.

With the filing of the bill to the Rules Committee, there was at least one earmark that was never brought to my attention and for which I never received a copy of the request from the Member identifying the earmark or a statement from the Member indicating that there was no financial interest along with the earmark. Now, that does not say the earmark is bad. It does not say it was wrong. It is just a process foul in terms of what we had agreed to.

Mr. REYES. Will the gentleman yield?

Mr. HOEKSTRA. I yield to the chairman.

Mr. REYES. I thank you for yielding, because one of the fundamental points I want to make is that we wanted to err on the side of transparency. Staff tells me that the issue of that particular earmark, weeks before we marked up the bill, was fully discussed on a bipartisan basis. I know it was discussed when we marked it up because there were a number of amendments that were brought to the markup.

Mr. HOEKSTRA. It is clear that there may be some confusion as to exactly what was or what was not discussed, but the process between staff, the process that is outlined in the committee is clearly that the chairman and the ranking member will go through and review those items that are identified as earmarks, and we will agree on them, and we will agree upon their inclusion in the bill.

The bill that was submitted and filed with Rules had at least one, I don't know about the full details, but had at least one earmark that the chairman and myself never discussed and also that, as a ranking member, I had never received what would have been identified as the paperwork that went along with it. The chairman knows that that particular earmark was one that was not discussed as an earmark. I don't think the inclusion and the identification of it as being an earmark in committee when we debated this specific provision was brought up.

And so it is a cause of concern. And building on what happened with my colleague from Arizona (Mr. FLAKE), where the Rules Committee did not identify the earmarks that were part of that bill until 5 hours after the deadline for the Rules Committee, for Members to submit amendments.

Mr. REYES. Will the gentleman yield?

Mr. HOEKSTRA. I will yield.

Mr. REYES. Those are two different issues. The time was an issue of Government Printing Office error. That is a different issue.

I would just hope that my good friend and colleague and ranking member would agree that we sat down and agreed to bring transparency so that the issues that came up when the gentleman was the chair of the committee would not recur.

Mr. HOEKSTRA. That is exactly the point, that whatever abuses, whatever we wanted transparency, these were guidelines and rules that we agreed upon in the previous Congress, where I am glad that they were carried over into this Congress. I am disappointed that they were not followed the way that they were outlined in the committee process.

Mr. REYES. If the gentleman would yield.

Mr. HOEKSTRA. I will yield.

Mr. REYES. I would just again take issue with that point because we followed the process. Staff consulted on a bipartisan basis.

Mr. HOEKSTRA. Reclaiming my time.

Mr. Chairman, no, that does not follow. The measure that we had, you and I sat in a conference room; we went through the list with staff discussing specifically each and every earmark. And that earmark was not part of that process. When we got the report that accompanied this bill to the Rules Committee, all of a sudden there was a new earmark that you and I had not gone through. You can talk to staff and those types of things. I was never aware and neither were they that it was an earmark.

Mr. HASTINGS of Washington. Mr. Speaker, I am going to once again urge

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my colleagues to vote ''no'' on the previous question so the House can consider the amendment that I submitted from Heather Wilson of New Mexico.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining portion of my time.

I am fascinated by my colleagues' arguments on the other side. We did have a Rules Committee hearing on this matter, and there are four members of the Rules Committee on the minority, none of whom raised any of the issues that we have heard here today on the floor; understanding full well that Mr. FLAKE comes now and says that we should have a special session.

I also know that here on the floor I offered to Mr. FLAKE an opportunity, by unanimous consent, to offer any amendment he may have, and he didn't have an amendment at that time. I assume his argument is that we would need to be in what he says a ''secret session.''

But one thing I do know, being one of the few Members that does serve on the Rules Committee and on the Intelligence Committee, and that is that everyone knew the funding level of the issue that is being discussed. Mr. FLAKE may not have, but I can assure you that the remaining Members on the Intelligence Committee knew that the mark was included in our draft and the Community Management Account making that minority staff certainly aware at the time between the chairman and Mr. HOEKSTRA.

Now, today more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest, highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation.

When the American people elected Democrats to the majority, they sent a very clear message that ''business as usual'' is no longer accepted. They said to all of us, Republican and Democrat alike, that there are problems in the way we operate, and we need to change how we do business. We must, in my opinion, congratulate our intelligence community for its successes, but we also must hold them accountable for their failures. Rubber-stamping the administration's every action is not acceptable. Democrats are working every day, as are Republicans, to make America a safer place for all.

I genuinely urge my colleagues to support this measure.

I heard arguments about the climate change requirements put forward for there to be a national intelligence estimate in that regard. And there are arguments against it. I do not quite understand those arguments. We made it clear that much of the information is collectable by analysts at this time and that it would help prevent future terrorist developments. And the way the argument has been couched on the minority is as if this largest ever intelligence budget, largest in the history of the Congress, is not doing everything that is needed to be done because someone requested that there be a national intelligence estimate with reference to climate change. One day, some people in this body are going to get their head out of the sand and understand that something is changing in this climate of ours, in this world and that we all owe it as much as we can afford to make sure that we pass on a safe environment to all our children.

With that, Mr. Speaker, I urge my colleagues to support the rule. I urge a ''yes'' vote on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 388

OFFERED BY REP. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Wilson of New Mexico or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

Sec. 4. The amendment referred to in section 3 is as follows:

At the end of the bill, add the following new title:

TITLE VI—ELECTRONIC SURVEILLANCE MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Electronic Surveillance Modernization Act''.

SEC. 602. FISA DEFINITIONS.

(a) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended—

(1) in subparagraph (B), by striking ''; or'' and inserting '';''; and

(2) by adding at the end the following:

''(D) is reasonably expected to possess, control, transmit, or receive foreign intelligence information while such person is in the United States, provided that the official making the certification required by section 104(a)(7) deems such foreign intelligence information to be significant; or''.

(b) ELECTRONIC SURVEILLANCE.—Subsection (f) of such section is amended to read as follows:

''(f) 'Electronic surveillance' means—

''(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

''(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.''.

(c) MINIMIZATION PROCEDURES.—Subsection (h) of such section is amended—

(1) in paragraph (2), by striking ''importance;'' and inserting ''importance; and'';

(2) in paragraph (3), by striking ''; and'' and inserting ''.''; and

(3) by striking paragraph (4).

(d) WIRE COMMUNICATION AND SURVEILLANCE DEVICE.—Subsection (l) of such section is amended to read as follows:

''(l) 'Surveillance device' is a device that allows surveillance by the Federal Government, but excludes any device that extracts or analyzes information from data that has already been acquired by the Federal Government by lawful means.''.

(e) CONTENTS.—Subsection (n) of such section is amended to read as follows:

''(n) 'Contents', when used with respect to a communication, includes any information concerning the substance, purport, or meaning of that communication.''.

SEC. 603. AUTHORIZATION FOR ELECTRONIC SURVEILLANCE AND OTHER ACQUISITIONS FOR FOREIGN INTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended by striking section 102 and inserting the following:

''AUTHORIZATION FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

''SEC. 102. (a) IN GENERAL.—Notwithstanding any other law, the President, acting through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for periods of up to one year if the Attorney General certifies in writing under oath that—

''(1) the electronic surveillance is directed at—

''(A) the acquisition of the contents of communications of foreign powers, as defined in paragraph (1), (2), or (3) of section 101(a), or an agent of a foreign power, as defined in subparagraph (A) or (B) of section 101(b)(1); or

''(B) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a); and

''(2) the proposed minimization procedures with respect to such surveillance meet the definition of minimization procedures under section 101(h);

if the Attorney General reports such minimization procedures and any changes thereto to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 30 days prior to the effective date of such minimization procedures, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

''(b) MINIMIZATION PROCEDURES.—An electronic surveillance authorized by this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under the provisions of section 108(a).

''(c) SUBMISSION OF CERTIFICATION.—The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of his certification. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless—

''(1) an application for a court order with respect to the surveillance is made under section 104; or

''(2) the certification is necessary to determine the legality of the surveillance under section 106(f).

''AUTHORIZATION FOR ACQUISITION OF FOREIGN INTELLIGENCE INFORMATION

''SEC. 102A. (a) IN GENERAL.—Notwithstanding any other law, the President, acting through the Attorney General may, for periods of up to one year, authorize the acquisition of foreign intelligence information concerning a person reasonably believed to be outside the United States if the Attorney General certifies in writing under oath that—

''(1) the acquisition does not constitute electronic surveillance;

''(2) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a wire or electronic communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to wire or electronic communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(3) a significant purpose of the acquisition is to obtain foreign intelligence information; and

''(4) the proposed minimization procedures with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

''(b) SPECIFIC PLACE NOT REQUIRED.—A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

''(c) SUBMISSION OF CERTIFICATION.—The Attorney General shall immediately transmit under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 102B.

''(d) MINIMIZATION PROCEDURES.—An acquisition under this section may be conducted only in accordance with the certification of the Attorney General and the minimization procedures adopted by the Attorney General. The Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

''DIRECTIVES RELATING TO ELECTRONIC SURVEILLANCE AND OTHER ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION

''SEC. 102B. (a) DIRECTIVE.—With respect to an authorization of electronic surveillance under section 102 or an authorization of an acquisition under section 102A, the Attorney General may direct a person to—

''(1) immediately provide the Government with all information, facilities, and assistance necessary to accomplish the acquisition of foreign intelligence information in such a manner as will protect the secrecy of the electronic surveillance or acquisition and produce a minimum of interference with the services that such person is providing to the target; and

''(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the electronic surveillance or acquisition or the aid furnished that such person wishes to maintain.

''(b) COMPENSATION.—The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (a).

''(c) FAILURE TO COMPLY.—In the case of a failure to comply with a directive issued pursuant to subsection (a), the Attorney General may petition the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person or entity to comply with the directive if it finds that the directive was issued in accordance with section 102(a) or 102A(a) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person or entity may be found.

''(d) REVIEW OF PETITIONS.—(1) IN GENERAL.—(A) CHALLENGE.—A person receiving a directive issued pursuant to subsection (a) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

''(B) ASSIGNMENT OF JUDGE.—The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 24 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

''(2) STANDARD OF REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall affirm such directive, and order the recipient to comply with such directive.

''(3) DIRECTIVES NOT MODIFIED.—Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

''(e) APPEALS.—The Government or a person receiving a directive reviewed pursuant to subsection (d) may file a petition with the court of review established under section 103(b) for review of the decision issued pursuant to subsection (d) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition by the Government or any person receiving such directive for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

''(f) PROCEEDINGS.—Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(g) SEALED PETITIONS.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(h) LIABILITY.—No cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

''(i) USE OF INFORMATION.—Information acquired pursuant to a directive by the Attorney General under this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by section 102(a) or 102A(a). No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this section shall lose its privileged character. No information from an electronic surveillance under section 102 or an acquisition pursuant to section 102A may be used or disclosed by Federal officers or employees except for lawful purposes.

''(j) USE IN LAW ENFORCEMENT.—No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived from such information, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

''(k) DISCLOSURE IN TRIAL.—If the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an electronic surveillance conducted under section 102 or an acquisition authorized pursuant to section 102A, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to disclose or use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to disclose or use such information.

''(l) DISCLOSURE IN STATE TRIALS.—If a State or political subdivision of a State intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision of a State, against an aggrieved person, any information obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A, the State or political subdivision of such State shall notify the aggrieved person, the court, or other authority in which the information is to be disclosed or used and the Attorney General that the State or political subdivision intends to disclose or use such information.

''(m) MOTION TO EXCLUDE EVIDENCE.—(1) IN GENERAL.—Any person against whom evidence obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A is to be, or has been, used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to

suppress the evidence obtained or derived from such electronic surveillance or such acquisition on the grounds that—

''(A) the information was unlawfully acquired; or

''(B) the electronic surveillance or acquisition was not properly made in conformity with an authorization under section 102(a) or 102A(a).

''(2) TIMING.—A person moving to suppress evidence under paragraph (1) shall make the motion to suppress the evidence before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

''(n) REVIEW OF MOTIONS.—If a court or other authority is notified pursuant to subsection (k) or (l), a motion is made pursuant to subsection (m), or a motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State—

''(1) to discover or obtain an Attorney General directive or other materials relating to an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A, or

''(2) to discover, obtain, or suppress evidence or information obtained or derived from an electronic surveillance authorized pursuant to section 102 or an acquisition authorized pursuant to section 102A,

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to such electronic surveillance or such acquisition as may be necessary to determine whether such electronic surveillance or such acquisition authorized under this section was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the directive or other materials relating to the acquisition only where such disclosure is necessary to make an accurate determination of the legality of the acquisition.

''(o) DETERMINATIONS.—If, pursuant to subsection (n), a United States district court determines that the acquisition authorized under this section was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived or otherwise grant the motion of the aggrieved person. If the court determines that such acquisition was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

''(p) BINDING ORDERS.—Orders granting motions or requests under subsection (m), decisions under this section that an electronic surveillance or an acquisition was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of directives, orders, or other materials relating to such acquisition shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

''(q) COORDINATION.—(1) IN GENERAL.—Federal officers who acquire foreign intelligence information may consult with Federal law enforcement officers or law enforcement personnel of a State or political subdivision of a State, including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision, to coordinate efforts to investigate or protect against—

''(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(B) sabotage, international terrorism, or the development or proliferation of weapons of mass destruction by a foreign power or an agent of a foreign power; or

''(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

''(2) CERTIFICATION REQUIRED.—Coordination authorized under paragraph (1) shall not preclude the certification required by section 102(a) or 102A(a).

''(r) RETENTION OF DIRECTIVES AND ORDERS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 102 the following:

''102A. Authorization for acquisition of foreign intelligence information.

''102B. Directives relating to electronic surveillance and other acquisitions of foreign intelligence information.''.

SEC. 604. JURISDICTION OF FISA COURT.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(g) Applications for a court order under this title are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under this section, and a judge to whom an application is made may, notwithstanding any other law, grant an order, in conformity with section 105, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.''.

SEC. 605. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''detailed description'' and inserting ''summary description'';

(B) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking ''or officials designated'' and all that follows through ''consent of the Senate'' and inserting ''designated by the President to authorize electronic surveillance for foreign intelligence purposes'';

(ii) in subparagraph (C), by striking ''techniques;'' and inserting ''techniques; and'';

(iii) by striking subparagraph (D); and

(iv) by redesignating subparagraph (E) as subparagraph (D);

(C) in paragraph (8), by striking ''a statement of the means'' and inserting ''a summary statement of the means'';

(D) in paragraph (9)—

(i) by striking ''a statement'' and inserting ''a summary statement''; and

(ii) by striking ''application;'' and inserting ''application; and'';

(E) in paragraph (10), by striking ''thereafter; and'' and inserting ''thereafter.''; and

(F) by striking paragraph (11).

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 606. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking ''surveillance;'' and inserting ''surveillance; and'';

(B) in subparagraph (E), by striking ''approved; and'' and inserting ''approved.''; and

(C) by striking subparagraph (F);

(3) by striking subsection (d);

(4) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(5) in subsection (d), as redesignated by paragraph (4), by amending paragraph (2) to read as follows:

''(2) Extensions of an order issued under this title may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order and may be for a period not to exceed one year.'';

(6) in subsection (e), as redesignated by paragraph (4), to read as follows:

''(e) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(1) determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(2) determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(3) informs a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(4) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not more than 168 hours after the Attorney General authorizes such surveillance.

If the Attorney General authorizes such emergency employment of electronic surveillance, the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 168 hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department,

office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.'';

(7) in subsection (h), as redesignated by paragraph (4)—

(A) by striking ''a wire or'' and inserting ''an''; and

(B) by striking ''physical search'' and inserting ''physical search or in response to a certification by the Attorney General or a designee of the Attorney General seeking information, facilities, or technical assistance from such person under section 102B''; and

(8) by adding at the end the following new subsection:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, the judge shall also authorize the installation and use of pen registers and trap and trace devices to acquire dialing, routing, addressing, and signaling information related to such communications and such dialing, routing, addressing, and signaling information shall not be subject to minimization procedures.''.

SEC. 607. USE OF INFORMATION.

Section 106(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(i)) is amended—

(1) by striking ''radio communication'' and inserting ''communication''; and

(2) by striking ''contents indicates'' and inserting ''contents contain significant foreign intelligence information or indicate''.

SEC. 608. CONGRESSIONAL OVERSIGHT.

(a) ELECTRONIC SURVEILLANCE UNDER FISA.—Section 108 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the authority under which the electronic surveillance is conducted.''; and

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

''(b) On a semiannual basis, the Attorney General additionally shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on electronic surveillance conducted without a court order.''.

(b) INTELLIGENCE ACTIVITIES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 501 (50 U.S.C. 413)—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

''(f) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee, of a report submitted under subsection (a)(1) or subsection (b) as such Chair considers necessary.'';

(2) in section 502 (50 U.S.C. 414), by adding at the end the following new subsection:

''(d) INFORMING OF COMMITTEE MEMBERS.—The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee, of a report submitted under subsection (a) as such Chair considers necessary.''; and

(3) in section 503 (50 U.S.C. 415), by adding at the end the following new subsection:

''(g) The Chair of each of the congressional intelligence committees, in consultation with the ranking member of the committee for which the person is Chair, may inform—

''(1) on a bipartisan basis, all members or any individual members of such committee, and

''(2) any essential staff of such committee, of a report submitted under subsection (b), (c), or (d) as such Chair considers necessary.''.

SEC. 609. INTERNATIONAL MOVEMENT OF TARGETS.

(a) ELECTRONIC SURVEILLANCE.—Section 105(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)), as redesignated by section 606(4), is amended by adding at the end the following new paragraph:

''(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.''.

(b) PHYSICAL SEARCH.—Section 304(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)) is amended by adding at the end the following new paragraph:

''(4) An order issued under this section shall remain in force during the authorized period of surveillance notwithstanding the absence of the target from the United States, unless the Government files a motion to extinguish the order and the court grants the motion.''.

SEC. 610. COMPLIANCE WITH COURT ORDERS AND ANTITERRORISM PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to the immunities, privileges, and defenses provided by any other provision of law, no action, claim, or proceeding shall lie or be maintained in any court, and no penalty, sanction, or other form of remedy or relief shall be imposed by any court or any other body, against any person for an activity arising from or relating to the provision to an element of the intelligence community of any information (including records or other information pertaining to a customer), facilities, or assistance during the period of time beginning on September 11, 2001, and ending on the date that is 60 days after the date of the enactment of this Act, in connection with any alleged communications intelligence program that the Attorney General or a designee of the Attorney General certifies, in a manner consistent with the protection of State secrets, is, was, or would be intended to protect the United States from a terrorist attack. This section shall apply to all actions, claims, or proceedings pending on or after the effective date of this Act.

(b) JURISDICTION.—Any action, claim, or proceeding described in subsection (a) that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable pursuant to section 1441 of title 28, United States Code.

(c) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) PERSON.—The term ''person'' has the meaning given the term in section 2510(6) of title 18, United States Code.

SEC. 611. REPORT ON MINIMIZATION PROCEDURES.

(a) REPORT.—Not later than two years after the date of the enactment of this Act, and annually thereafter until December 31, 2012, the Director of the National Security Agency, in consultation with the Director of National Intelligence and the Attorney General, shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the effectiveness and use of minimization procedures applied to information concerning United States persons acquired during the course of a communications activity conducted by the National Security Agency.

(b) REQUIREMENTS.—A report submitted under subsection (a) shall include—

(1) a description of the implementation, during the course of communications intelligence activities conducted by the National Security Agency, of procedures established to minimize the acquisition, retention, and dissemination of nonpublicly available information concerning United States persons;

(2) the number of significant violations, if any, of such minimization procedures during the 18 months following the effective date of this Act; and

(3) summary descriptions of such violations.

(c) RETENTION OF INFORMATION.—Information concerning United States persons shall not be retained solely for the purpose of complying with the reporting requirements of this section.

SEC. 612. AUTHORIZATION OF ELECTRONIC SURVEILLANCE DUE TO IMMINENT THREAT.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(1) by adding at the end of title I the following new section:

''AUTHORIZATION DUE TO IMMINENT THREAT

''SEC. 113. (a) IN GENERAL.—Notwithstanding any other provision of law, but subject to the provisions of this section, the President, acting through the Attorney General, may authorize electronic surveillance without an order under this title to acquire foreign intelligence information for a period not to exceed 90 days if the President submits to the congressional leadership, the congressional intelligence committees, and the Foreign Intelligence Surveillance Court a written notification that the President has determined that there exists an imminent threat of attack likely to cause death, serious injury, or substantial economic damage to the United States. Such notification—

''(1) shall be submitted as soon as practicable, but in no case later than 5 days after the date on which the President authorizes electronic surveillance under this section;

''(2) shall specify the entity responsible for the threat and any affiliates of the entity;

''(3) shall state the reason to believe that the threat of imminent attack exists;

''(4) shall state the reason the President needs broader authority to conduct electronic surveillance in the United States as a result of the threat of imminent attack;

''(5) shall include a description of the foreign intelligence information that will be collected and the means that will be used to

collect such foreign intelligence information; and

''(6) may be submitted in classified form.

''(b) SUBSEQUENT CERTIFICATIONS.—At the end of the 90-day period described in subsection (a), and every 90 days thereafter, the President may submit a subsequent written notification to the congressional leadership, the congressional intelligence committees, the other relevant committees, and the Foreign Intelligence Surveillance Court that the circumstances of the threat for which the President submitted a written notification under subsection (a) require the President to continue the authorization of electronic surveillance under this section for an additional 90 days. The President shall be authorized to conduct electronic surveillance under this section for an additional 90 days after each such subsequent written notification.

''(c) ELECTRONIC SURVEILLANCE OF INDIVIDUALS.—The President, or an official designated by the President to authorize electronic surveillance, may only conduct electronic surveillance of a person under this section if the President or such official determines that—

''(1) there is a reasonable belief that such person is communicating with an entity or an affiliate of an entity that is reasonably believed to be responsible for imminent threat of attack; and

''(2) the information obtained from the electronic surveillance may be foreign intelligence information.

''(d) MINIMIZATION PROCEDURES.—The President may not authorize electronic surveillance under this section until the Attorney General approves minimization procedures for electronic surveillance conducted under this section.

''(e) UNITED STATES PERSONS.—Notwithstanding subsections (a) and (b), the President may not authorize electronic surveillance of a United States person under this section without an order under this title for a period of more than 60 days unless the President, acting through the Attorney General, submits a certification to the congressional intelligence committees that—

''(1) the continued electronic surveillance of the United States person is vital to the national security of the United States;

''(2) describes the circumstances that have prevented the Attorney General from obtaining an order under this title for continued surveillance;

''(3) describes the reasons for believing the United States person is affiliated with or in communication with an entity or an affiliate of an entity that is reasonably believed to be responsible for imminent threat of attack; and

''(4) describes the foreign intelligence information derived from the electronic surveillance conducted under this section.

''(f) USE OF INFORMATION.—Information obtained pursuant to electronic surveillance under this subsection may be used to obtain an order authorizing subsequent electronic surveillance under this title.

''(g) DEFINITIONS.—In this section:

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(2) CONGRESSIONAL LEADERSHIP.—The term 'congressional leadership' means the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate.

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

''(4) OTHER RELEVANT COMMITTEES.—The term 'other relevant committees' means the Committees on Appropriations, the Committees on Armed Services, and the Committees on the Judiciary of the House of Representatives and the Senate.''; and

(2) in the table of contents in the first section, by inserting after the item relating to section 111 the following new item:

''Sec. 112. Authorization due to imminent threat.''.

SEC. 613. TECHNICAL AND CONFORMING AMENDMENTS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(1) in section 105(a)(4), as redesignated by section 606(1)(B)—

(A) by striking ''104(a)(7)(E)'' and inserting ''104(a)(7)(D)''; and

(B) by striking ''104(d)'' and inserting ''104(c)'';

(2) in section 106(j), in the matter preceding paragraph (1), by striking ''105(e)'' and inserting ''105(d)''; and

(3) in section 108(a)(2)(C), by striking ''105(f)'' and inserting ''105(e)''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 388, if ordered; ordering the previous question on House Resolution 387; and adopting House Resolution 387, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 199, not voting 10, as follows:

[Roll No. 324]

YEAS—223

Abercrombie	Cleaver	Gonzalez
Ackerman	Clyburn	Gordon
Allen	Cohen	Green, Al
Altmire	Conyers	Green, Gene
Andrews	Cooper	Grijalva
Arcuri	Costa	Gutierrez
Baca	Costello	Hall (NY)
Baird	Courtney	Hare
Baldwin	Cramer	Harman
Bean	Crowley	Hastings (FL)
Becerra	Cuellar	Herseth Sandlin
Berkley	Cummings	Higgins
Berman	Davis (AL)	Hill
Berry	Davis (CA)	Hinchey
Bishop (GA)	Davis (IL)	Hinojosa
Bishop (NY)	Davis, Lincoln	Hirono
Blumenauer	DeFazio	Hodes
Boren	DeGette	Holden
Boswell	Delahunt	Holt
Boucher	DeLauro	Honda
Boyd (FL)	Dicks	Hooley
Boyda (KS)	Dingell	Hoyer
Braley (IA)	Doggett	Inslee
Brown, Corrine	Donnelly	Israel
Butterfield	Doyle	Jackson (IL)
Capps	Edwards	Jackson-Lee (TX)
Capuano	Ellison	Jefferson
Cardoza	Ellsworth	Johnson (GA)
Carnahan	Emanuel	Johnson, E. B.
Carney	Eshoo	Jones (OH)
Carson	Etheridge	Kagen
Castor	Farr	Kanjorski
Chandler	Filner	Kaptur
Clarke	Giffords	Kennedy
Clay	Gillibrand	

Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Engel
Fattah
Frank (MA)
McCrery
McMorris Rodgers
Rangel
Souder
Waters
Watson

□ 1506

Mrs. CUBIN changed her vote from ''yea'' to ''nay.''

Mr. CONYERS and Mr. RUSH changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 8, as follows:

[Roll No. 325]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brady (PA)
Engel
Fattah
McMorris Rodgers
Sensenbrenner
Souder
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2237, PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ; PROVIDING FOR CONSIDERATION OF H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007; AND PROVIDING FOR CONSIDERATION OF H.R. 2207, AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 387, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 9, as follows:

[Roll No. 326]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Brady (PA)
Buyer
Cramer
Engel
Fattah
McMorris Rodgers
Souder
Waters
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1527

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 219, nays 199, not voting 14, as follows:

[Roll No. 327]

YEAS—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)

Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Berman
Brady (PA)
Cannon
Carney
Engel
Fattah
McMorris Rodgers
Petri
Pomeroy
Rogers (MI)
Scott (GA)
Souder
Watson
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1534

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RESOLVE INTO SECRET SESSION

Mr. FLAKE. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

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

The Clerk read as follows:

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FLAKE).

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

RECORDED VOTE

Mr. FLAKE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 8, as follows:

[Roll No. 328]

AYES—207

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Shuler	Taylor	Waters
Sires	Thompson (CA)	Watt
Skelton	Thompson (MS)	Waxman
Slaughter	Tierney	Weiner
Smith (WA)	Towns	Welch (VT)
Snyder	Udall (CO)	Wexler
Solis	Udall (NM)	Wilson (OH)
Spratt	Van Hollen	Woolsey
Stark	Velázquez	Wu
Stupak	Visclosky	Wynn
Sutton	Walz (MN)	Yarmuth
Tanner	Wasserman Schultz	
Tauscher		

NOT VOTING—8

Brady (PA)	Herger	Watson
DeLauro	McMorris Rodgers	
Engel	Souder	
Fattah		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1553

So the motion to resolve into secret session was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

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

Mr. McGOVERN. Mr. Speaker, the Rules Committee is expected to meet Tuesday, May 15, 2007, to grant a rule which may structure the amendment process for floor consideration of H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 5 p.m. on Monday, May 14. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Armed Services. A copy of that bill will be posted on the Web site of the Rules Committee tomorrow, May 11.

Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1419

Mr. POMEROY. Mr. Speaker, there was a mistake by which some Members were inadvertently added as cosponsors to a bill, and now I would ask unanimous consent to remove these cosponsors from H.R. 1419:

Mr. HINOJOSA
Mr. CONAWAY
Mr. LINCOLN DIAZ-BALART of Florida
Mr. BACHUS
Mr. HOLT
Ms. MATSUI
Mr. ROHRABACHER
Mr. SKELTON
Mr. PETRI
Mr. WILSON of South Carolina
Mr. REHBERG
Mr. FEENEY

The SPEAKER pro tempore (Mr. TIERNEY). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I called up the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2237

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

SECTION 1. REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ.

(a) COMMENCEMENT OF REDEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall commence the redeployment of units and members of the Armed Forces deployed in Iraq as part of Operation Iraqi Freedom and contractors operating in Iraq and funded using amounts appropriated to the Department of Defense.

(b) COMPLETION OF REDEPLOYMENT.—The Secretary of Defense shall complete the redeployment of the Armed Forces and defense contractors from Iraq within 180 days beginning on the date of the commencement of the redeployment required under subsection (a).

(c) PROHIBITION ON USE OF FUNDS TO INCREASE ARMED FORCES SERVING IN IRAQ.—Funds appropriated or otherwise made available to the Department of Defense under any provision of law may not be obligated or expended to increase the number of members of the Armed Forces serving in Iraq in excess of the number of members serving in Iraq as of January 1, 2007, unless the increase has been specifically authorized in advance by an Act of Congress.

(d) AUTHORITY TO DETERMINE LOCATIONS OUTSIDE OF IRAQ FOR REDEPLOYMENT.—Nothing in this section shall be construed to restrict the locations outside of Iraq to which units and members of the Armed Forces redeployed from Iraq may be transferred, including redeployment to an adjacent or nearby country at the invitation of the government of the country or redeployment to bolster military forces deployed in Afghanistan as part of Operation Enduring Freedom.

(e) AUTHORITY TO RETAIN ARMED FORCES IN IRAQ FOR LIMITED PURPOSES.—The Secretary of Defense may retain in Iraq members of the Armed Forces for the purpose of providing security for the United States Embassy and other United States diplomatic missions in Iraq; protecting American citizens, including members of the Armed Forces; serving in roles consistent with customary diplomatic positions; engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach; and training and equipping members of the Iraqi Security Forces. At the request of the Government of Iraq, the Secretary of Defense may retain in Iraq members of the Army Corps of Engineers and defense contractors engaged in reconstruction projects in Iraq, to the extent necessary to complete such projects.

(f) AVAILABILITY OF FUNDS FOR SAFE AND ORDERLY REDEPLOYMENT.—Notwithstanding any other provision of law, funds appropriated or otherwise made available in any Act are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the Armed Forces and defense contractors from Iraq, as required by this section.

(g) TRANSFER OF UNITED STATES MILITARY FACILITIES IN IRAQ.—The President of the United States shall transfer to the Government of Iraq all right, title, and interest held by the United States in any military facility in Iraq that was constructed, repaired, or improved using amounts appropriated to the Department of Defense and occupied by a unit of the Armed Forces.

(h) PROHIBITION ON USE OF FUNDS TO FURTHER DEPLOY UNITED STATES ARMED FORCES TO IRAQ.—Beginning on the date of the completion of the redeployment of the Armed Forces from Iraq under subsection (b), funds appropriated or otherwise made available under any provision of law may not be obligated or expended to further deploy units or members of the Armed Forces to Iraq, including through participation in any multinational force in Iraq, except as provided under subsection (e) or unless such deployment of units or members of the Armed Forces is specifically authorized in advance by an Act of Congress.

(i) ASSISTANCE TO IRAQI SECURITY FORCES AND MULTINATIONAL FORCES IN IRAQ.—Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to the Department of Defense for the purpose of providing financial assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq at the request of the Government of Iraq.

(j) CONTINUATION OF DIPLOMATIC, SOCIAL, AND ECONOMIC RECONSTRUCTION ACTIVITIES IN IRAQ.—Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to any department or agency of the United States (other than the Department of Defense) to carry out diplomatic, social, and economic reconstruction activities in Iraq at the request of the Government of Iraq.

(k) ASYLUM OR OTHER MEANS OF PROTECTION FOR IRAQI CITIZENS.—Nothing in this section shall be construed to prohibit or otherwise restrict the authority of the President to arrange asylum or other means of protection for Iraqi citizens who might be physically endangered by the redeployment of the Armed Forces from Iraq.

(l) DEFINITION.—In this section, the term ''Armed Forces'' has the meaning given the term in section 101(a)(4) of title 10, United States Code.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 2237.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts, the sponsor of the bill (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, this war is a terrible tragedy, and it is time to bring it to an end. This is a straightforward bill to redeploy our military forces from Iraq and to end the war in Iraq, and I want to thank the leadership for bringing it to the floor today.

This bill would allow the administration and joint chiefs 3 months to plan a safe and orderly redeployment process, and then an additional 6 months to carry it out. It provides for the orderly transfer to Iraqi authorities the military bases and facilities we have constructed and occupied on their national territory, as General Petraeus himself has always insisted would happen when we depart from Iraq.

The bill permits U.S. Armed Forces to remain deployed in Iraq in order to protect U.S. embassy and diplomatic personnel. It also allows limited special operations to pursue members of al Qaeda and other global terrorist organizations, and it continues the training and equipping of Iraqi security forces.

Mr. Speaker, this bill does not walk away from Iraq or the Iraqi people. It specifically continues diplomatic, social, economic, and reconstruction aid; and it allows the President to provide asylum or other means of protection to those Iraqi citizens who might be physically endangered by our leaving Iraq because of services they provided to our military personnel.

Finally, this bill leaves all the decisions on the locations outside of Iraq to which our troops will be redeployed wholly in the hands of our military commanders. They may be deployed to neighboring countries or transferred to Afghanistan. Many, I hope, would be sent home by commanders, grateful that their service is now completed. And many of our proud Guard and Reserve units would, I hope, return to their stateside duties to protect our homeland.

Mr. Speaker, there is no nice, neat, easy way to leave Iraq. Every Member in this Chamber understands that. But it is the right thing to do. The American people have chosen us to act on this matter, and we must act.

Redeployment of our troops will set a new dynamic into motion in Iraq and the region. It will force the Iraqis, their neighbors, and the international community to finally confront the tough issues of reconciliation. Until we leave, no one has to make the hard choices about how Iraqis are going to live together or die together.

Like all of my colleagues on both sides of the aisle, I stand in awe of our uniformed men and women, who have performed fearlessly and tirelessly in Iraq. But we should no longer demand that their sweat, blood, and lives be sacrificed on the altar of Iraqi sectarian violence. They are needed elsewhere, in Afghanistan, in the region, and here back home. Their duties, their global mission and purpose continue, but Iraq must find its own way.

Mr. Speaker, enough is enough. For four long deadly years, this administration and their allies in Congress have been flat wrong about Iraq. The time has come for us to begin redeploying our troops from Iraq in a safe and orderly manner.

Now, every one of us, whether we voted for or against the war, has a responsibility for the men and women who have been put in harm's way. It is easy to say stay the course; but I would remind my colleagues, none of us will wake up tomorrow in the midst of a civil war in Iraq. None of us will have to go on patrol in Fallujah or Baghdad. We owe our troops better than rhetoric; we owe them honesty and action.

For me, this is a vote of conscience. For me, this is a way to restore the good and decent name of the United States. For me, this is a way to best serve our men and women in uniform, by bringing them home to their families.

I urge my colleagues to vote for this bill and vote to end the war.

□ 1600

Mr. LEWIS of California. Mr. Speaker, if today's actions by the House are any indication, it appears that the Out of Iraq Caucus within the Democratic majority is now running the legislative agenda of the Congress.

How else can one explain that the rule governing consideration of debate of funding of our troops in Iraq and Afghanistan provides only two legislative options with regard to U.S. troops in Iraq and Afghanistan?

The first, which we are now debating, is an immediate withdrawal of troops from Iraq. The second, which we will debate shortly, rations funding to our troops over a 60-day period. Both options are short-sighted, and they are also dangerous.

My colleagues, where did this bill come from?

I gather it was hastily written and introduced last night in an attempt to obtain votes for the Obey Iraq supplemental we will be considering a little later.

Indeed, the consideration of this withdrawal legislation is nothing more than an attempt by the Speaker and the majority leader to appease members of the Out of Iraq Caucus so they will support the second version offered by Chairman OBEY.

Once again, the majority has brought legislation to the House floor under a closed rule without an opportunity for amendment or meaningful debate. Not only is this an abuse of the legislative process, it is an overt violation of the longstanding traditions of the House. The majority is making a mockery of the time-honored customs of this body. That, in and of itself, is shameful. It is the People's House and the people of our country who suffer when open debate is stifled in order to preordain a legislative outcome.

Fortunately, this legislation, which embraces surrender and defeat, will not pass today. Most Members of the House, both Republican and Democrats, have grave reservations about the manner in which this legislation undermines our troops and the authority of the President and the commander in chief.

Members on both sides of the aisle have expressed concern about the effects of an ill-conceived military withdrawal. And Members are rightfully concerned about any legislation that places military decisions in the hands of politicians rather than the military commanders in the field.

The last thing our country or our troops need is to have 535 Members of the House and Senators micromanaging the war in Iraq. Recent history reminds us that the enemy we face in Iraq, Afghanistan and other countries that harbor terrorists, will stop at nothing to attack the United States and our allies. They view the consideration of this measure and the Obey bill we will consider shortly, as a sign of weakness.

Al Qaeda and other terrorist organizations are watching us closely, hoping this lack of resolve will prevail. We must not let that happen.

My colleagues, now is not the time for the United States to back down from its commitment to the war on terror. Now is not the time for America to signal retreat and surrender. Indeed, now is not the time for the House of Representatives to throw in the towel, wave the white flag or signal retreat and surrender in Iraq.

How could this Congress walk away from our men and women in uniform? How could we walk away from them now? We must, we must support our troops. Our failure to learn the lessons of history, our failure to lead will result in devastating consequences, including an even greater loss of lives in the future.

It is absolutely essential that America, the last remaining superpower on earth, continue to be a voice for peace and a beacon for freedom in our shrinking world.

I urge my colleagues to vote ''no'' on the McGovern/Out of Iraq Caucus bill.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I speak in support of this bill because it would change our strategy in Iraq towards the successful outcome, while ensuring that America will be more secure. It

does so by providing, most importantly, a date certain by which we will not be in Iraq, approximately 9 months from its enactment, that serves as the sole remaining leverage we have to change the structure of incentives in that country and in the region toward stability.

Presently, the Iraqi ministries are personal fiefdoms where the leaders pursue their personal ambitions while we provide them political and military cover in what is now principally a civil war.

Political reconciliation. How? When their very top Shia and Kurdish leaders recently told Senator HAGEL and me that the re-Baathification law is only appeasement to the Sunnis. But our U.S. leaders in Iraq say it is critical to success and stabilization.

A date certain finally forces the Iraqis to make the difficult political compromises they are presently avoiding; more importantly, it changes the incentives and therefore the behavior of Iran and Syria from being involved destructively in this war because we are bleeding towards working for stability.

As our top political leader in Iraq said, Iran does not want a failed state if we depart.

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky will control the time of the gentleman from California.

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I hope the American public sees the irony in the votes that we are going to take this afternoon and evening. Before us now we are going to take a vote to pull out of Iraq immediately. Then, right after that, we are going to take a vote to fund the troops so they can stay a while.

So I guess the only difference between the House Democrats today and Senator KERRY a year ago, where he voted for Iraq before he voted against Iraq, is that our friends get to do it all in the same day.

Now, the other irony that I thought was interesting today is that we had a visitor, the deputy prime minister of Iraq, that was coming here with a message of what is really going on in Iraq. And he met with a group of us this morning in HC–9, separated only by a thin wall to the caucus that was occurring with our friends from the other side of the aisle where they were plotting the strategy of how to get out of Iraq.

I think it shows one of the differences between the two parties where we are meeting with the government officials on how to get them stood up, how do we strengthen the government there so they can take over their own operations without falling to the al Qaeda; at the same time, our friends are plotting on the other side to pull out and abandon them.

I think the day is just full of ironies, and I hope that the general public gets to see those today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill and of our troops. The tragedy in Iraq has gone on far too long. For 4 years, this administration and its supporters have put forth arguments based on misinformation and fear. I would urge my colleagues to remember this during today's debate.

This administration and the Republican leadership in Congress have presided over perhaps the biggest foreign policy and national security blunder in our Nation's history. They have ignored, shouted down and attempted to intimidate anyone who has dared to disagree.

And now, after 4 years, we see the thousands of brave Americans killed or seriously injured, untold numbers of Iraqis dead and the country in chaos.

Our troops have done everything, and I mean everything, that has been asked of them. But they have been let down by the administration that dishonors their tremendous service and sacrifice with its incompetence and arrogance.

Let us, please, finally make a change in Iraq. Let us end the war and bring our troops home.

I urge my colleagues to support this bill and support our troops.

I rise in strong support of this bill and of our troops.

The tragedy in Iraq has gone on far too long.

This legislation would bring our involvement there to an end.

I have listened now for more than 4 years as the administration and its supporters up here have come forward with one reason after another for: why we have to invade, why we have to stay, and what will happen if we "fail."

They've never made sense to me. Their arguments have been based either on misinformation or fear.

The Bush administration has stumbled and bumbled, dissembled and distorted on Iraq so much that no one—no one—believes a word it says.

Last night, NBC News quoted a Republican Congressman telling the President that "word about the war and its progress cannot come from the White House or even you, Mr. President. There is no longer any credibility."

That is the reality.

So I would urge my colleagues, as they listen to this debate and hear from the Republican leadership and White House why the McGovern bill or the Supplemental Appropriations bill are so wrong, to remember this history.

Mr. Speaker, this administration and the Republican leadership in Congress have presided over perhaps the biggest foreign policy and national security blunder in our Nation's history. They've ignored, shouted down and attempted to intimidate anyone who has dared disagree.

After 4 years we are left with thousands of brave Americans killed or seriously injured, an untold number of Iraqis dead, and the country in chaos. Most tragically, the cost for all these mistakes has been borne by the men and women who wear the uniform, and their families.

Our troops have done everything—everything—that has been asked of them. But they have been let down by an administration that dishonors their tremendous sacrifice with its incompetence and arrogance.

Let us please, finally, make a change in Iraq. Let us end the war and bring our troops home.

I urge my colleagues to support this bill and to support our troops.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 4 minutes to the distinguished ranking member on the Armed Services Subcommittee on Appropriations, Mr. YOUNG of Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time. I didn't intend to speak on this until I read the bill, and I didn't have much chance to read the bill because it didn't go through any committee, and it was only introduced last night.

But this bill is an illusion. It is not what it is proposed to be. It is one of those situations where you giveth on one hand, and you take away with the other hand.

I am looking specifically at subsection (e). After saying that we have to remove our troops out of Iraq within so many days, subsection (e) says, "the Secretary of Defense may retain"—in other words, keep troops in Iraq—"for the purpose of providing security for the embassy, the U.S. embassy"; we do that now. And "other United States diplomatic missions in Iraq"; other diplomatic missions in Iraq; we do that now. "Protecting American citizens"; we do that now. "Including members of the Armed Services serving in roles consistent with customary diplomatic positions"; we do that now.

Listen to this one: "engaging in targeted special actions limited in duration and scope to killing or capturing members of al Qaeda and other terrorist organizations". My goodness, that is what we are doing now.

"Training and equipping members of the Iraqi Security Forces." That is what we are doing now. "And may retain in Iraq members of the Army Corps of Engineers and Defense contractors engaged in reconstruction projects in Iraq." We are doing that now.

Subsection (h) on page 4. "Prohibition on the use of funds to further deploy United States Armed Forces to Iraq." The funds may not be obligated or expended to further deploy units or members of the Armed Forces to Iraq, including through participation in any multinational force, except as provided under subsection (e), which is the subsection that I just referred to.

And then it goes to subsection (i), assistance to Iraqi security forces. "Nothing in this section shall be construed to prohibit or otherwise restrict the use of funds available to the Department of Defense for the purpose of

providing financial assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq.'' We do that now.

You have to get out of Iraq, but you are allowed to stay to do all of these things that we are already doing.

Vote yes if you want to. Vote no if you want to. That is not up to me. But I just wanted to point out the fact that, if you think this bill gets you out of Iraq, think again. Read subsection (e), because it doesn't accomplish what we are told that it does.

So I say again, this is an illusion. It gives with one hand, but it takes away with the other.

Mr. OBEY. In that case, I assume the administration is going to support the bill.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Democrats in the House voted four times to end this war in Iraq, yet the President and most of my colleagues on the other side of the aisle refuse to acknowledge the realities on the ground and continue to ignore the pleas of the American people.

Sadly, the President is dealing with an Iraq that exists only in his imagination. It is time for the President to understand that this House will not endorse a blank check for an endless war. Our resolve remains unwavering because we know the American people have our back.

Under the leadership of Speaker PELOSI, we are united in our efforts to bring an end to this war. Congressman MCGOVERN's bill moves us closer to achieving that goal.

The phones in my office are ringing off the hook with constituents, as I am sure they are across the Capitol, asking me to vote, begging me to vote for this bill to put an end to the war in Iraq.

Listen to the mothers of America on this Mother's Day weekend. They are saying, support our children in uniform by bringing them home.

This bill does that. I urge strong support for it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding, and I commend the gentleman from Massachusetts for offering this important piece of legislation.

□ 1615

I voted against the war in Iraq, but I have since voted to give our troops the resources to succeed in their mission. They have done exceptional work. But they are now being asked to take sides in a civil war. This is not what we sent them to do, and it is time to bring our troops home.

Let us be clear. Removing our troops from the midst of a civil war does not mean we are abandoning Iraq. We will continue to train Iraqi security forces, support political reconciliation and economic reconstruction, and engage the international community to promote a lasting peace. Most importantly, we will continue to hunt down al Qaeda wherever they may hide. What we will not do is blindly follow the President's failed strategy, which has damaged our military without improving national security.

The situation on the ground has changed, and our plan should too. I urge my colleagues to support this legislation to demand a new direction and end the conflict in Iraq and bring our troops home.

I thank the gentleman for offering this important piece of legislation.

Mr. Speaker, this measure will allow us to begin redeploying our combat forces in Iraq and pursuing a new strategy for success. I voted against giving the President authority to go to war, but I have since voted to give our troops the resources to succeed in their mission. They have done exceptional work, but they are now being asked to take sides in a civil war—resolving conflicts that stretch back for centuries. That is not what we sent them to do, and it is time to bring them home.

Let us be very clear about what this bill does, because there is a lot of rhetoric clouding this debate. Removing our troops from the middle of a civil war does NOT mean we're abandoning Iraq. We will continue to train the Iraqi Security Forces. We will continue to support political reconciliation and economic reconstruction. We will continue to engage the international community to promote a lasting peace. Most importantly, we will continue to hunt down al Qaeda wherever in the world they may try to hide. What we will not do is blindly follow the President's failed strategy—a strategy that has damaged the readiness of our military without improving our national security. The situation on the ground has changed, and our plan should be adjusted accordingly. Sadly, the President has decided to trust his own judgment over that of our military commanders, millions of Iraqis, and, most importantly, the American people. I urge my colleagues to support this legislation to demand a new direction that strengthens our military and ends the conflict in Iraq.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank Chairman OBEY, first of all, for his strong and determined effort and his diligent effort to end this war. And, also, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for offering this bill.

H.R. 2237 does reflect the goals of what we call the Lee amendment, which was sponsored by Congresswomen WATERS, WOOLSEY, WATSON, and CLARKE. But let me tell you the goal of this bill, as the goal of the Lee amendment really is an effort to fully fund the safe and timely redeployment of our troops from Iraq. It is responsible. It is practical. It does not cut the funding. But it designates what the supplemental can be used for, and that is to fully fund a safe withdrawal and redeployment and help the Iraqis stabilize their country with a diplomatic, social, and reconstruction effort.

Members of Congress now can choose between standing with the President or the American people who want an end to this occupation, or the President, as I said, who wants an open-ended commitment to this failed policy.

History will record that this war was a deadly mistake. History will document the damage that it has already done to our security and the security of the world, just as it already records the case for the war as fraudulent, something that we all would have known had the House approved my amendment in 2002 that would have allowed the United Nations inspectors to finish their job.

One day history will record that this unnecessary occupation ended. What remains to be seen is when it will end and at what cost in lives and treasure and what cost to our security and the security of the world.

For those Members who recognize that the President's policy is a failure but are concerned about voting to end this failed policy and to redeploy our troops, I have a question for you: At what point will you be comfortable with that vote? When the death toll hits 5,000 or 10,000?

Please vote for this. Please vote to end this occupation and bring our young men and women home. Please stop the deaths.

We have already paid close to half a trillion dollars pursuing this failed policy.

Mr. Speaker, you cannot ''win'' an occupation, just as the United States cannot ''win'' an Iraqi civil war.

We know that there is no military solution to the situation in Iraq. Our generals have told us that. The fact is that, the presence of our troops, who are seen as an occupying force, enflames the very insurgency that they are asked to deal with.

In listening to this desperate rhetoric about ''surrender,'' and about ''defeat'' I am confident that history will look upon such remarks with the same ridicule that it reserves for the Vietnam war supporters discredited ''domino theory'' or the President's ''mission accomplished'' speech on the decks of the USS *Abraham Lincoln*, more than 4 years ago.

Today, members of Congress will decide what side of history they will be on. I urge them to stand with the American people and all those who recognize that there is no military solution to the situation in Iraq, and to vote for H.R. 2237, legislation to fully fund the safe and timely withdrawal of our troops from Iraq.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this is not the first time that I have come down to this well to demand that our troops come home and that we end the occupation of Iraq. In fact, I have come to the floor over 200 times. And as the first Member of Congress to call on the

President to bring our troops home and the author of the first amendment on the floor requiring the President to bring a plan to the House on how he will end this debacle that he started, you can know that I am very pleased that this vote is before us today. Finally, after 4 years here we are.

Many of the provisions in the bill were included in H.R. 508, the Bring the Troops Home and Iraq Sovereignty Restoration Act, a bill that I introduced with Representative LEE and Representative WATERS. These provisions will fully fund bringing the troops home, prohibit permanent bases, give the Iraqi people sovereignty and a sense of hope for their future.

My colleagues, I urge you to support H.R. 2237. The American people are asking that we stand up for our troops, and we do that by fully funding them to bring them home. Bring them home to their families. Bring them home so that we can end this misguided occupation. By passing H.R. 2237, we will bring our troops and our military contractors out of Iraq safely.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am thinking about a teddy bear that is in my office, and I think about it because I remember going to a funeral when a mother placed a teddy bear and a red fire truck in the coffin of her young fallen hero, a member of the United States military that lost his life in Iraq.

No, it is not the Iraq Caucus that is running this very poor and devastating agenda of this White House. Rather, I would like to say that I am proudly a member of the Iraq Caucus. And I thank Mr. MCGOVERN, the Speaker of the House, Mr. OBEY, and Mr. MURTHA for understanding that our children are dying and that we must do something that faces the fact that our troops have won the victory. So I hope that we will debate H.R. 930 that says there has been a military success but this is a devastatingly wrong political mission that we are on.

The President has to listen. This is 90 days plus 180 days, 9 months to redeploy. That's fair. We will fund our troops. That's fair. It is time now to bring our troops home because we love our children and we love America.

Mr. Speaker, I rise in strong support of H.R. 2237, the "Iraq Redeployment Act." I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush administration's disastrous policy in Iraq. The new Democratic majority heard them and responded by passing H.R. 1591, the Iraq Accountability Act. The President vetoed the bill, demanding instead a continuation of the ancient regime under which the Republican-led Congress gave him a blank check to mismanage the occupation and reconstruction of Iraq.

Those days are over. No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war ad infinitum. It is long past time for change in Iraq. It is time for the people and government of Iraq to take primary responsibility for their own country. It is time for the President to recognize the reality on the ground in Iraq. The time when a surge in troops is useful and necessary is past. It is now time to redeploy our troops and launch a diplomatic surge for national and political reconciliation in Iraq. H.R. 2237 will help achieve this goal and that is why I support the measure.

Mr. Speaker, there is no more important issue facing the Congress, the President, and the American people than the war in Iraq. It is a subject upon which no one is indifferent, least of all members of Congress. The Framers understood that while the military does the fighting, a nation goes to war. That is why the Framers lodged the power to declare war in the Congress, the branch of government closest to the people. They knew that the decision to go to war was too important to be left to the whim of a single person, no matter how wise or well-informed he or she might be.

Four years ago, President Bush stood under a banner that proclaimed "Mission Accomplished." If the mission was to further place our troops in harm's way at the hands of insurgents and sectarian violence, then it is mission accomplished. After spending more than $400 billion dollars sacrificing the lives of 3,381 of America's finest citizen-soldiers, what have we accomplished and where are we headed?

I cannot support the President's waging of a war that has no clear direction, does not meet the benchmarks that the President set, and has no visible target.

Four years after launching the invasion, conquest, and occupation of Iraq, the evidence is clear and irrefutable: the preemptive invasion of Iraq, while a spectacularly executed military operation, was a strategic blunder without parallel in the history of American foreign policy. This is what can happen when the Congress allows itself to be stampeded into authorizing a president to launch a preemptive war of choice.

It is time to change our strategy in Iraq. It is time to engage the key stakeholders in the Middle East and make real strides towards securing a just and lasting peace in Iraq and for the Iraqi people. And most important, bring our troops home so they can be reunited with their families, friends, and neighbors.

That is why, Mr. Speaker, in February of this year I introduced H.R. 930, the "Military Success in Iraq and Diplomatic Surge for National and Political Reconciliation in Iraq Act of 2007." Title I of my legislation, the "Military Success in Iraq Act of 2007" (M–S–I–A) or "Messiah," offers an honorable deliverance from Iraq. Let me explain.

In October 2002, the Congress authorized the President to use military force against Iraq to achieve the following objectives:

1. To disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region;

2. To change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors;

3. To bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001;

4. To ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and

5. To enforce all relevant United Nations Security Council resolutions regarding Iraq.

Every one of these objectives has long been accomplished. Iraq does not possess weapons of mass destruction. Saddam Hussein has been deposed, captured, and dealt with by the Iraqi people. The American military has caught or killed virtually every member of al Qaeda in Iraq that was even remotely responsible for the 9/11 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced. In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved.

Mr. Speaker, since the objectives which led Congress to pass the 2002 Authorization to Use Military Force (AUMF) have been achieved, I believe the authorization to use that military force expires automatically. My legislation affirms this proposition. Additionally, I believe, and my legislation provides, that it is the Congress that is the ultimate arbiter as to whether the objectives set forth in a congressional AUMF have been achieved.

Mr. Speaker, where a Congressional authorization to use military force has expired, the President must obtain a new authorization to continue the use force. My legislation requires the President to do that as well. Finally, my bill requires that if the Congress does not vote to reauthorize the use of force in Iraq within 90 days after determining that the objectives set forth in the 2002 AUMF have been achieved, all American armed forces in Iraq must be redeployed out of Iraq. Thus, under my legislation, an up-or-down vote must be held by the House and Senate to continue waging war in Iraq.

I am not talking about "cutting and running," or surrendering to terrorists. And I certainly am not talking about staying in Iraq forever or the foreseeable future. The Armed Forces won the war they were sent to fight. Their civilian leadership has not succeeded in winning the peace. That is why the United States should surge diplomatically and politically.

Title II of H.R. 930, the "Diplomatic Surge for Political and National Reconciliation in Iraq Act," implements 12 of the most important recommendations of the Iraq Study Group. Significantly, it creates a high-level Special Envoy for National and Political Reconciliation in Iraq (SENPRI). This Special Envoy would consist of individuals like former Secretary of State Colin Powell, Madeleine Albright, or James Baker who would undertake the peaceful reconciliation of the major stakeholders in a free and democratic Iraq, particularly the Sunnis, Shiites, and Kurds.

All 6 of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—have an interest in a stabilized Iraq because

as the Iraq Study Group report makes clear, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or hemorrhages millions more refugees who will stream into neighboring countries.

Mr. Speaker, every day when I walk into my office I am reminded of the courageous young men and women who have given their lives in service to our Nation. Outside my office I have displayed a poster-board that displays the names and faces of those who made the ultimate sacrifice. The poster-board is nearly full. I do not want to start another board.

That is why I rise in strong support of H.R. 2237. This legislation significantly reduces the U.S. military presence in Iraq over a 9 month period. The legislation does not abandon the Iraqi people. On the contrary, it recognizes the need to complete our mission by training Iraqi military forces and providing Special Forces to continue to pursue al-Qaeda, Osama bin Laden, and destroy terrorist networks working out of Iraq. The bill also provides the full array of non-military assistance for Iraq's economic and political reconstruction.

This legislation recognizes and respects Iraqi sovereignty. This bill also respects the decision-making judgment of the Joint Chiefs of Staff and U.S. military commanders in the field in determining where forces leaving Iraq might next be deployed. Finally, this legislation provides balance between the security priorities of the United States and Iraq to complete key military missions, and the political imperative to reduce the presence of U.S. military forces inside Iraq.

For all of these reasons, I strongly support H.R. 2237 and urge all members to do likewise.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, a member of the committee (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

Mr. Speaker, let's just say that the critics of the war, and I don't mean the Members of the House, but the critics in the general public who often say ''Bush lied'' and put up posters to that effect and they bring in Halliburton and Blackwater and bumper stickers that say ''No War for Oil,'' let's say all that is true, absolutely true, that everything was a trick to get us there, and just say we can agree with that, and HILLARY CLINTON and JOHN KERRY never made the statements that Saddam Hussein had weapons of mass destruction, which, of course, they did make those statements.

But if all that was the case, regardless, we are there and we are there now.

I met with the Deputy Prime Minister of Iraq today, and he said, in fact, the surge is working. And maybe he has a view that might be suspect by some. But I have also spent a lot of time this week looking at a report of indexes in Iraq put out by the Brookings Institute, which, as you know, is left of center. But they track the number of civilian deaths, the number of IED attacks. They track the number of newspapers and radios, economic and political progress. They track the benchmarks, revenue sharing, oil sharing, and elections and so forth. And in that there is a glimmer of hope that is important to know that there is some progress that is being made.

But I think between the Brookings Institute and the Prime Minister's report, there is a very bleak picture; but it is a picture nonetheless that progress is being made.

If you pass this legislation today, you wouldn't just erode that progress. You would sign a death sentence to people like this Prime Minister and his family. Now, I agree that the Republican Party probably lost the majority in the House because of the war as much as anything else, but for us that is just politics. It is a political death. For the people over there that we are helping, this is real death. What would happen to this Deputy Prime Minister if we pulled out, and what would happen to all the other Iraqis who have been there trying to take a step forward as Sunnis, as Shiites, as Kurds, trying to work together in a cooperative agreement? Do the proponents of this bill believe that Iraq would suddenly say to them, Okay, you all can go home; we are going to switch governments? If this passed, there would be more chaos and a civil war that we have never seen before in the Middle East, and it would spill over to other countries in the Middle East.

One of the things the Prime Minister said that Americans have failed to understand is there is a cultural shift going on in the Middle East right now, and it is not unique to Iraq, and that is that al Qaeda is becoming a mainstream group. Al Qaeda and an Islamic radical fundamentalist movement with sights on the West is growing.

If we withdraw from Iraq, it is victory to them. A defeat means it is not just going to stay in Iraq, but the momentum probably would go to Israel next. It would probably encourage the Iranians to get nuclear. Saudi Arabia would follow suit. They would need to have nuclear weapons, and Jordan. The good, the bad, and the ugly in the Middle East would happen.

The previous speaker said the troops did win the war. I agree. But we have not finished the war. We should vote this down and give Petraeus time, which is very much needed.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I rise today in support of a course correction in foreign policy. The bills before us today reflect the will of the American people and the reality on the ground.

We have invested 4 years in a war that was predicated upon the fantasy that Iraq would, Iraq could, become a bastion of democracy without a massive investment of time, talent, and treasure. This President had no plan to win the war he wanted to fight. He had no strategy to finish the job he started.

We must bind the wounds of a Nation that has lost over 3,300 men and women in a war precipitated by the arrogance of an administration that made decisions based upon the world they wanted instead of the world that is. We must extract ourselves from what has become a civil war in Iraq. We must stand up to a President that is so insulated that members of his own party cannot even persuade him to change course.

I have stood in this Chamber to mourn the passing of fallen heroes. Sadly, but most assuredly, I will stand here again to mourn more.

But today I stand here asking you to explore your own conscience and stand up for our country, our families, and our troops. Let us renew our commitment to making the difficult choices we were sent here to make, and let us begin today.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to control the balance of the time of the gentleman from Kentucky (Mr. ROGERS).

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

There was no objection.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I take this opportunity to thank the leadership for honoring the work and the request of the progressives of this House to place a bill before this body that we could feel good about supporting.

Some of us have been against this war. We have come to the floor. We have done interviews. We have worked the floor. We have done everything that we possibly can to communicate what we believe are the feelings of the American public about this war. The November vote indicated to us, and should have to others, that Americans are sick and tired of this war. They want to bring our soldiers home. They want to stop the loss of lives. They want to stop the money that is being spent, over $400 billion on Iraq and Afghanistan; 3,200 or more lives that have been lost; over 25,000 soldiers who have been seriously injured.

□ 1630

Some of us are not willing to spend other another dime on this war. And this bill that is before us, thanks to BARBARA LEE and Mr. MCGOVERN and to LYNN WOOLSEY and I, we have this bill that represents the thinking of the progressives of this House that simply says, we will give no more money to continue fighting this war, but rather, any money that is expended would simply be funds to help wind down this war and to bring our soldiers out; no permanent bases left in Iraq; and basically that no money would be spent on a surge. This surge that the President has initiated is placing our soldiers at

great risk. As a matter of fact, there is no safety in the Green Zone. As a matter of fact, we do not have friends in Iraq. The Sunnis are against us. The Shias are against us. The Kurds are against us. And those Iraqi soldiers that are embedded are undermining our soldiers. I would ask for an ''aye'' vote on this very progressive piece of legislation.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to read excerpts from a letter about Iraq. It reads as follows:

''I am deeply concerned about Iraq. The task you have given me is becoming really impossible . . . incompetent Arab officials are disturbing some of the provinces in failing to collect revenue. We have overpaid almost half a million [dollars] on last year's account, which it is almost certain Iraq will not be able to pay this year, thus entailing a Supplementary Estimate in regard to a matter never sanctioned by [the legislative body]; a further deficit, in spite of large economies, is nearly certain this year on the civil expenses owing to the drop in revenue. I have had to maintain . . . troops at Mosul all through the year in consequence of the Angora quarrel: This has upset the programme of reliefs and will certainly lead to further expenditures . . . In my own heart, I do not see what we are getting out of it.

''I think we should now put definitely . . . to the Constituent Assembly the position that, unless they beg us to stay and stay on our own terms in regard to efficient control, we shall actually evacuate before the close of the financial year. I would put this issue in the most brutal way, and if they are not prepared to urge us to stay and to cooperate in every manner, I would actually clear out.

''Surveying all the above, I think I must ask you for definite guidance at this stage as to what you wish and what you are prepared to do. The victories of the [opposition] will increase our difficulties throughout the [region]. At present, we are paying . . . millions a year for the privilege of living on an ungrateful volcano out of which we are in no circumstances to get anything worth having.''

That is a letter written by Winston Churchill in 1922 to David Lloyd George. I would suggest not very much has changed since then.

I do not know if the timetable in this bill is exactly the correct timetable or not. What I do know is that I intend to vote for every responsible action that I can take that will increase pressure on this administration and on the government of Iraq and the politicians of Iraq so that they both finally understand there must be a change in policy; there must be a recognition that our troops do not have the capacity to produce the political compromises that are necessary to end this carnage. That power is only in the hands of American politicians and Iraqi politicians. It is about time we get about the business of using it and insisting that the Iraqis use it.

I would urge support for this proposition.

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

Mr. LEWIS of California. I ask unanimous consent to control the balance of the time.

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

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, for months Democratic leaders have tried to dictate military strategy by press release with little regard for the service men and women putting their lives on the line every day.

Perhaps my colleagues on the other side of the aisle did not realize that the privileges of the majority come with an actual responsibility to govern. Let me say to them, the time for tantrums is over. At long last, we are presented with an opportunity to vote yes or no on abandoning our mission in Iraq. But let's not mistake this newfound direction for some kind of profile in courage.

After months of factual disarray, the Democratic Party has not suddenly found its spine; it has simply realized that the liberal agents who drive this majority, MoveOn.org, the labor unions, they have run out of patience. And it is them that demand a vote on abandoning our mission and abandoning it ASAP. Sadly, the Democrats have little concern for the demands of our military or for its waning patience for the funding that they so desperately need.

More than 3 months, Mr. Speaker, have passed since the President requested emergency funding for our troops. Over the past 94 days, the Democrats have succeeded only in putting politics over policy and trying to substitute their judgment for that of the combatant commanders. For the past 94 days, they have chosen to beat their chest at press conferences, and yes, on this floor, rather than finding ways to actually get our troops the funding that they need to achieve victory.

But, astoundingly, over the past 94 days, Democrats have never once grasped the consequences of resigning ourselves to defeat in Iraq. The void created by our departure would be filled by religious extremists and terrorists. Iran's path to develop nuclear weapons would be cleared. Violence in Iraq would grow exponentially. Shiite death squads and al Qaeda terrorists would further destabilize the democratically elected government. Another rogue regime could take root, leading to genocide. The terrorists, freshly emboldened by our surrender, would then be able to export terrorism around the world.

Today, each of us has a critical decision to make: Do we stand by the side of victory or on the side of defeat? Do we stand with our troops or with those who would want to abandon them? Do we rise to the challenge of fostering freedom, or do we capitulate to the political pressure of special interests? The choice, Mr. Speaker, is ours. For the sake of our soldiers and our Nation. I implore my colleagues to choose wisely.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, this is one of those debates that you just have to take a deep breath and say, is this our finest hour or one of our worst, or somewhere in between? With this new Democratic majority, I thought there would be a reaching out to both sides of the aisle. I thought, on something so important, they would say, we went into Iraq on a bipartisan basis, two-thirds of the House, including Mr. MURTHA and others, and three-quarters of the Senate voted to go into Iraq.

We did not find weapons of mass destruction. And this administration made some terrible mistakes early on in disbanding the army, the police and the border patrol and allowing the looting. I understand the tremendous discontent. And this war has not turned out the way many had hoped. And certainly when we look back we can say a lot of it was predictable. But we attacked them; they did not attack us. I want to say it again: We attacked them; they did not attack us. We abolished their entire security force. I think of New York State. New York State had 19 million people. Imagine if a hundred thousand prisoners had been let out from Rikers Island and Attica, and then we said, no police in New York City, no police in Albany, no police in Syracuse, no police in Buffalo, no police in any of the towns in between. But do not worry, we are going to have 150,000 Arabic speakers spread out across all of New York, and they will keep the peace. Well, we did that to Iraq, but it is much larger than New York, and it has 26 million people instead of 19 million. So a lot of what has happened is predictable.

But now, when you talk with the Iraqis and you talk with the neighbors of Iraq, they say, we did not want you to go in, but we sure as heck do not want you to leave until you leave this a better place.

We could, on a bipartisan basis, work this out. And there will be a point where bills like this will not be considered because we will come up with a bill that says, well, there are some of you on this side of the aisle that do believe in timelines, but timelines that actually work, not timelines that guarantee defeat of any chance of success.

We expect that maybe you would say to us, well, we call you an occupying Nation, that is what you say we are.

Well, fine. Then let's negotiate with the Iraqis like we negotiated with the South Koreans. That is a possibility. Why aren't we negotiating with them?

The Iraqis, if they want, could ask us to leave. They have their own government. They have their own leadership. Why not have a plebiscite in that Nation? Why not have the Iraqi Council of Representatives vote? Why aren't we talking about those things? Why aren't we talking about the Iraqi Study Group, which Republicans and Democrats have both agreed have merits to it? We could potentially have a resolution that many of us could support. Why aren't we having an approach on the other side of the aisle that says, we need to find common ground and work it out together? I believe this: I believe two-thirds of the Iraqis want us to leave, and I believe two-thirds want us to stay. That is what the polls say. They do not want us to leave until we leave it a better place.

I believe the Iraqis are a proud people, and they want to be treated with dignity. What this resolution does is simply pull the rug out from under our new Secretary of Defense, which all of you said you wanted, pulls the rug out from General Petraeus, who received 100 percent support in the Senate. Our general has said, give me a chance to show that we can win back Baghdad. That is what he has asked.

What this resolution does is say that one part of the equation, the military, disappears. And we all have agreed you cannot win it militarily, but you cannot win it without the military. You cannot win it just with a change in politics, but you cannot win it without it. You cannot win it just with economics, but you cannot win it without it. It takes all three. And it is almost like, in a way, you want us to lose. It is almost like we are going to tie one hand behind our back and then say there is a failure because we have not given them all three parts.

I cannot tell you how objectionable I find this. I find it objectionable that we would not allow the Iraqis to stand up on their own. They need us to train their military, their police and their border patrol. They need our troops embedded in there because they do not have any sergeants and corporals. We are embedded in there to help identify who among all those privates that we are training can be leaders among those troops.

This is an unwise resolution. It is a partisan resolution. It is a bad message for us to send the Iraqi people. They do not know what to think about this Congress, but they do know this: We are more divided than they are, and we do not even have bombs blowing up.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, I do not know why we should be surprised that we are divided as a Nation when in fact we have an administration whose governing principle has been to govern by dividing.

I would simply observe that there are some Members of this body evidently and some members of the administration who are willing to fight to the last drop of somebody else's blood. We are not, and that is why we are here with this proposal today.

I now yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, 3 years ago, I would not have voted for this resolution. Two years ago, I would not have voted for this resolution. One year ago, I would have voted for this resolution. But after seeing no progress in Iraq, none, zero, having misrepresentation coming from even the Pentagon, I am beginning to believe it is time that we have to send a very strong message to this administration.

□ 1645

The total number of U.S. troops killed in Iraq is 3,382. Killed since President Bush announced his surge is 366. We have lost more people in the last 4 months than we lost in any other period of the war, and that doesn't count the number that have been wounded, and all of us have been out there and seen the ones that have been wounded.

The foreign minister of Saudi Arabia in The New York Times last week said, ''We don't see anything happening in Iraq in implementation. Our American friends say there is improvement; improvement in violence, improvement in the level of understanding, improvement in disarming the militia. We don't see it.''

Admiral Fallon, he is the new commander in Iraq, the central commander. Admiral Fallon said last week in the Senate Armed Services Committee, ''Prime Minister Maliki's progress thus far has been disappointing. They are not moving, in my opinion, fast enough to support what we are trying to do. The number one question in my mind is the ability as well as the willingness to do this.''

Now, I said to the Iraqi National Security Adviser when he was here visiting me, I said, Look. I said, Originally we need a diplomatic effort, an international diplomatic effort. I urged him to change the Constitution. I urged him to pass a bill to spread out the oil revenues.

He said, Well, it's a slow procedure, and he started talking about how we needed to stay, and he talked about the war, he didn't call it a civil war, the insurgency and the al Qaeda.

I said, There is 2,000 al Qaeda. You don't think you can take care of 2,000 al Qaeda when you have in your country 26 million people? I said, Let me tell you a story. My great-grandfather's Civil War hat sits on that shelf there. And I took it out and I showed him that. We fought our own civil war. And then I said, My ancestors fought in the Revolutionary War. They were ragtag. They didn't have shoes. They fought in cold weather without cold-weather gear. They fought the greatest army in the history at that time, the greatest navy in the history at that time, the greatest empire in history at that time, and we beat them. We beat them by ourselves, with a little help from the French.

You have to do this yourself, I said to the National Security Adviser for Iraq. You have to win this yourself. We can't do it for you. I said, Your Parliament takes a 2-month vacation in the middle of a time when it is crucial to the history.

The American people, three-fourths of them, are unhappy with what is going on. The Congress more and more. Even some of our Republican friends need to help us convince this President that we need to move in the right direction, we need to change the direction of this war. I see in a news release that the President is now, after all this time, considering benchmarks. After all this time, the President of the United States is saying I'll consider benchmarks. He finally is starting to compromise. He has come off the pedestal and the President is starting to begin to realize that something has to be done to change the direction of this country.

All of us want to solve this. All of us want stability in the Middle East. All of us want to do the right thing. But it is not working. Electricity production, below pre-war level. Oil production, below pre-war level. It has been that way for the last 4½ years. Incidents are up. If you look at the way the incidents have gone, every month they have gone up. They have gone down a little bit, but they have gone up the whole time. And more Americans were killed in the last 4 months than any other period during this war.

We need to change direction. We need to send a message. We need to go to conference and have some kind of a conversation with the White House so that they understand. I am glad to see some Republicans went to the White House and spoke the truth to this President and said to him, Mr. President, we need a change. You are destroying the Republican Party.

Well, that is one of those things where I won't go there.

But let me say this: we need to have a strong vote. We need to vote for this resolution, and then we need to pass the other bill and get on with our business.

Mr. LEWIS of California. Mr. Speaker, I am very pleased to yield 4 minutes to the former chairman of the Armed Services Committee, my colleague, the gentleman from California, DUNCAN HUNTER.

Mr. HUNTER. Mr. Speaker, I want to thank my friend from California for giving me some time.

You know, in Iraq it is tough, it is difficult, it is dusty and it is dangerous; but we are following the same pattern that we followed for the last 60 years in bringing freedom to other parts of the world. It is not a smooth road.

First, you stand up a free government. We have done that. It is an inept

government. It bumbles along, as most new governments do. But it is a free government, and it represents the people.

The second thing that you do is stand up a military capable of protecting that free government.

Thirdly, the Americans leave, because we don't covet anything that another country has.

We are right now in the second phase of standing up a military capable of protecting this government. My good friend who just spoke talked about the difficulty of standing up the Iraqi military. I know a couple of years ago in the first battle of Fallujah when we rushed green Iraqi troops to that battle and we thought they were going to help the United States Marines, the next day they were gone. They didn't show up for roll call. But this time when you go out there and you are in Fallujah and Ramadi, the Iraqi military is standing and fighting.

We sat there about a month ago with the Sunni leaders of the national police in Ramadi and Fallujah, and they sat there side-by-side with the Shiite leaders of the Iraqi Army and talked about how they are working together, this time to push back against al Qaeda, whose rough edge has made enemies in the Anbar province.

Now, we got 129 battalions in the Iraqi Army, and, personally, I think that the standup of the Iraqi Army and the reliability of the Iraqi Army is the key to America's success in Iraq and our successful turnover of the security burden.

We have got to make sure that every one of those 129 Iraqi battalions moves into an operation where they do two or three months in a military operation where they have to work out, exercise their logistic chain, their chain of command, the commander has got to coordinate with the guy on the right and the guy on the left. At that time they can rotate into the battlefield and displace American heavy combat forces. That is the right way to leave Iraq. Not this way.

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

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time, and I thank all of those who participated in this debate today.

Mr. Speaker, my friends on the other side of the aisle apparently believe in and want to continue the status quo. That is their right. But I believe they are wrong. They have been wrong for 4 long, deadly years. So it is time for new leadership, for a new direction, for a new policy, a policy based on reality, not spin, not press release, not intimidation.

My friends say that we can't leave Iraq until the Iraqis ask us to leave. I saw a story that appeared on the Associated Press wire today which states that a majority of Iraqi lawmakers endorsed a draft bill calling for a timetable for the withdrawal of foreign troops and demanding a freeze on the number already in the country.

Well, Mr. Speaker, we just heard from the gentleman from California that the Iraqi Government represents the Iraqi people, and apparently the Iraqi Government is telling us they want us to have a time certain when we leave.

Mr. Speaker, enough is enough. Our friends on the other side of the aisle argue that the best way to support the troops is to ask them to participate in a failed policy. Well, I disagree.

The question before us is simple: Do you want to end this war? If you do, then you will vote for the bill before us.

Mr. Speaker, let me end this debate the way I began it, by reminding everyone in this Chamber, Republican and Democrat, reminding everybody, whether you supported the war initially or whether you opposed the war, that we all have a responsibility. We have a responsibility to those men and women who we have put in harm's way, and that responsibility is to act responsibly, to make sure that we are giving every consideration before we put them in harm's way.

We are now entering the fifth year of this war. We have a President who refuses to admit one error, one misjudgment. The fact of the matter is, there are two ways to end this war: one, with the cooperation and the help of the President, which we all want. The other way is for Congress to do its job, to take its responsibility seriously and to do what is necessary to bring this war to an end.

I urge all of my colleagues to vote for the underlying bill.

Mr. CONYERS. Mr. Speaker, I rise in strong support of H.R. 2237, the legislation offered by Mr. MCGOVERN that would provide for the redeployment of United States Armed Forces and defense contractors from Iraq.

H.R. 2237 would significantly reduce the U.S. military presence in Iraq over a 9-month period. It requires that the Department of Defense begin redeployment of armed forces and military contractors no later than 90 days after the date of enactment, allowing the Department the time necessary to plan, prepare and execute the process of drawing down troops. The redeployment would be completed within 6 months, at which point further funding for an increased presence in Iraq would be prohibited.

H.R. 2237 respects the decision-making powers of the Joint Chiefs of Staff and U.S. military commanders in the field. It specifically leaves decisions about where U.S. troops should be redeployed in the hands of the Pentagon. Troops drawn down from Iraq may be redeployed to neighboring countries, to Afghanistan, to other U.S. bases abroad, or back to the United States in support of homeland security and other national needs.

This legislation also recognizes and respects Iraqi sovereignty by ensuring that the present conflict will not provide for the establishment of permanent American military bases in Iraq. H.R. 2237 provides for the orderly transfer of bases and facilities constructed or occupied by the U.S. military to Iraqi control. Nothing in this bill precludes the United States from negotiating base rights or shared use in the future, as is our practice with other sovereign nations.

H.R. 2237 provides strong support for the Iraqi people by continuing assistance for social, political and diplomatic reconstruction. Additionally, aid is permitted, at the request of the Iraqi government, for assistance or equipment to the Iraqi Security Forces or multinational forces providing security or training in Iraq. U.S. military forces would be authorized to remain in Iraq to complete the training and equipping of Iraqi security forces, pursue foreign terrorist networks operating inside Iraq, and provide protection to U.S. citizens and embassy and diplomatic personnel.

Recent news reports indicate that two days ago, a majority of Iraqi parliamentarians signed a petition calling on the United States to establish a timeline for our military to withdraw from their country. Poll after poll indicates that a large majority of Iraqis believe the large-scale presence of U.S. military forces inside Iraq is fueling, rather than abating, both the Iraqi insurgency and an increasing presence of foreign jihadists. Reducing our footprint in Iraq provides that country, its neighbors, and the international community with a new opportunity and a new environment in which to pursue reconciliation and a political solution to the violence currently devastating Iraqi society.

I applaud Speaker PELOSI for allowing this bill to come to the floor, and join with members of the Out of Iraq and Progressive Caucuses in supporting it.

Mr. STARK. Mr. Speaker, I rise today in strong support of Democratic efforts to end the War in Iraq.

We are considering two bills today, both of which are significant improvements over legislation passed by Rubber Stamp Republican Congresses over the last four years. The Iraq Accountability Act provides funding for the war, but only until July. After receiving a report on the progress in Iraq—or lack thereof—Congress would then decide whether or not to extend funding through September. Unlike the legislation President Bush demanded, this bill holds him and his administration accountable for concrete economic, political and security benchmarks in Iraq.

Though I appreciate the attempt to keep President Bush on a "short leash," I cannot vote to continue funding a tragic war that has already taken the lives of thousands of American troops and tens of thousands of Iraqis. Every time I hear the President lie to the American people about the situation in Iraq and about the patriotism of those who dare criticize his many foreign policy failings, I can't help but think he needs a muzzle, not a leash.

It's past time for us to get out of this mess and for our troops to come home from Iraq.

That's why I'm excited to join my colleagues in supporting the Iraq Redeployment Act. This bill requires the withdrawal of American troops to begin in the next three months and be completed in the next nine. It also prohibits funding for the "surge" and permanent United

States military bases in Iraq. My constituents have been calling for withdrawal for years and I'm proud for vote for it on the House floor today.

Mr. UDALL of Colorado. Mr. Speaker, like H.R. 2237, this bill has serious flaws. However, while I could not vote for H.R. 2237, which would have required rapid withdrawal of troops from Iraq, I will vote for this emergency supplemental appropriations bill.

I could not support H.R. 2237 for two reasons:

First, I do not support the idea of rigidly insisting on a date certain for withdrawing U.S. combat troops from Iraq. I remain convinced that we should steer clear of arbitrary public deadlines for military actions and focus instead on realistic diplomatic and political goals.

Second, I am very troubled by the provision that would prohibit funding for troops described as being part of the ''surge.''

My concerns do not reflect support for the administration's strategy. On the contrary, I still think an open-ended escalation—and that is the reality behind the Administration talk about a ''surge''—is no substitute for what is really needed, which is a strategy for containing civil war and a wider regional war.

That is why in January, I voted against President Bush's plan to increase the number of troops deployed in Iraq—a course he took against the best advice of the bipartisan Iraq Study Group, military leaders, and other policy experts who have warned against extending our military commitment in Iraq.

But now nearly 14,000 additional troops have been deployed, and I think it would be irresponsible to vote to cut funding for their weapons and equipment and for all they need to keep them alive and fighting for our country in the midst of Iraq's civil war.

In short, while I remain convinced that it was a strategic mistake to go to war in Iraq in the way that the Bush administration did, the fact is that we are still deeply engaged there—and while our troops are in the field, we must provide them what they need.

On the other hand, I will vote for H.R. 2206, the revised Supplemental Appropriations bill, primarily for the same reason that I voted for the previous supplemental appropriations bill.

I believe we must vote to provide America's men and women in uniform with the equipment and resources they need and with the best health care they may require when they come home. I think it would be grossly irresponsible not to provide these resources.

And we must hold the president accountable to the benchmarks set by his own administration and the Iraqi government—including enactment of a hydro-carbon law; conducting of provincial and local elections; reform of current laws governing the de-Baathification process; amendment of the Constitution of Iraq; and allocation of Iraqi revenues for reconstruction projects.

The bill seeks to hold the president accountable by ''fencing'' half the funds until the Secretary of Defense reports on meeting the benchmarks and Congress votes again to release the remaining funds.

I am not convinced that is a workable approach. But, I do not think its effectiveness will be tested, because I do not think it will become law in its present form—partly because the president has said he will veto it if it should reach his desk and partly because every indication is that the Senate will take a different approach.

Under these circumstances, I think the most important thing is for the House to pass a supplemental appropriations bill today and then to proceed to a conference with the Senate without further delay. I hope that the result will be a bill that will both provide essential funding for our troops and also hold the president accountable—but for that hope to be realized, it is necessary for the House to act today, and so I will vote for the supplemental appropriations bill now before us.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support H.R. 2237 with certain reservations. Very few bills that pass this House are written exactly as each of us would like. My own plan for the redeployment of U.S. forces would not take this exact form. However, the general thrust of this plan is in the right direction. It establishes a timetable to extricate U.S. forces from a bloody, sectarian civil war while providing the flexibility to carry out other missions both inside and outside Iraq for the purpose of going after al Qaeda and other terrorist organizations with global reach. It also provides for U.S. forces to train and equip the Iraqi Security Forces, and to protect the U.S. Embassy and diplomatic missions.

Mr. Speaker, I preferred the approach taken by the House in the Supplemental Appropriations bill we recently passed. Unfortunately, the President vetoed that measure. He wants the funds without any accountability. We cannot give the President a blank check. While I do not agree with every provision in this bill, it sends the right message—it is time to end the President's failed policies in Iraq and change direction.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 387, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SAXTON. In its present form I am.

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

The Clerk read as follows:

Mr. Saxton moves to recommit the bill H.R. 2237 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ.

(a) FACTORS APPLICABLE TO ANY REDEPLOYMENT DECISION.—A determination to withdraw or redeploy units and members of the Armed Forces deployed in Iraq as part of Operation Iraqi Freedom and contractors operating in Iraq and funded using amounts appropriated to the Department of Defense shall be based, among any other relevant factors, on the following factors:

(1) The protection of members of the Armed Forces deployed in Iraq.

(2) The protection of members of the Army Corps of Engineers and defense contractors engaged in reconstruction projects in Iraq.

(3) The protection of American citizens in Iraq and the security of the United States Embassy and other United States diplomatic missions in Iraq.

(4) The ability to engage in actions to kill or capture members of al-Qaeda and other terrorist organizations with global reach.

(5) The training and equipping of members of the Iraqi Security Forces to achieve stability and security in Iraq.

(6) The regional security of the Middle East, including the security of the State of Israel.

(7) The national security of the United States.

(b) REPORT TO CONGRESS.—The Secretary of Defense, the Commander, Multi-National Forces–Iraq, and the combatant commander of the United States Central Command shall report to Congress periodically, but not later than September 30, 2007, and periodically thereafter, on the factors specified in subsection (a).

(c) DEFINITION.—In this section, the term ''Armed Forces'' has the meaning given the term in section 101(a)(4) of title 10, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. SAXTON. Mr. Speaker, I rise to ask my colleagues to resist the urge to begin a withdrawal of our forces from Iraq within 90 days as this bill requires. Doing so would have a devastating impact on our ability to fight terrorism here and abroad and would have severe security impacts, not only in Iraq but throughout the Middle East and the entire region. My motion to recommit will ensure that when we withdraw from Iraq, we do so based on the conditions on the ground by requiring we take into account our national security assessments and the regional security implications, as outlined by the National Intelligence Estimate for Iraq.

We are not in the position to determine when U.S. forces should redeploy from Iraq. Only the commanders on the ground have that information. Only our commanders and diplomatic representatives on the ground can determine effectively when conditions are in place to warrant a troop withdrawal. It would be irresponsible for us to assign such an arbitrary timeline and impose it upon our leadership in theater.

We have to consider the conditions that we would leave the Iraqi Government to deal with going forward if we were to precipitously withdraw our personnel.

In my view, there are two significant threats that would remain behind, and the Iraqi Government would not be prepared to effectively counter either one. The al Qaeda threat in Iraq is significant. Al Qaeda's deputy commented a few days ago that the establishment of an Islamic state of Iraq is an important milestone on the way to reviving the Islamic caliphate. He noted that the defeat of American forces in Iraq is a key to this objective.

Securing control over Iraq is the strategic objective for al Qaeda that

will enable it to conduct operations against their targets in the Middle East, particularly against Israel, in addition to Europe and other U.S. global interests. Al Qaeda is particularly interested in the Persian Gulf oil fields, and Iraq would serve as a valuable staging area for such attacks.

□ 1700

Right now the Iraqi forces, security forces working in partnership with U.S. forces, are building momentum to erode al Qaeda's influence over Sunni insurgent groups in Iraq. A premature withdrawal would derail those efforts.

Al Qaeda in Iraq has been conducting indiscriminate attacks on Iraqi civilians. Sunni Arabs reject this tactic, and there is a growing backlash among the population. Sunni communities have encouraged thousands to join the local police forces and improve security. This is real progress.

A few days ago, al Qaeda's deputy warned Iraqi citizens that have supported the U.S. to consider what will happen to them after the Americans leave. If we abandon them now, we will be hard-pressed to gain their trust any time again in the future.

Iran also has an interest in seeing us fail and leave Iraq early. We know that Iran has been arming militia groups within Iraq. We know that Iran has infiltrated various levels of Iraqi government and its security forces.

If we redeployed from Iraq before the Maliki government has the capability to contain this threat, we would leave Iraq vulnerable to becoming an Iranian surrogate.

The porous Iraqi-Syrian border would provide Iran with contiguous, unfettered access to the coast of Lebanon. Through its support of Hamas and Hezbollah, Iran would then become even more a danger to the prospect of security and stability in the Middle East.

It would be irresponsible for us to even consider withdrawing from Iraq before the Maliki government has the capacity to deter these two threats. We must be conscious of the dangerous message we are sending with an early withdrawal.

First, we would lose the trust and will of the Iraqi people and the democratically elected government we worked so hard to create. The extremists associated with al Qaeda will hear a message that will tell them that Americans acknowledged defeat, and do not have the stomach for this war or any other war with al Qaeda. Our defeat would only inspire like-minded jihadists to take up their cause.

One need only look as far as yesterday to see the headlines of what could happen here in this country. A couple of days ago, we were reminded how close to home the terror threat is. The Fort Dix, New Jersey, individuals are just one example.

I ask everyone on both sides of the aisle to support this motion to recommit.

Mr. OBEY. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this recommittal motion is something that we have seen for approximately 5 minutes. I think it is a dubious proposition to be voting on something this serious with less than 10 minutes of consideration.

But upon a cursory reading of it, it is apparent that the purpose of this proposition is simply to prevent people from voting on the underlying bill. It is designed to gut the bill by adding two additional conditions that would enable our troops to stay in Iraq indefinitely. Those conditions make reference to the regional security of the Middle East and the national security interest of the United States. That language is so broad that virtually any deployment of any armed force could be justified under that language.

It is obvious that would in fact essentially gut the proposal, and so I would urge a ''no'' vote on the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding, and I would simply say that obviously this is yet another cynical attempt to try to avoid dealing with the issue that I think both Democrats and Republicans want to deal with, and that is whether or not we should have a timetable for withdrawal and redeployment from Iraq.

This is a procedural motion that, as the gentleman from Wisconsin pointed out, is so broad, this could justify keeping us in Iraq forever and ever and ever. And for the ''regional security of the Middle East,'' what does that mean? This is an open-ended invitation for our military involvement and for our permanent occupation of Iraq forever. This in and of itself is not particularly well thought out.

I understand what you are trying to do, and that is to avoid giving people the opportunity to vote on this. But essentially what you are doing is gutting this legislation.

I would strongly urge my colleagues to vote ''no'' on this motion. We are on our fifth year, our fifth year of this war, no accountability and no admission that perhaps we need to take a different course; and the best you can do is come before us with this motion that would, again, if passed, would allow us to stay and occupy Iraq indefinitely.

I think this is a bad idea. I think it is a cynical idea. I think the people on the other side should have the guts to vote ''no'' on the timetable if you don't want to withdraw our troops. If you want a never-ending war, then have the guts to vote for it, but this is not the way to do it. I urge rejection of this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 210, nays 218, not voting 5, as follows:

[Roll No. 329]

YEAS—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller

Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Brady (PA)
Engel
Fattah
McMorris Rodgers
Souder

□ 1731

Messrs. BISHOP of Georgia, FILNER, PALLONE, LARSON of Connecticut, MITCHELL, McNERNEY and WATT changed their vote from ''yea'' to ''nay.''

Messrs. LAHOOD, SHADEGG, FERGUSON, KIRK and GOODE changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 255, not voting 7, as follows:

[Roll No. 330]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ellison
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—255

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brady (PA)
Brown, Corrine
Cantor
Engel
Fattah
McMorris Rodgers
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1739

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. CORRINE BROWN of Florida. Mr. Speaker, due to unforeseen circumstances I failed to vote on rollcall No. 330, which provided for the redeployment of United States Armed Forces and defense contractors from Iraq.

Had I been able to vote, I would have voted "yea."

MOTION TO RESOLVE INTO SECRET SESSION

Mr. ISSA. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

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

The Clerk read as follows:

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 216, not voting 18, as follows:

[Roll No. 331]

YEAS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Brady (PA)
Castle
Engel
Fattah
Feeney
Giffords
Linder
Lowey
Marshall
McMorris Rodgers
McNerney
Miller (NC)
Rangel
Roskam
Ruppersberger
Sali
Serrano
Souder

□ 1757

So the motion to resolve into secret session was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. GIFFORDS. Mr. Speaker, on rollcall No. 331, I placed my voting card in the machine and pushed the button. I don't know if it locked me out or if I didn't press hard enough. Had I been present, I would have voted "nay."

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2206

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 "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN
TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING
TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE IV—OTHER EMERGENCY APPROPRIATIONS
TITLE V—OTHER MATTERS
TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

CHAPTER 1—IMMEDIATE FUNDING NEEDS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $4,528,215,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $754,347,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $802,391,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $689,944,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $73,622,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $44,623,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $7,573,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $314,091,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $19,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $15,400,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,338,335,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $573,297,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,325,441,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,357,244,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $37,025,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,533,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $6,796,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,953,200,000.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $1,921,150,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,216,400,000, to remain available until September 30, 2008.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,217,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $130,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,263,360,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $139,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $258,860,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Defense Health Program'', $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be allocated in accordance with the direction given in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107): *Provided further*, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

CHAPTER 2—ADDITIONAL FUNDING

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $4,325,135,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $346,063,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $693,436,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $528,643,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $98,163,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $41,400,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $4,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $231,195,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $24,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $4,973,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,313,794,000, of which up to $120,293,000 shall be transferred to Coast Guard, ''Operating Expenses'', for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $573,297,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,325,441,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,357,244,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $37,025,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,533,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $6,796,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,953,200,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $1,921,150,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $355,600,000, to remain available for transfer until September 30, 2008: *Provided,* That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,216,400,000, to remain available until September 30, 2009.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to ''National Guard and Reserve Equipment'' for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further,* That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $9,859,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $618,709,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $989,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $71,726,000.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 1301. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise provided in this title.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further,* That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further,* That funds previously transferred to the ''Joint Improvised Explosive Device Defeat Fund'' and the ''Iraq Security Forces Fund'' under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided,* That such amounts shall be available for the same time period as the

appropriation to which transferred: *Provided further,* That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided,* That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking ''2007'' each place it appears and inserting ''2008''.

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this title may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking ''$310,277,000'' and inserting ''$376,446,000''.

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 1314. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in chapter 2 for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided,* That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further,* That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: *Provided further,* That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: *Provided further,* That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''A death gratuity'' and inserting ''Subject to subsection (d), a death gratuity'';

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking ''If an eligible survivor dies before he'' and inserting ''If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person''; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).''.

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking ''20'' and inserting ''287''.

SEC. 1318. (a) INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the ''Iraq Security Forces Fund'' for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. (a) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (1).

(b) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1321. (a) AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 1322. Of the amount appropriated under the heading ''Other Procurement, Army'', in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to ''Military Construction, Army''.

SEC. 1323. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

(TRANSFER OF FUNDS)

SEC. 1324. Notwithstanding any other provision of law (except section 1331 of this Act), not to exceed $110,000,000 may be transferred to the ''Economic Support Fund'', Department of State, for use in programs in Pakistan from amounts appropriated in chapter 2 as follows:

''Military Personnel, Army'', $70,000,000.

''National Guard Personnel, Army'', $13,183,000.

''Defense Health Program'', $26,817,000.

SEC. 1325. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this title under the heading ''Operations and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds to provide special assistance to local education agencies in districts adversely affected by significant changes in the military population.

SEC. 1326. (a) FINDINGS.—Congress finds the following:

(1) Congress has appropriated over $15 billion to train and equip the security forces of Iraq since April 2004.

(2) The Administration has reported in the March 2007 report entitled ''Measuring Stability and Security in Iraq'' that the number of Iraqi security forces nearing combat proficiency is 328,700.

(3) The Iraqi security forces continue to be trained to achieve the highest level of combat efficiency in order to provide for the security and stability of the Iraqi people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as battalions of the Iraqi security forces achieve a level of combat proficiency such that they can conduct independent combat operations without support from Coalition forces in Iraq, units of the United States Armed Forces should be redeployed from Iraq; and

(2) regular, accurate accounts of the combat proficiency of battalions of the Iraqi security forces are necessary for the American public to gauge the development of the Iraqi security forces.

(c) REPORT ON COMBAT PROFICIENCY OF IRAQI SECURITY FORCES.—The President shall transmit to the appropriate congressional committees each month a report in classified and unclassified form that contains an accounting of the number of battalions of the security forces of Iraq at each level of combat proficiency described in subsection (d).

(d) LEVELS OF COMBAT PROFICIENCY.—The levels of combat proficiency referred to in subsection (c) are the following:

(1) Level 1 means a battalion that can conduct independent combat operations without support from Coalition forces in Iraq.

(2) Level 2 means a battalion that can conduct independent combat operations, but only with logistical support, or non-combat-related support from Coalition forces in Iraq.

(3) Level 3 means a battalion that can participate in combat operations alongside Coalition forces, but cannot conduct independent combat operations without direct combat support from Coalition forces in Iraq.

(4) Level 4 means a battalion that cannot participate in combat operations, even with support from Coalition forces in Iraq.

(e) COMPARISON OF DATA.—The report shall include a comparison of data from each previous report with respect to each battalion of the security forces of Iraq.

(f) PUBLIC NOTIFICATION.—The President shall ensure that the unclassified form of each report required by this section is made available on the main public Internet Web site of the Department of Defense not later than 10 days after the date on which the report is transmitted to the appropriate congressional committees, and that a link to the accounting in the report is made available on the homepage of such Internet Web site.

(g) DEFINITION.—As used in this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(h) EFFECTIVE DATE.—The requirement to transmit and make available reports under this section shall apply with respect to the first month beginning after the date of the enactment of this Act and to each subsequent month thereafter until the President determines and certifies to the appropriate congressional committees that the security forces of Iraq have achieved combat proficiency to the extent necessary to combat the insurgency in Iraq.

SEC. 1327. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President

has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1328. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1329. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1330. The President shall transmit to the Congress a report in classified and unclassified form, on or before July 13, 2007, detailing—

(1) the progress the Government of Iraq has made in—

(A) giving the United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(B) delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference;

(C) intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis;

(D) ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces;

(E) eliminating militia control of local security;

(F) establishing a strong militia disarmament program;

(G) ensuring fair and just enforcement of laws;

(H) establishing political, media, economic, and service committees in support of the Baghdad Security Plan;

(I) eradicating safe havens;

(J) reducing the level of sectarian violence in Iraq; and

(K) ensuring that the rights of minority political parties in the Iraqi Parliament are protected; and

(2) whether the Government of Iraq has—

(A) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(B) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(C) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(D) amended the Constitution of Iraq consistent with the principles contained in article 137 of such Constitution; and

(E) allocated and begun expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

SEC. 1331. (a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the funds provided by chapter 2 shall be available for obligation or expenditure unless—

(1) the President submits to the Congress, on or before July 13, 2007, the report required by section 1330; and

(2) a joint resolution of approval is enacted into law.

(b) JOINT RESOLUTION OF APPROVAL.—For purposes of this section, the term ''joint resolution of approval'' means a joint resolution that is introduced by the chairman of the Committee on Appropriations of the House of Representatives or the Senate on the first legislative day following the date on which the report of the President required by section 1330 is received by the Congress, does not contain a preamble, and the sole matter after the resolving clause of which (other than as a result of the adoption of an amendment permitted under subsection (f)) is as follows: ''That the Congress approves the obligation and expenditure of funds provided by chapter 2 of title I of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.''.

(c) REFERRAL TO COMMITTEES.—A joint resolution of approval introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House, and a joint resolution of approval introduced in the Senate shall be referred to the Committee on Appropriations of the Senate.

(d) CONSIDERATION BY COMMITTEES.—A joint resolution of approval shall not be subject to amendment during consideration by the Committee on Appropriations of the House of Representatives or the Senate.

(e) DISCHARGE OF COMMITTEES.—If the committee of either House to which a joint resolution of approval has been referred has not reported the joint resolution at the end of 4 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House involved.

(f) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—For purposes of the House of Representatives:

(1) IN GENERAL.—Not later than the second legislative day following the date on which the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution. The first reading of the joint resolution shall be dispensed with. All points of order against the joint resolution and against its consideration shall be waived. General debate shall be confined to the joint resolution and shall not exceed 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate, the joint resolution shall be considered for amendment under the 5-minute rule. No amendment to the joint resolution shall be in order, except the amendment specified in paragraph (2). Such amendment shall be considered as read, shall be debatable for 2 hours equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion.

(2) PERMITTED AMENDMENT.—The amendment specified in paragraph (1) is an amendment the sole matter of which is as follows: providing that defense funding related to Iraq may only be used to plan and execute the redeployment of troops within 180 days of enactment of the joint resolution of approval, with the exception of troops who are protecting American diplomatic facilities and American citizens (including members of the United States Armed Forces), serving in roles consistent with customary diplomatic positions, engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach, or training and equipping members of the Iraqi Security Forces.

(3) PERMITTED MOTIONS.—During consideration of a joint resolution of approval—

(A) the Chairman of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chairman of the Committee on Appropriations or a designee; and

(B) the Chairman of the Committee of the Whole may not entertain any motion to strike out the resolving words of the joint resolution (as described in clause 9 of rule XVIII).

(4) FURTHER CONSIDERATION.—If the Committee of the Whole rises and reports that it has come to no resolution on a joint resolution of approval, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee on the Whole for further consideration of the joint resolution.

(5) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedures relating to a joint resolution of approval shall be decided without debate.

(g) FLOOR CONSIDERATION IN SENATE.—For purposes of the Senate:

(1) IN GENERAL.—When the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion shall be privileged and not debatable. The motion shall not be subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) DEBATE.—Debate on a joint resolution of approval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. A motion to further limit debate shall be in order and shall not be debatable, but such motion shall not be in order until after 5 hours of debate. An amendment to the joint resolution shall not be in order. A motion to table, postpone, proceed to other business, or recommit the joint resolution shall not be in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution of approval, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate relating to the procedures relating to a joint resolution of approval shall be decided without debate.

(h) CONSIDERATION BY SENATE AFTER PASSAGE BY HOUSE OF REPRESENTATIVES.—

(1) PRIOR TO SENATE PASSAGE.—If, before passage by the Senate of a joint resolution of approval of the Senate, the Senate receives from the House of Representatives a joint resolution of approval, then the following procedures shall apply:

(A) The joint resolution of the House shall not be referred to a committee.

(B) With respect to a joint resolution of approval of the Senate—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii) the vote on final passage shall be on the joint resolution of the House.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution that originated in the Senate.

(2) FOLLOWING SENATE PASSAGE.—If the Senate receives from the House of Representatives a joint resolution of approval after the Senate has disposed of a Senate originated joint resolution, and the matter after the resolving clauses of the 2 joint resolutions are identical, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (b) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, ''A Review of the Federal Bureau of Investigation's Use of National Security Letters'', of which $500,000 shall be transferred to and merged with ''Department of Justice, Office of the Inspector General''.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $12,166,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2008.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2201. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for ''Analysis and Operations'', $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: *Provided*, That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center ''Salaries and Expenses'', for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for ''Federal Air Marshals'', $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for ''Infrastructure Protection and Information Security'', $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for ''Office of Health Affairs'' for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: *Provided*, That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That unobligated amounts in the ''Administrative and Regional Operations'' and ''Readiness, Mitigation, Response, and Recovery'' accounts shall be transferred to ''Management and Administration'' and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for ''Emergency Management Performance Grants'', $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of ''United States Citizenship and Immigration Services'' to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for ''Research, Development, and Operations'' for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'', $223,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by—

(1) in subsection (c), by striking ''consistent with similar'' and inserting ''identical to the protections given'';

(2) in subsection (c), by striking '', site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material'' and inserting ''and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)''; and

(3) by adding at the end of the section the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.''.

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 2302. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 2303. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,255,890,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $370,990,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $43,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base

Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: *Provided*, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 2502. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United States Commission on International Religious Freedom: *Provided further*, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $36,500,000, to remain available until December 31, 2008: *Provided*, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Child Survival and Health Programs Fund'', $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading ''Millennium Challenge Corporation'' and ''Global HIV/AIDS Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,649,300,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: *Provided further*, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: *Provided further*, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: *Provided further*, That of the funds made available under the heading ''Economic Support Fund'' in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $260,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $230,000,000, to remain available until September 30, 2008: *Provided,* That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: *Provided further,* That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 2601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 2602. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting ''or fiscal year 2007'' after ''fiscal year 2006''.

LEBANON

SEC. 2603. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading ''Economic Support Fund'' for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.— None of the funds made available in this Act under the heading ''Foreign Military Financing Program'' or ''International Narcotics Control and Law Enforcement'' for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 2604. Amounts appropriated for fiscal year 2007 for ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 2605. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 2606. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 2607. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the ''Inspector General'') may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 2608. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

''Democracy Fund''.

''International Narcotics Control and Law Enforcement''.

''Migration and Refugee Assistance''.

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 2609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading ''International Disaster and Famine Assistance'': *Provided,* That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 2610. None of the funds made available for assistance for the central Government of

Pakistan under the heading ''Economic Support Fund'' in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: *Provided*, That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available for assistance for Pakistan under the heading ''Economic Support Fund'' in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 2611. Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', up to $50,000,000 may be made available to support and maintain a civilian reserve corps: *Provided*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 2612. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the ''Coordinator''), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking ''During calendar year 2006, the'' and inserting ''The''.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: *Provided*, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: *Provided further*, That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'' for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading ''Flood Control and Coastal Emergencies'', in chapter 3 of Public Law 109–148: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled ''Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi'': *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 3302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 3303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages

and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: *Provided,* That the analysis should be conducted at Federal expense: *Provided further,* That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 3304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading ''Investigations'', the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: *Provided,* That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with ''Small Business Administration, Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $4,610,000,000, to remain available until expended: *Provided,* That $4,000,000 shall be transferred to ''Office of Inspector General''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

SEC. 3502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking ''*Provided further,* That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, ''Disaster Assistance Direct Loan Program Account'' by striking ''*Provided further,* That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 3503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking ''12 months'' and inserting ''24 months''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: *Provided,* That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further,* That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further,* That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further,* That individual grants shall not be subject to a non-Federal matching requirement: *Provided further,* That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 3601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, ''National Park Service—Historic Preservation Fund'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the ''National Park Service—National Recreation and Preservation'' appropriation: *Provided,* That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided further,* That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: *Provided,* That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further,* That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, *Provided,* That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary

and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: *Provided further*, That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: ''With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.''.

SEC. 3702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading ''Social Services Block Grant'' in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 3703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: *Provided*, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: *Provided further*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3801. The third proviso under the heading ''Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking ''for up to 18 months'' and inserting ''until December 31, 2007''.

SEC. 3802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: '': *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006''.

SEC. 3803. Section 901 of Public Law 109–148 is amended by deleting ''calendar year 2006'' and inserting ''calendar years 2006 and 2007''.

TITLE IV—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA–1962–DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for ''Construction'' for flood damage reduction activities associated with disasters covered by Presidential Disaster Declaration FEMA–1962–DR, $500,000 to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 4301. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 4302. (a) For an additional amount under ''Department of Education, Safe Schools and Citizenship Education'', $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 4

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'', $15,000,000 for a radio modernization program, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $466,778,000, to remain available

until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for ''Medical Administration'', $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: *Provided further*, That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for ''Medical and Prosthetic Research'', $32,500,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''General Operating Expenses'', $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: *Provided*, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

SEC. 4502. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 4503. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the ''Secretary'') may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE V—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: *Provided*, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 5102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 5202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking ''January 1, 2006'' and inserting ''March 1, 2008''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 5302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 5303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 5304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 5305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with

the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 5306. (a) Of the funds provided for the General Services Administration, ''Office of Inspector General'' in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, ''Office of Inspector General'', $4,500,000, to remain available until September 30, 2008.

SEC. 5307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

''(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.''.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY
GENERAL PROVISIONS—THIS CHAPTER

SEC. 5401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, ''Retired Pay'', shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 5402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 5403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 5404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the ''Office of the Secretary and Executive Management''; $512,855 from the ''Office of the Under Secretary for Management''; $461,874 from the ''Office of the Chief Information Officer''; $45,080 from the ''Office of the Chief Financial Officer''; $968,211 from Preparedness ''Management and Administration''; $1,215,486 from Science and Technology ''Management and Administration''; $450,000 from United States Secret Service ''Salaries and Expenses''; $450,000 from Federal Emergency Management Agency ''Administrative and Regional Operations''; and $25,595,532 from United States Coast Guard ''Operating Expenses''.

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard ''Acquisition, Construction, and Improvements'', $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the ''Office of the Under Secretary for Management'', $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with

those of similarly structured cabinet-level agencies.

SEC. 5405. (a) IN GENERAL.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term ''lead system integrator'', modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: ''; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54''.

SEC. 5502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: '', of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required''.

SEC. 5503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after ''$55,663,000'' the following: ''of which $13,000,000 shall be for Save America's Treasures''.

SEC. 5504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading ''Land Acquisition'' may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''National Institute of Allergy and Infectious Diseases'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''Office of the Director'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 5601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after ''$5,000,000'': ''(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,''.

SEC. 5602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting ''of which $9,666,000 shall be for the Women's Bureau,'' after ''for child labor activities,''.

SEC. 5603. Of the amount provided for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'' in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 5604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 5605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking ''$7,172,994,000'' and inserting ''$7,176,431,000'';

(2) amending subparagraph (A) to read as follows: ''(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;''; and

(3) amending subparagraph (C) to read as follows: ''(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;''.

SEC. 5606. The provision in the first proviso under the heading ''Rehabilitation Services and Disability Research'' in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 5607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading ''National and Community Service Programs, Operating Expenses'' under the heading ''Corporation for National and Community Service'', to the account under the heading ''Salaries and Expenses'' under the heading ''Corporation for National and Community Service''.

SEC. 5608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and

Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

SEC. 5609. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking ''for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006,'' and inserting ''for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,'';

(B) in clause (ii), by striking ''starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006'' and inserting ''starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)''; and

(C) by adding at the end the following new clause:

''(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.''.

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking ''for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006,'' and inserting ''for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,'';

(B) in subparagraph (B), by striking ''starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006'' and inserting ''starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)''; and

(C) by adding at the end the following new subparagraph:

''(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.''.

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking ''if it is a plan—'' and all that follows and inserting the following: ''if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.''.

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking ''if it is a plan—'' and all that follows and inserting the following: ''if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.''.

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 5610. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking ''subsection (c)(2)(E)(ii)(II)'' and inserting ''subsection (c)(3)(E)(ii)(II)''.

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''funding shortfall'' and inserting ''funding target''.

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 5611. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking ''transfer.'' and inserting ''transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).''.

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 5612. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking ''December 28, 2007'' and inserting ''January 1, 2008''.

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 5801. (a) Notwithstanding any other provision of law, subsection (c) under the heading ''Assistance for the Independent States of the Former Soviet Union'' in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after ''subsection (b) of that section'' the following: ''and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section''.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for ''Foreign Military Financing Program'' pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 5802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 5902. Funds provided for the ''National Transportation Safety Board, Salaries and Expenses'' in section 21031 of the Continuing

Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 5903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: '': *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance''.

SEC. 5904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

''(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.''.

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 5951. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLES I AND II

SEC. 5952. Amounts in titles I and II are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 5953. Amounts in titles III, IV, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 6001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking ''REMAINDER OF REDUCTION'' and inserting ''PART''; and

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

''(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

''(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the 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 will not be expended by the end of fiscal year 2006;

''(ii) the amount of the State's allotment for fiscal year 2007; and

''(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).''.

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking ''subject to paragraph (4)(B) and'';

(2) in paragraph (2)(B), by striking ''subject to paragraph (4)(B) and'';

(3) in paragraph (5)(A), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting ''or allotted'' after ''redistributed''; and

(ii) by inserting ''or allotments'' after ''redistributions''; and

(B) by striking ''and (3)'' and inserting ''(3), and (4)''.

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the ''Fair Minimum Wage Act of 2007''.

SEC. 7102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase, on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 7201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Small Business and Work Opportunity Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle 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 Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 7201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7211. Extension and modification of work opportunity tax credit.
Sec. 7212. Extension and increase of expensing for small business.
Sec. 7213. Determination of credit for certain taxes paid with respect to employee cash tips.
Sec. 7214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.
Sec. 7215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.
Sec. 7222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.
Sec. 7223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.
Sec. 7224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7231. Capital gain of S corporation not treated as passive investment income.
Sec. 7232. Treatment of bank director shares.
Sec. 7233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.
Sec. 7234. Treatment of the sale of interest in a qualified subchapter S subsidiary.
Sec. 7235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.
Sec. 7236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 7241. Increase in age of children whose unearned income is taxed as if parent's income.
Sec. 7242. Suspension of certain penalties and interest.
Sec. 7243. Modification of collection due process procedures for employment tax liabilities.
Sec. 7244. Permanent extension of IRS user fees.
Sec. 7245. Increase in penalty for bad checks and money orders.
Sec. 7246. Understatement of taxpayer liability by return preparers.
Sec. 7247. Penalty for filing erroneous refund claims.
Sec. 7248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''August 31, 2011''.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

''(5) DESIGNATED COMMUNITY RESIDENTS.—

''(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

''(i) as having attained age 18 but not age 40 on the hiring date, and

''(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

''(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

''(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

''(D) a designated community resident,''.

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.''.

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking ''agency as being a member of a family'' and all that follows and inserting ''agency as—

''(i) being a member of a family receiving assistance under a food stamp program under

the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

''(ii) entitled to compensation for a service-connected disability, and—

''(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

''(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

''(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.''.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' before the period at the end, and

(B) by striking ''ONLY FIRST $6,000 OF'' in the heading and inserting ''LIMITATION ON''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking ''2010'' and inserting ''2011''.

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking ''$100,000 in the case of taxable years beginning after 2002'' in paragraph (1) and inserting ''$125,000 in the case of taxable years beginning after 2006'', and

(2) by striking ''$400,000 in the case of taxable years beginning after 2002'' in paragraph (2) and inserting ''$500,000 in the case of taxable years beginning after 2006''.

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking ''2003'' and inserting ''2007'',

(2) by striking ''$100,000 and $400,000'' and inserting ''$125,000 and $500,000'', and

(3) by striking ''2002'' in clause (ii) and inserting ''2006''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting ''as in effect on January 1, 2007, and'' before ''determined without regard to''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

''(iii) the credit determined under section 45B, and

''(iv) the credit determined under section 51.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking '', and'' at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking ''this subsection, the term'' and inserting

''this subsection—

''(A) IN GENERAL.—The term'', and

(2) by adding at the end the following new subparagraph:

''(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

''(i) without regard to subsection (d)(6), and

''(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.''.

SEC. 7222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.''.

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) is amended by striking ''2006, 2007, or 2008'' and inserting ''the period beginning on January 1, 2006, and ending on December 31, 2010''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking ''such period'' and inserting ''the period described in subparagraph (A)''.

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.''.

SEC. 7223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

''(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

''(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph

(A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

''(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.''.

SEC. 7224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

''(B) GROSS RECEIPTS FROM THE SALES OF CERTAIN ASSETS.—For purposes of this paragraph—

''(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

''(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

''(C) PASSIVE INVESTMENT INCOME DEFINED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

''(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

''(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

''(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

''(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

''(I) interest income earned by such bank or company, or

''(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7232. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

''For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).''.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includible in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking ''For purposes of this title,'' and inserting the following:

''(i) IN GENERAL.—For purposes of this title,'', and

(2) by inserting at the end the following new clause:

''(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

''(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

''(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 7235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

''(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 7241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

''(A) such child—

''(i) has not attained age 18 before the close of the taxable year, or

''(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

''(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,''.

(b) CONFORMING AMENDMENT.—Subsection (g) of section 1 is amended by striking ''MINOR'' in the heading thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking ''18-month period'' and inserting ''36-month period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking ''; or'' at the end of paragraph (1) and inserting a comma,

(2) by adding ''or'' at the end of paragraph (2), and

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

''(3) the Secretary has served a disqualified employment tax levy,''.

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking ''$750'' and inserting ''$1,250'', and

(2) by striking ''$15'' and inserting ''$25''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking ''income'' each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking ''subtitle A'' each place it appears and inserting ''this title''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(ii) Section 6060(a) is amended—

(I) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(II) by striking ''each income tax return preparer'' and inserting ''each tax return preparer'', and

(III) by striking ''another income tax return preparer'' and inserting ''another tax return preparer''.

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(B) Section 6103(k)(5) is amended—

(i) by striking ''income tax return preparer'' each place it appears and inserting ''tax return preparer'', and

(ii) by striking ''income tax return preparers'' each place it appears and inserting ''tax return preparers''.

(C)(i) Section 6107 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears in subsections (a) and (b) and inserting ''a tax return preparer'',

(III) by striking ''INCOME TAX RETURN PREPARER'' in the heading for subsection (b) and inserting ''TAX RETURN PREPARER'', and

(IV) in subsection (c), by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking ''Income tax return preparer'' and inserting ''Tax return preparer''.

(D) Section 6109(a)(4) is amended—

(i) by striking ''an income tax return preparer'' and inserting ''a tax return preparer'', and

(ii) by striking ''INCOME RETURN PREPARER'' in the heading and inserting ''TAX RETURN PREPARER''.

(E) Section 6503(k)(4) is amended by striking ''Income tax return preparers'' and inserting ''Tax return preparers''.

(F)(i) Section 6694 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) in subsection (c)(2), by striking ''the income tax return preparer'' and inserting ''the tax return preparer'',

(IV) in subsection (e), by striking ''subtitle A'' and inserting ''this title'', and

(V) in subsection (f), by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(G)(i) Section 6695 is amended—

(I) by striking ''**INCOME**'' in the heading, and

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer''.

(ii) Section 6695(f) is amended—

(I) by striking ''subtitle A'' and inserting ''this title'', and

(II) by striking ''the income tax return preparer'' and inserting ''the tax return preparer''.

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income''.

(H) Section 6696(e) is amended by striking ''subtitle A'' each place it appears and inserting ''this title''.

(I)(i) Section 7407 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) by striking ''income tax preparer'' both places it appears in subsection (a) and inserting ''tax return preparer'', and

(IV) by striking ''income tax return'' in subsection (a) and inserting ''tax return''.

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(J)(i) Section 7427 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'', and

(II) by striking ''an income tax return preparer'' and inserting ''a tax return preparer''.

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

''Sec. 7427. Tax return preparers.''.

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund

with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $1,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

''(A) the tax return preparer knew (or reasonably should have known) of the position,

''(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

''(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

''(ii) there was no reasonable basis for the position.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

''(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $5,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

''(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

''(B) a reckless or intentional disregard of rules or regulations.

''(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

''SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

''(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

''(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

''(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

''Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''106.25 percent'' and inserting ''114.25 percent''.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the amendment printed in part A of House Report 110–143 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2206

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 ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN
TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING
TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY
TITLE IV—OTHER EMERGENCY APPROPRIATIONS
TITLE V—OTHER MATTERS
TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS
TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—FUNDING FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN

CHAPTER 1—IMMEDIATE FUNDING NEEDS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $4,528,215,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $754,347,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $802,391,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $689,944,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $73,622,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $44,623,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $5,660,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $7,573,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $314,091,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $19,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $15,400,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,338,335,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $573,297,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,325,441,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,357,244,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $37,025,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,533,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $6,796,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,953,200,000.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $1,921,150,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,216,400,000, to remain available until September 30, 2008.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,217,000,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $130,040,000, to remain

available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,263,360,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $139,040,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $258,860,000, to remain available until September 30, 2009: *Provided*, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Defense Health Program'', $3,251,853,000; of which $2,802,153,000 shall be for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2008; of which $118,000,000 shall be for procurement, to remain available until September 30, 2009; and of which $331,700,000 shall be for research, development, test and evaluation, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be allocated in accordance with the direction given in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107): *Provided further*, That if the Secretary of Defense determines that funds made available in this paragraph for the treatment of traumatic brain injury and post-traumatic stress disorder are in excess of the requirements of the Department of Defense, the Secretary may transfer amounts in excess of that requirement to the Department of Veterans Affairs to be available only for the same purpose.

CHAPTER 2—ADDITIONAL FUNDING

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $4,325,135,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $346,063,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $693,436,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $528,643,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $98,163,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $41,400,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $4,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $231,195,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $24,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $4,973,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,313,794,000, of which up to $120,293,000 shall be transferred to Coast Guard, ''Operating Expenses'', for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $573,297,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,325,441,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,357,244,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $37,025,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $55,533,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $6,796,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $5,080,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $41,785,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $19,215,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,953,200,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $1,921,150,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $355,600,000, to remain available for transfer until September 30, 2008: *Provided*, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,216,400,000, to remain available until September 30, 2009.

STRATEGIC RESERVE READINESS FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $2,000,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to ''National Guard and Reserve Equipment'' for the purchase of equipment for the Army National Guard; and of which $1,000,000,000 shall be transferred by the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: *Provided*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall, not fewer than thirty days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfers made pursuant to this authority: *Provided further*, That funds shall be transferred to the appropriation accounts not later than 120 days after the enactment of this Act: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,404,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $9,859,137,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,090,287,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $618,709,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $989,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $100,006,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $187,176,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $512,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,315,526,000.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $254,665,000, to remain available until expended.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $71,726,000.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 1301. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise provided in this title.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the ''Joint Improvised Explosive Device Defeat Fund'' and the ''Iraq Security Forces Fund'' under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operation and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. Section 9010 of division A of Public Law 109–289 is amended by striking ''2007'' each place it appears and inserting ''2008''.

SEC. 1309. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this title may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1310. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking ''$310,277,000'' and inserting ''$376,446,000''.

SEC. 1311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1312. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984)—

(1) section 2340A of title 18, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division

G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1313. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2008. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 1314. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 1315. Not more than 85 percent of the funds appropriated in chapter 2 for operation and maintenance shall be available for obligation unless and until the Secretary of Defense submits to the congressional defense committees a report detailing the use of Department of Defense funded service contracts conducted in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: *Provided,* That the report shall provide detailed information specifying the number of contracts and contract costs used to provide services in fiscal year 2006, with sub-allocations by major service categories: *Provided further,* That the report also shall include estimates of the number of contracts to be executed in fiscal year 2007: *Provided further,* That the report shall include the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: *Provided further,* That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 1316. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''A death gratuity'' and inserting ''Subject to subsection (d), a death gratuity'';

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking ''If an eligible survivor dies before he'' and inserting ''If a person entitled to all or a portion of a death gratuity under subsection (a) or (d) dies before the person''; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1478 of this title. The designation shall indicate the percentage of the amount, to be specified only in 10 percent increments up to the maximum of 50 percent, that the designated person may receive. The balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (1) through (5) of subsection (a).''.

SEC. 1317. Section 9007 of Public Law 109–289 is amended by striking ''20'' and inserting ''287''.

SEC. 1318. (a) INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Where appropriate, standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to the congressional defense committees a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) where appropriate, standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1319. From funds made available for the ''Iraq Security Forces Fund'' for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1320. (a) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(1) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(2) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(3) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to

fulfill the missions outlined in subparagraph (1).

(b) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1321. (a) AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

(TRANSFER OF FUNDS)

SEC. 1322. Of the amount appropriated under the heading ''Other Procurement, Army'', in title III of division A of Public Law 109–148, $6,250,000 shall be transferred to ''Military Construction, Army''.

SEC. 1323. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Air Force, at no cost, all lands, easements, Air Installation Compatible Use Zones, and facilities at NASJRB Willow Grove designated for operation as a Joint Interagency Installation for use by the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

(TRANSFER OF FUNDS)

SEC. 1324. Notwithstanding any other provision of law (except section 1331 of this Act), not to exceed $110,000,000 may be transferred to the ''Economic Support Fund'', Department of State, for use in programs in Pakistan from amounts appropriated in chapter 2 as follows:

''Military Personnel, Army'', $70,000,000.

''National Guard Personnel, Army'', $13,183,000.

''Defense Health Program'', $26,817,000.

SEC. 1325. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment or the Office of Dependents Education of the Department of Defense, shall use not less than $10,000,000 of funds made available in this title under the heading ''Operations and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds to provide special assistance to local education agencies in districts adversely affected by significant changes in the military population.

SEC. 1326. (a) FINDINGS.—Congress finds the following:

(1) Congress has appropriated over $15 billion to train and equip the security forces of Iraq since April 2004.

(2) The Administration has reported in the March 2007 report entitled ''Measuring Stability and Security in Iraq'' that the number of Iraqi security forces nearing combat proficiency is 328,700.

(3) The Iraqi security forces continue to be trained to achieve the highest level of combat efficiency in order to provide for the security and stability of the Iraqi people.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as battalions of the Iraqi security forces achieve a level of combat proficiency such that they can conduct independent combat operations without support from Coalition forces in Iraq, units of the United States Armed Forces should be redeployed from Iraq; and

(2) regular, accurate accounts of the combat proficiency of battalions of the Iraqi security forces are necessary for the American public to gauge the development of the Iraqi security forces.

(c) REPORT ON COMBAT PROFICIENCY OF IRAQI SECURITY FORCES.—The President shall transmit to the appropriate congressional committees each month a report in classified and unclassified form that contains an accounting of the number of battalions of the security forces of Iraq at each level of combat proficiency described in subsection (d).

(d) LEVELS OF COMBAT PROFICIENCY.—The levels of combat proficiency referred to in subsection (c) are the following:

(1) Level 1 means a battalion that can conduct independent combat operations without support from Coalition forces in Iraq.

(2) Level 2 means a battalion that can conduct independent combat operations, but only with logistical support, or non-combat-related support from Coalition forces in Iraq.

(3) Level 3 means a battalion that can participate in combat operations alongside Coalition forces, but cannot conduct independent combat operations without direct combat support from Coalition forces in Iraq.

(4) Level 4 means a battalion that cannot participate in combat operations, even with support from Coalition forces in Iraq.

(e) COMPARISON OF DATA.—The report shall include a comparison of data from each previous report with respect to each battalion of the security forces of Iraq.

(f) PUBLIC NOTIFICATION.—The President shall ensure that the unclassified form of each report required by this section is made available on the main public Internet Web site of the Department of Defense not later than 10 days after the date on which the report is transmitted to the appropriate congressional committees, and that a link to the accounting in the report is made available on the homepage of such Internet Web site.

(g) DEFINITION.—As used in this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(h) EFFECTIVE DATE.—The requirement to transmit and make available reports under this section shall apply with respect to the first month beginning after the date of the enactment of this Act and to each subsequent month thereafter until the President determines and certifies to the appropriate congressional committees that the security forces of Iraq have achieved combat proficiency to the extent necessary to combat the insurgency in Iraq.

SEC. 1327. (a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the deployment to Iraq of a unit that is not assessed fully mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary, may waive the limitation prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1328. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1329. (a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq prior to January 10, 2007.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) is required for reasons of national security and by submitting along with the certification a

report in classified and unclassified form detailing the particular reason or reasons why the unit's redeployment is necessary, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

SEC. 1330. The President shall transmit to the Congress a report in classified and unclassified form, on or before July 13, 2007, detailing—

(1) the progress the Government of Iraq has made in—

(A) giving the United States Armed Forces and Iraqi Security Forces the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(B) delivering necessary Iraqi Security Forces for Baghdad and protecting such Forces from political interference;

(C) intensifying efforts to build balanced security forces throughout Iraq that provide even-handed security for all Iraqis;

(D) ensuring that Iraq's political authorities are not undermining or making false accusations against members of the Iraqi Security Forces;

(E) eliminating militia control of local security;

(F) establishing a strong militia disarmament program;

(G) ensuring fair and just enforcement of laws;

(H) establishing political, media, economic, and service committees in support of the Baghdad Security Plan;

(I) eradicating safe havens;

(J) reducing the level of sectarian violence in Iraq; and

(K) ensuring that the rights of minority political parties in the Iraqi Parliament are protected; and

(2) whether the Government of Iraq has—

(A) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(B) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(C) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(D) amended the Constitution of Iraq consistent with the principles contained in article 137 of such Constitution; and

(E) allocated and begun expenditure of $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

SEC. 1331. (a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the funds provided by chapter 2 shall be available for obligation or expenditure unless—

(1) the President submits to the Congress, on or before July 13, 2007, the report required by section 1330; and

(2) a joint resolution of approval is enacted into law.

(b) JOINT RESOLUTION OF APPROVAL.—For purposes of this section, the term ''joint resolution of approval'' means a joint resolution that is introduced by the chairman of the Committee on Appropriations of the House of Representatives or the Senate on the first legislative day following the date on which the report of the President required by section 1330 is received by the Congress, does not contain a preamble, and the sole matter after the resolving clause of which (other than as a result of the adoption of an amendment permitted under subsection (f)) is as follows: ''That the Congress approves the obligation and expenditure of funds provided by chapter 2 of title I of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.''.

(c) REFERRAL TO COMMITTEES.—A joint resolution of approval introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House, and a joint resolution of approval introduced in the Senate shall be referred to the Committee on Appropriations of the Senate.

(d) CONSIDERATION BY COMMITTEES.—A joint resolution of approval shall not be subject to amendment during consideration by the Committee on Appropriations of the House of Representatives or the Senate.

(e) DISCHARGE OF COMMITTEES.—If the committee of either House to which a joint resolution of approval has been referred has not reported the joint resolution at the end of 4 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House involved.

(f) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—For purposes of the House of Representatives:

(1) IN GENERAL.—Not later than the second legislative day following the date on which the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution. The first reading of the joint resolution shall be dispensed with. All points of order against the joint resolution and against its consideration shall be waived. General debate shall be confined to the joint resolution and shall not exceed 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate, the joint resolution shall be considered for amendment under the 5-minute rule. No amendment to the joint resolution shall be in order, except the amendment specified in paragraph (2). Such amendment shall be considered as read, shall be debatable for 2 hours equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion.

(2) PERMITTED AMENDMENT.—The amendment specified in paragraph (1) is an amendment the sole matter of which is as follows: providing that defense funding related to Iraq may only be used to plan and execute the redeployment of troops within 180 days of enactment of the joint resolution of approval, with the exception of troops who are protecting American diplomatic facilities and American citizens (including members of the United States Armed Forces), serving in roles consistent with customary diplomatic positions, engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach, or training and equipping members of the Iraqi Security Forces.

(3) PERMITTED MOTIONS.—During consideration of a joint resolution of approval—

(A) the Chairman of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chairman of the Committee on Appropriations or a designee; and

(B) the Chairman of the Committee of the Whole may not entertain any motion to strike out the resolving words of the joint resolution (as described in clause 9 of rule XVIII).

(4) FURTHER CONSIDERATION.—If the Committee of the Whole rises and reports that it has come to no resolution on a joint resolution of approval, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee on the Whole for further consideration of the joint resolution.

(5) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedures relating to a joint resolution of approval shall be decided without debate.

(g) FLOOR CONSIDERATION IN SENATE.—For purposes of the Senate:

(1) IN GENERAL.—When the Committee on Appropriations has reported (or has been discharged from further consideration of) a joint resolution of approval, it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the joint resolution. All points of order against the joint resolution (and against consideration of the joint resolution) shall be waived. The motion shall be privileged and not debatable. The motion shall not be subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) DEBATE.—Debate on a joint resolution of approval, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. A motion to further limit debate shall be in order and shall not be debatable, but such motion shall not be in order until after 5 hours of debate. An amendment to the joint resolution shall not be in order. A motion to table, postpone, proceed to other business, or recommit the joint resolution shall not be in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution of approval, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate relating to the procedures relating to a joint resolution of approval shall be decided without debate.

(h) CONSIDERATION BY SENATE AFTER PASSAGE BY HOUSE OF REPRESENTATIVES.—

(1) PRIOR TO SENATE PASSAGE.—If, before passage by the Senate of a joint resolution of approval of the Senate, the Senate receives from the House of Representatives a joint resolution of approval, then the following procedures shall apply:

(A) The joint resolution of the House shall not be referred to a committee.

(B) With respect to a joint resolution of approval of the Senate—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii) the vote on final passage shall be on the joint resolution of the House.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution that originated in the Senate.

(2) FOLLOWING SENATE PASSAGE.—If the Senate receives from the House of Representatives a joint resolution of approval after the Senate has disposed of a Senate originated joint resolution, and the matter after the resolving clauses of the 2 joint resolutions are identical, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution.

(i) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (b) through (h) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

TITLE II—OTHER INTERNATIONAL AND SECURITY-RELATED FUNDING

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $268,000,000, of which $258,000,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, ''A Review of the Federal Bureau of Investigation's Use of National Security Letters'', of which $500,000 shall be transferred to and merged with ''Department of Justice, Office of the Inspector General''.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $12,166,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2008.

CHAPTER 2

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $150,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2201. The Administrator of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

ANALYSIS AND OPERATIONS

For an additional amount for ''Analysis and Operations'', $15,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program.

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $115,000,000, to remain available until September 30, 2008, to be used to increase the number of officers, intelligence analysts and support staff responsible for container security inspections, and for other efforts to improve supply chain security: *Provided,* That up to $5,000,000 shall be transferred to Federal Law Enforcement Training Center ''Salaries and Expenses'', for basic training costs.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', for air and marine operations on the Northern Border, including the final Northern Border air wing, $120,000,000, to remain available until September 30, 2008.

UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $970,000,000; of which $815,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; of which $45,000,000 shall be for expansion of checkpoint explosives detection pilot systems, to remain available until expended; and of which $110,000,000 shall be for air cargo security, to remain available until September 30, 2009.

FEDERAL AIR MARSHALS

For an additional amount for ''Federal Air Marshals'', $8,000,000, to remain available until September 30, 2008.

NATIONAL PROTECTION AND PROGRAMS

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for ''Infrastructure Protection and Information Security'', $37,000,000, to remain available until September 30, 2008.

OFFICE OF HEALTH AFFAIRS

For an additional amount for ''Office of Health Affairs'' for nuclear event public health assessment and planning and other activities, $15,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For expenses for management and administration of the Federal Emergency Management Agency, $25,000,000, to remain available until September 30, 2008: *Provided,* That none of such funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further,* That unobligated amounts in the ''Administrative and Regional Operations'' and ''Readiness, Mitigation, Response, and Recovery'' accounts shall be transferred to ''Management and Administration'' and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $552,500,000; of which $190,000,000 shall be for port security grants pursuant to section 70107(l) of title 46, United States Code; of which $325,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; of which $35,000,000 shall be for regional grants and regional technical assistance to high risk urban areas for catastrophic event planning and preparedness; and of which $2,500,000 shall be for technical assistance: *Provided,* That none of the funds made available under this heading may be obligated for such regional grants and regional technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further,* That funds for such regional grants and regional technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for ''Emergency Management Performance Grants'', $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of ''United States Citizenship and Immigration Services'' to address backlogs of security checks associated with pending applications and petitions, $10,000,000, to remain available until September 30, 2008: *Provided,* That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for air cargo security research, $10,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for ''Research, Development, and Operations'' for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for ''Systems Acquisition'', $223,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by—

(1) in subsection (c), by striking ''consistent with similar'' and inserting ''identical to the protections given'';

(2) in subsection (c), by striking '', site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material'' and inserting ''and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)''; and

(3) by adding at the end of the section the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.''.

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 2302. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 2303. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 4

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $6,437,000, as follows:

ALLOWANCES AND EXPENSES

For an additional amount for allowances and expenses as authorized by House resolution or law, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $374,000, to remain available until September 30, 2008.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,255,890,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $369,690,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: *Provided further*, That of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $370,990,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $49,600,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $324,270,000 shall not be obligated or expended until the Secretary of Defense submits a detailed stationing plan to support Marine Corps end-strength growth to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $43,300,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $3,000,000 shall be available for study, planning, design, and architect and engineer services.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended: *Provided*, That within 30 days of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped: *Provided*, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 2502. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

CHAPTER 6

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $870,658,000, to remain available until September 30, 2008, of which $96,500,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That of the amount available under this heading, $258,000 shall be transferred to, and merged with, funds available in fiscal year 2007 for expenses for the United

States Commission on International Religious Freedom: *Provided further*, That 20 percent of the amount available for Iraq operations shall not be obligated until the Committees on Appropriations receive and approve a detailed plan for expenditure, prepared by the Secretary of State, and submitted within 60 days after the date of enactment of this Act: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for terrorism rewards.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $36,500,000, to remain available until December 31, 2008: *Provided*, That $35,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $50,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $288,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Child Survival and Health Programs Fund'', $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the avian influenza virus is efficient and sustained, and is spreading internationally, funds made available under the heading ''Millennium Challenge Corporation'' and ''Global HIV/AIDS Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be transferred to, and merged with, funds made available under this heading to combat avian influenza: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $165,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $8,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $3,500,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,649,300,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $57,400,000 shall be made available to nongovernmental organizations in Iraq for economic and social development programs and activities in areas of conflict: *Provided further*, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq: *Provided further*, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: *Provided further*, That of the funds made available under the heading ''Economic Support Fund'' in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $229,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $260,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $60,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs in Iraq: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $257,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $130,500,000, to remain available until September 30, 2008, of which not less than $5,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $57,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $265,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $230,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $40,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform: *Provided further*, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 2601. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 2602. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting ''or fiscal year 2007'' after ''fiscal year 2006''.

LEBANON

SEC. 2603. (a) LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR LEBANON.—None

of the funds made available in this Act under the heading ''Economic Support Fund'' for cash transfer assistance for the Government of Lebanon may be made available for obligation until the Secretary of State reports to the Committees on Appropriations on Lebanon's economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.— None of the funds made available in this Act under the heading ''Foreign Military Financing Program'' or ''International Narcotics Control and Law Enforcement'' for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and on the end use monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon's actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5).

DEBT RESTRUCTURING

SEC. 2604. Amounts appropriated for fiscal year 2007 for ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 2605. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office (GAO), the Department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to establish a presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 2606. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 2607. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the ''Inspector General'') may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 2608. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110–107):

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

''Democracy Fund''.

''International Narcotics Control and Law Enforcement''.

''Migration and Refugee Assistance''.

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 2609. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the heading ''International Disaster and Famine Assistance'': *Provided,* That funds appropriated under the headings in this chapter, except for funds appropriated under the heading named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CONDITIONS ON ASSISTANCE FOR PAKISTAN

SEC. 2610. None of the funds made available for assistance for the central Government of Pakistan under the heading ''Economic Support Fund'' in this title may be made available for non-project assistance until the Secretary of State submits to the Committees on Appropriations a report on the oversight mechanisms, performance benchmarks, and implementation processes for such funds: *Provided,* That notwithstanding any other provision of law, funds made available for non-project assistance pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the funds made available for assistance for Pakistan under the heading ''Economic Support Fund'' in this title, $5,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for political party development and election observation programs.

CIVILIAN RESERVE CORPS

SEC. 2611. Of the funds appropriated by this Act under the heading ''Diplomatic and Consular Programs'', up to $50,000,000 may be made available to support and maintain a civilian reserve corps: *Provided*, That none of the funds for a civilian reserve corps may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

COORDINATOR FOR IRAQ ASSISTANCE

SEC. 2612. (a) COORDINATOR FOR IRAQ ASSISTANCE.—Not later than 30 days after the date of the enactment of this Act, the President shall appoint a Coordinator for Iraq Assistance (hereinafter in this section referred to as the ''Coordinator''), by and with the advice and consent of the Senate, who shall report directly to the President.

(b) DUTIES.—The Coordinator shall be responsible for—

(1) developing and implementing an overall strategy for political, economic, and military assistance for Iraq;

(2) coordinating and ensuring coherence of Iraq assistance programs and policy among all departments and agencies of the Government of the United States that are implementing assistance programs in Iraq, including the Department of State, the United States Agency for International Development, the Department of Defense, the Department of the Treasury, and the Department of Justice;

(3) working with the Government of Iraq in meeting the benchmarks described in section 1904(a) of this Act in order to ensure Iraq continues to be eligible to receive United States assistance described in such section;

(4) coordinating with other donors and international organizations that are providing assistance for Iraq;

(5) ensuring adequate management and accountability of United States assistance programs for Iraq;

(6) resolving policy and program disputes among departments and agencies of the United States Government that are implementing assistance programs in Iraq; and

(7) coordinating United States assistance programs with the reconstruction programs funded and implemented by the Government of Iraq.

(c) RANK AND STATUS.—The Coordinator shall have the rank and status of ambassador.

CHAPTER 7

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE 11 GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest theron, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $460,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2701. There is hereby appropriated $40,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

TITLE III—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 3101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking ''During calendar year 2006, the'' and inserting ''The''.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended: *Provided,* That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricanes Katrina and Rita: *Provided further,* That these funds shall be apportioned among the States in quotient to their level of violent crime as estimated by the Federal Bureau of Investigation's Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fishing industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'' for necessary expenses related to the consequences of Hurricane Katrina, $35,000,000, to remain available until September 30, 2009.

GENERAL PROVISION—THIS CHAPTER

SEC. 3201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,300,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,407,700,000, to remain available until expended: *Provided,* That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading ''Flood Control and Coastal Emergencies'', in chapter 3 of Public Law 109–148: *Provided further,* That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled ''Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi'': *Provided further,* That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing for all costs associated with operation and maintenance of the project: *Provided further,* That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The Secretary is authorized and directed to determine the value of eligible reimbursable expenses incurred by local governments in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 3302. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriation.

SEC. 3303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: *Provided,* That the analysis should be conducted at Federal expense: *Provided further,* That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 3304. Using funds made available in Chapter 3 under title II of Public Law 109–234, under the heading ''Investigations'', the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: *Provided,* That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,069,000, to remain available until expended, shall be used for administrative expenses to carry out the disaster loan program, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.

Of the unobligated balances under the heading ''Small Business Administration, Disaster Loans Program Account'', $25,000,000 shall be used for loans under section 7(b)(2) of the Small Business Act for businesses located in an area for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with ''Small Business Administration, Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $4,610,000,000, to remain available until expended: *Provided,* That $4,000,000 shall be transferred to ''Office of Inspector General''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Wilma, Dennis, and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

SEC. 3502. (a) COMMUNITY DISASTER LOAN ACT.—

(1) IN GENERAL.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking ''*Provided further,* That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Community Disaster Loan Act of 2005 (Public Law 109–88).

(b) EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—

(1) IN GENERAL.—Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended under Federal Emergency Management Agency, ''Disaster Assistance Direct Loan Program Account'' by striking ''*Provided further,* That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 3503. (a) IN GENERAL.—Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234) is amended by striking ''12 months'' and inserting ''24 months''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2008: *Provided,* That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further,* That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further,* That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further,* That individual grants shall not be subject to a non-Federal matching requirement: *Provided further,* That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 3601. Of the disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, ''National Park Service—Historic Preservation Fund'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the ''National Park Service—National Recreation and Preservation'' appropriation: *Provided,* That these funds may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided further,* That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 101 or section 102(c) of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to Hurricanes Katrina or Rita, $30,000,000: *Provided,* That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further,* That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators, who commit to work for at least three years in school-based positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness, with priority given to teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such a school in any of the affected areas after those disasters, and commit to continue that employment for at least 3 years, *Provided,* That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity, knowledge, and skill of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, and assistant directors; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further,* That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State Superintendent of Education: *Provided further,* That, in the case of any State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, the State educational agency shall develop a plan for a rating system for performance bonuses, and if no agreement has been reached that is satisfactory to all consulting entities by such deadline, the State educational agency shall immediately send a letter notifying Congress and shall, not later than 30 days after such notification, establish and implement a rating system that

shall be based on classroom observation and feedback more than once annually, conducted by multiple sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and learning environment standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance pay for teachers.

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e), for the following costs: (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators for school-based positions in public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, signing bonuses, and relocation costs and providing loan forgiveness; (2) activities to build the capacity, knowledge, and skills of teachers and school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and school-based school principals, assistant principals, principal resident directors, and assistant directors; and (4) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: ''With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.''.

SEC. 3702. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading ''Social Services Block Grant'' in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2009.

SEC. 3703. (a) In the event that Louisiana, Mississippi, Alabama, or Texas fails to meet its match requirement with funds appropriated in fiscal years 2006 or 2007, for fiscal years 2008 and 2009, the Secretary of Health and Human Services may waive the application of section 2617(d)(4) of the Public Health Service Act for Louisiana, Mississippi, Alabama, and Texas.

(b) The Secretary may not exercise the waiver authority available under subsection (a) to allow a grantee to provide less than a 25 percent matching grant.

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $682,942,000, to remain available until expended: *Provided*, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 winter storms in the State of California: *Provided further*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $682,942,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3801. The third proviso under the heading ''Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) is amended by striking ''for up to 18 months'' and inserting ''until December 31, 2007''.

SEC. 3802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: '': *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2007 equal to the amounts the agencies received in calendar year 2006, except that public housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary has declared to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts of any such public housing agency's allocation amount for calendar year 2006 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2005 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2006''.

SEC. 3803. Section 901 of Public Law 109–148 is amended by deleting ''calendar year 2006'' and inserting ''calendar years 2006 and 2007''.

TITLE IV—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA–1692–DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for ''Construction'' for flood damage reduction activities associated with disasters covered by Presidential Disaster Declaration FEMA–1692–DR, $500,000 to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'' for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided,* That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $50,000,000, to remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $200,000,000.

For an additional amount for ''Low-Income Home Energy Assistance'' under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $200,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, $625,000,000, to remain available until expended: *Provided,* That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further,* That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further,* That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further,* That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $25,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSIONS)

SEC. 4301. (a). From unexpended balances available for the Training and Employment Services account under the Department of Labor, the following amounts are hereby rescinded—

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Act, 2002 (Public Law 107–117), $4,100,000 are hereby rescinded.

SEC. 4302. (a) For an additional amount under ''Department of Education, Safe Schools and Citizenship Education'', $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

CHAPTER 4

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'', $15,000,000 for a radio modernization program, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $50,000,000, for utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided,* That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

CHAPTER 5

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $466,778,000, to remain available until expended, of which $30,000,000 shall be for the establishment of at least one new Level I comprehensive polytrauma center; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $10,000,000 shall be for additional transition caseworkers; $20,000,000 shall be for substance abuse treatment programs; $20,000,000 shall be for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 shall be for additional polytrauma points of contact; $228,982,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $25,000,000 shall be for prosthetics.

MEDICAL ADMINISTRATION

For an additional amount for ''Medical Administration'', $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided,* That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation: *Provided further,* That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan, by project, for non-recurring maintenance prior to obligation: *Provided further,* That semi-annually, on October 1 and April 1, the Secretary shall submit to the Committees on Appropriations of both Houses of Congress a report on the status of funding for non-recurring maintenance, including obligations and unobligated balances for each project identified in the expenditure plan.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for ''Medical and Prosthetic Research'', $32,500,000, to remain available until expended, which shall be used

for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''General Operating Expenses'', $83,200,000, to remain available until expended, of which $1,250,000 shall be for digitization of military records; $60,750,000 shall be for expenses related to hiring and training new claims processing personnel; up to $1,200,000 for an independent study of the organizational structure, management and coordination processes, including seamless transition, utilized by the Department of Veterans Affairs to provide health care and benefits to active duty personnel and veterans, including those returning Operation Enduring Freedom and Operation Iraqi Freedom veterans; and $20,000,000 shall be for disability examinations: *Provided*, That not to exceed $1,250,000 of the amount appropriated under this heading may be transferred to the Department of Defense for the digitization of military records used to verify stressors for benefits claims.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $35,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of Operation Enduring Freedom and Operation Iraqi Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic benefits applications by veterans; and $15,100,000 shall be for electronic data breach remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $326,000,000, to remain available until expended, of which up to $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4501. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

SEC. 4502. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 4503. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the ''Secretary'') may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

TITLE V—OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Farm Service Agency, $37,500,000, to remain available until September 30, 2008: *Provided*, That this amount shall only be available for network and database/application stabilization.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5101. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women's Health of such Administration.

SEC. 5102. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5201. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 5202. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5301. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking ''January 1, 2006'' and inserting ''March 1, 2008''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 5302. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 5303. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 5304. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 5305. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 5306. (a) Of the funds provided for the General Services Administration, ''Office of Inspector General'' in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $4,500,000 are rescinded.

(b) For an additional amount for the General Services Administration, ''Office of Inspector General'', $4,500,000, to remain available until September 30, 2008.

SEC. 5307. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

''(j) Notwithstanding section 101, any appropriation or funds made available to the

District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.''.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5401. Not to exceed $30,000,000 from unobligated balances remaining from prior appropriations for United States Coast Guard, ''Retired Pay'', shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 5402. (a) IN GENERAL.—Any contract, subcontract, task or delivery order described in subsection (b) shall contain the following:

(1) A requirement for a technical review of all designs, design changes, and engineering change proposals, and a requirement to specifically address all engineering concerns identified in the review before the obligation of further funds may occur.

(2) A requirement that the Coast Guard maintain technical warrant holder authority, or the equivalent, for major assets.

(3) A requirement that no procurement subject to subsection (b) for lead asset production or the implementation of a major design change shall be entered into unless an independent third party with no financial interest in the development, construction, or modification of any component of the asset, selected by the Commandant, determines that such action is advisable.

(4) A requirement for independent life-cycle cost estimates of lead assets and major design and engineering changes.

(5) A requirement for the measurement of contractor and subcontractor performance based on the status of all work performed. For contracts under the Integrated Deepwater Systems program, such requirement shall include a provision that links award fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team assigned to the oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such a contract or subcontract.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan directly from the Coast Guard that—

(1) defines activities, milestones, yearly costs, and life-cycle costs for each procurement of a major asset, including an independent cost estimate for each;

(2) identifies life-cycle staffing and training needs of Coast Guard project managers and of procurement and contract staff;

(3) identifies competition to be conducted in each procurement;

(4) describes procurement plans that do not rely on a single industry entity or contract;

(5) contains very limited indefinite delivery/indefinite quantity contracts and explains the need for any indefinite delivery/indefinite quantity contracts;

(6) complies with all applicable acquisition rules, requirements, and guidelines, and incorporates the best systems acquisition management practices of the Federal Government;

(7) complies with the capital planning and investment control requirements established by the Office of Management and Budget, including circular A–11, part 7;

(8) includes a certification by the head of contracting activity for the Coast Guard and the Chief Procurement Officer of the Department of Homeland Security that the Coast Guard has established sufficient controls and procedures and has sufficient staffing to comply with all contracting requirements, and that any conflicts of interest have been sufficiently addressed;

(9) includes a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(10) includes a certification that the Assistant Commandant of the Coast Guard for Engineering and Logistics is designated as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater Systems program; and

(11) identifies progress in complying with the requirements of subsection (a).

(d) REPORTS.—(1) Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: (i) a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater Systems program; and (ii) a report on how the Coast Guard will utilize full and open competition for any contract that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater Systems program, entered into after the date of enactment of this Act.

(2) Within 30 days following the submission of the expenditure plan required under subsection (c), the Government Accountability Office shall review the plan and brief the Committees on Appropriations of the Senate and the House of Representatives on its findings.

SEC. 5403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 5404. (a) RESCISSIONS.—The following unobligated balances made available pursuant to section 505 of Public Law 109–90 are rescinded: $1,200,962 from the ''Office of the Secretary and Executive Management''; $512,855 from the ''Office of the Under Secretary for Management''; $461,874 from the ''Office of the Chief Information Officer''; $45,080 from the ''Office of the Chief Financial Officer''; $968,211 from Preparedness ''Management and Administration''; $1,215,486 from Science and Technology ''Management and Administration''; $450,000 from United States Secret Service ''Salaries and Expenses''; $450,000 from Federal Emergency Management Agency ''Administrative and Regional Operations''; and $25,595,532 from United States Coast Guard ''Operating Expenses''.

(b) ADDITIONAL APPROPRIATIONS.—

(1) For an additional amount for United States Coast Guard ''Acquisition, Construction, and Improvements'', $30,000,000, to remain available until September 30, 2009, to mitigate the Service's patrol boat operational gap; and

(2) For an additional amount for the ''Office of the Under Secretary for Management'', $900,000, for an independent study to compare the Department of Homeland Security senior career and political staffing levels and senior career training programs with those of similarly structured cabinet-level agencies.

SEC. 5405. (a) IN GENERAL.—With respect to contracts entered into after June 1, 2007, and except as provided in subsection (b), no entity performing lead system integrator functions in the acquisition of a major system by the Department of Homeland Security may have any direct financial interest in the development or construction of any individual system or element of any system of systems.

(b) EXCEPTION.—An entity described in subsection (a) may have a direct financial interest in the development or construction of an individual system or element of a system of systems if—

(1) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(2) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(d) REGULATIONS UPDATE.—Not later than June 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the

term ''lead system integrator'', modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the production, fielding, and sustainment of complex systems.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: ''; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54''.

SEC. 5502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: '', of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required''.

SEC. 5503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after ''$55,663,000'' the following: ''of which $13,000,000 shall be for Save America's Treasures''.

SEC. 5504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading ''Land Acquisition'' may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''National Institute of Allergy and Infectious Diseases'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for ''Office of the Director'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

SEC. 5601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after ''$5,000,000'': ''(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost), to remain available through September 30, 2008,''.

SEC. 5602. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting ''of which $9,666,000 shall be for the Women's Bureau,'' after ''for child labor activities,''.

SEC. 5603. Of the amount provided for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'' in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 5604. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

SEC. 5605. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking ''$7,172,994,000'' and inserting ''$7,176,431,000'';

(2) amending subparagraph (A) to read as follows: ''(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;''; and

(3) amending subparagraph (C) to read as follows: ''(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;''.

SEC. 5606. The provision in the first proviso under the heading ''Rehabilitation Services and Disability Research'' in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

SEC. 5607. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading ''National and Community Service Programs, Operating Expenses'' under the heading ''Corporation for National and Community Service'', to the account under the heading ''Salaries and Expenses'' under the heading ''Corporation for National and Community Service''.

SEC. 5608. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Notwithstanding subsection (a), any vehicle used to transport children for a Head Start program as of January 1, 2007, shall not be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) regarding rear emergency exit doors, for 1 year after that date of enactment.

(2) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its study on occupant protection on Head Start transit vehicles (related to Government Accountability Office report GAO–06–767R), the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to allowable alternate vehicles used to transport children for a Head Start program. In making any such revision, the Secretary shall revise the standards to be consistent with the findings contained in such study, including making a determination on the exemption of such a vehicle from Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

(3) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (2), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seating requirements related to compartmentalization, for allowable alternate vehicles used to transport children for a Head Start program, shall not apply to such a vehicle if such vehicle meets all other applicable Federal motor vehicle safety standards, as described in paragraph (2).

SEC. 5609. (a)(1) Section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(G)) (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended—

(A) in clause (i)(II)(aa), by striking ''for each of the 3 plan years immediately before the date of the enactment of the Pension Protection Act of 2006,'' and inserting ''for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,'';

(B) in clause (ii), by striking ''starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006'' and inserting ''starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under clause (i)(II)''; and

(C) by adding at the end the following new clause:

''(vii) For purposes of this Act and the Internal Revenue Code of 1986, a plan making an election under this subparagraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.''.

(2) Paragraph (6) of section 414(f) of the Internal Revenue Code of 1986 (relating to election with regard to multiemployer status) (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended—

(A) in subparagraph (A)(ii)(I), by striking ''for each of the 3 plan years immediately before the date of enactment of the Pension Protection Act of 2006,'' and inserting ''for each of the 3 plan years immediately preceding the first plan year for which the election under this paragraph is effective with respect to the plan ,'';

(B) in subparagraph (B), by striking ''starting with the first plan year ending after the date of the enactment of the Pension Protection Act of 2006'' and inserting ''starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in the election made under subparagraph (A)(ii)''; and

(C) by adding at the end the following new subparagraph:

''(F) MAINTENANCE UNDER COLLECTIVE BARGAINING AGREEMENT.—For purposes of this title and the Employee Retirement Income Security Act of 1974, a plan making an election under this paragraph shall be treated as maintained pursuant to a collective bargaining agreement if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.''.

(b)(1) Clause (vi) of section 3(37)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(a) of the Pension Protection Act of 2006) is amended by striking ''if it is a plan—'' and all that follows and inserting the following: ''if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.''.

(2) Subparagraph (E) of section 414(f)(6) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking ''if it is a plan—'' and all that follows and inserting the following: ''if it is a plan sponsored by an organization which is described in section 501(c)(5) and exempt from tax under section 501(a) and which was established in Chicago, Illinois, on August 12, 1881.''.

(c) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 5610. (a) Subclause (III) of section 420(f)(2)(E)(i) of the Internal Revenue Code of 1986 is amended by striking ''subsection (c)(2)(E)(ii)(II)'' and inserting ''subsection (c)(3)(E)(ii)(II)''.

(b) Section 420(e)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''funding shortfall'' and inserting ''funding target''.

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 5611. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking ''transfer.'' and inserting ''transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (f)(2)(E)(i)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).''.

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 5612. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking ''December 28, 2007'' and inserting ''January 1, 2008''.

(b) The amendment made by subsection (a) shall take effect as if included in section 402 of the Pension Protection Act of 2006.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.

For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

TECHNICAL AMENDMENT

SEC. 5801. (a) Notwithstanding any other provision of law, subsection (c) under the heading ''Assistance for the Independent States of the Former Soviet Union'' in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after ''subsection (b) of that section'' the following: ''and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section''.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for ''Foreign Military Financing Program'' pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

SEC. 5802. Notwithstanding any provision of title I of division B of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 109–369, 109–383, and 110–5), the dollar amount limitation of the first proviso under the heading, ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', in title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2319) shall not apply to funds appropriated under such heading for fiscal year 2007.

CHAPTER 9

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $6,150,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 5901. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 5902. Funds provided for the ''National Transportation Safety Board, Salaries and Expenses'' in section 21031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments due in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 5903. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: '': *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading 'Annual Contributions for Assisted Housing', the heading 'Housing Certificate Fund', and the heading 'Project-Based Rental Assistance' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance''.

SEC. 5904. Section 232(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is amended to read as follows:

''(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) as in effect before such enactment, or under section 8(d)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(2)) as in effect before the enactment of the Quality Housing and Work Responsibility Act of 1998 (title V of Public Law 105–276), assistance may be renewed or extended under such section 8(o)(13), as amended by subsection (a), provided that the initial contract term and rent of such renewed or extended assistance shall be determined pursuant to subparagraphs (F) and (H), and subparagraphs (C) and (D) of such section shall not apply to such extensions or renewals.''.

CHAPTER 10

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 5951. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DESIGNATION FOR TITLES I AND II

SEC. 5952. Amounts in titles I and II are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and as making appropriations for contingency operations directly related to the global war on terrorism and other unanticipated defense-related operations pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

EMERGENCY DESIGNATION FOR OTHER TITLES

SEC. 5953. Amounts in titles III, IV, and VI are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE VI—ELIMINATION OF SCHIP SHORTFALL AND OTHER HEALTH MATTERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES STATE CHILDREN'S HEALTH INSURANCE FUND

For an additional amount to provide additional allotments to remaining shortfall States under section 2104(h)(4) of the Social Security Act, as inserted by section 6001, such sums as may be necessary, but not to exceed $650,000,000 for fiscal year 2007, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 6001. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking ''REMAINDER OF REDUCTION'' and inserting ''PART''; and

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

''(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

''(A) IN GENERAL.—From the amounts provided in advance in appropriations Acts, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected Federal expenditures under such plan for the 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 will not be expended by the end of fiscal year 2006;

''(ii) the amount of the State's allotment for fiscal year 2007; and

''(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).''.

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking ''subject to paragraph (4)(B) and'';

(2) in paragraph (2)(B), by striking ''subject to paragraph (4)(B) and'';

(3) in paragraph (5)(A), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting ''or allotted'' after ''redistributed''; and

(ii) by inserting ''or allotments'' after ''redistributions''; and

(B) by striking ''and (3)'' and inserting ''(3), and (4)''.

SEC. 6002. (a) PROHIBITION.—

(1) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 1 year after the date of enactment of this Act, take any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to—

(A) finalize or otherwise implement provisions contained in the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations);

(B) promulgate or implement any rule or provisions similar to the provisions described in subparagraph (A) pertaining to the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act; or

(C) promulgate or implement any rule or provisions restricting payments for graduate medical education under the Medicaid program.

(2) CONTINUATION OF OTHER SECRETARIAL AUTHORITY.—The Secretary of Health and Human Service shall not be prohibited during the period described in paragraph (1) from taking any action (through promulgation of regulation, issuance of regulatory guidance, or other administrative action) to enforce a provision of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or to promulgate or implement a new rule or provision during such period with respect to such programs, other than a rule or provision described in paragraph (1) and subject to the prohibition set forth in that paragraph.

(b) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(1) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking ''or'' at the end of paragraph (21);

(B) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(C) by inserting after paragraph (22) the following new paragraph:

''(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5)).

TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the ''Fair Minimum Wage Act of 2007''.

SEC. 7102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 7103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this paragraph is equal to the minimum wage set forth in such section; and

(2) the minimum wage applicable to American Samoa under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) the applicable wage rate in effect for each industry and classification under section 697 of title 29, Code of Federal Regulations, on the date of enactment of this Act;

(B) increased by $0.50 an hour, beginning on the 60th day after the date of enactment of this Act; and

(C) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 1 year after the date of enactment of this Act and each year thereafter until the minimum wage applicable to American Samoa under this paragraph is equal to the minimum wage set forth in such section.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended—

(A) by striking sections 5 and 8; and

(B) in section 6(a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 7104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 26 months after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) to project the impact of any further wage increase,

on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 32 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 7201. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Small Business and Work Opportunity Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle 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 Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 7201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

SUBPART A—GENERAL PROVISIONS

Sec. 7211. Extension and modification of work opportunity tax credit.

Sec. 7212. Extension and increase of expensing for small business.

Sec. 7213. Determination of credit for certain taxes paid with respect to employee cash tips.

Sec. 7214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credit for taxes paid with respect to employee cash tips.

Sec. 7215. Family business tax simplification.

SUBPART B—GULF OPPORTUNITY ZONE TAX INCENTIVES

Sec. 7221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.

Sec. 7222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.

Sec. 7223. Special tax-exempt bond financing rule for repairs and reconstructions of residences in the GO Zones.

Sec. 7224. GAO study of practices employed by State and local governments in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005.

SUBPART C—SUBCHAPTER S PROVISIONS

Sec. 7231. Capital gain of S corporation not treated as passive investment income.

Sec. 7232. Treatment of bank director shares.

Sec. 7233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.

Sec. 7234. Treatment of the sale of interest in a qualified subchapter S subsidiary.

Sec. 7235. Elimination of all earnings and profits attributable to pre-1983 years for certain corporations.

Sec. 7236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation stock.

PART 2—REVENUE PROVISIONS

Sec. 7241. Increase in age of children whose unearned income is taxed as if parent's income.

Sec. 7242. Suspension of certain penalties and interest.

Sec. 7243. Modification of collection due process procedures for employment tax liabilities.

Sec. 7244. Permanent extension of IRS user fees.

Sec. 7245. Increase in penalty for bad checks and money orders.

Sec. 7246. Understatement of taxpayer liability by return preparers.

Sec. 7247. Penalty for filing erroneous refund claims.

Sec. 7248. Time for payment of corporate estimated taxes.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 7211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''August 31, 2011''.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

''(5) DESIGNATED COMMUNITY RESIDENTS.—

''(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

''(i) as having attained age 18 but not age 40 on the hiring date, and

''(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

''(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

''(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

''(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

''(D) a designated community resident,''.

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.''.

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking ''agency as being a member of a family'' and all that follows and inserting ''agency as—

''(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

''(ii) entitled to compensation for a service-connected disability, and—

''(I) having a hiring date which is not more that 1 year after having been discharged or released from active duty in the Armed Forces of the United States, or

''(II) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

''(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.''.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' before the period at the end, and

(B) by striking ''ONLY FIRST $6,000 OF'' in the heading and inserting ''LIMITATION ON''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 7212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking ''2010'' and inserting ''2011''.

(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking ''$100,000 in the case of taxable years beginning after 2002'' in paragraph (1) and inserting ''$125,000 in the case of taxable years beginning after 2006'', and

(2) by striking ''$400,000 in the case of taxable years beginning after 2002'' in paragraph (2) and inserting ''$500,000 in the case of taxable years beginning after 2006''.

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking ''2003'' and inserting ''2007'',

(2) by striking ''$100,000 and $400,000'' and inserting ''$125,000 and $500,000'', and

(3) by striking ''2002'' in clause (ii) and inserting ''2006''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting ''as in effect on January 1, 2007, and'' before ''determined without regard to''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 7214. WAIVER OF INDIVIDUAL AND CORPORATE ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

''(iii) the credit determined under section 45B, and

''(iv) the credit determined under section 51.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 7215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking '', and'' at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 7221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking ''this subsection, the term'' and inserting

''this subsection—

''(A) IN GENERAL.—The term'', and

(2) by adding at the end the following new subparagraph:

''(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

''(i) without regard to subsection (d)(6), and

''(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.''.

SEC. 7222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.''.

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) is amended by striking ''2006, 2007, or 2008'' and inserting ''the period beginning on January 1, 2006, and ending on December 31, 2010''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) is amended by striking ''such period'' and inserting ''the period described in subparagraph (A)''.

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.''.

SEC. 7223. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

''(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

''(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

''(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.''.

SEC. 7224. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart C—Subchapter S Provisions

SEC. 7231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C),

(D), (E), and (F) and inserting the following new subparagraphs:

''(B) GROSS RECEIPTS FROM THE SALES OF CERTAIN ASSETS.—For purposes of this paragraph—

''(i) in the case of dispositions of capital assets (other than stock and securities), gross receipts from such dispositions shall be taken into account only to the extent of the capital gain net income therefrom, and

''(ii) in the case of sales or exchanges of stock or securities, gross receipts shall be taken into account only to the extent of the gains therefrom.

''(C) PASSIVE INVESTMENT INCOME DEFINED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

''(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

''(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

''(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

''(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

''(I) interest income earned by such bank or company, or

''(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7232. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

''For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).''.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includible in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 7233. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking ''For purposes of this title,'' and inserting the following:

''(i) IN GENERAL.—For purposes of this title,'', and

(2) by inserting at the end the following new clause:

''(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

''(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

''(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 7235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 7236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

''(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 7241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

''(A) such child—

''(i) has not attained age 18 before the close of the taxable year, or

''(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

''(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof)) for such taxable year,''.

(b) CONFORMING AMENDMENT.—Subsection (g) of section 1 is amended by striking ''MINOR'' in the heading thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking ''18-month period'' and inserting ''36-month period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate, after the date which is 6 months after the date of the enactment of this Act.

SEC. 7243. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking ''; or'' at the end of paragraph (1) and inserting a comma,

(2) by adding ''or'' at the end of paragraph (2), and

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

''(3) the Secretary has served a disqualified employment tax levy,''.

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 7244. PERMANENT EXTENSION OF IRS USER FEES.

Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

SEC. 7245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking ''$750'' and inserting ''$1,250'', and

(2) by striking ''$15'' and inserting ''$25''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 7246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking ''income'' each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking ''subtitle A'' each place it appears and inserting ''this title''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(ii) Section 6060(a) is amended—

(I) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(II) by striking ''each income tax return preparer'' and inserting ''each tax return preparer'', and

(III) by striking ''another income tax return preparer'' and inserting ''another tax return preparer''.

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(B) Section 6103(k)(5) is amended—

(i) by striking ''income tax return preparer'' each place it appears and inserting ''tax return preparer'', and

(ii) by striking ''income tax return preparers'' each place it appears and inserting ''tax return preparers''.

(C)(i) Section 6107 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears in subsections (a) and (b) and inserting ''a tax return preparer'',

(III) by striking ''INCOME TAX RETURN PREPARER'' in the heading for subsection (b) and inserting ''TAX RETURN PREPARER'', and

(IV) in subsection (c), by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking ''Income tax return preparer'' and inserting ''Tax return preparer''.

(D) Section 6109(a)(4) is amended—

(i) by striking ''an income tax return preparer'' and inserting ''a tax return preparer'', and

(ii) by striking ''**INCOME RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**''.

(E) Section 6503(k)(4) is amended by striking ''Income tax return preparers'' and inserting ''Tax return preparers''.

(F)(i) Section 6694 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) in subsection (c)(2), by striking ''the income tax return preparer'' and inserting ''the tax return preparer'',

(IV) in subsection (e), by striking ''subtitle A'' and inserting ''this title'', and

(V) in subsection (f), by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(G)(i) Section 6695 is amended—

(I) by striking ''**INCOME**'' in the heading, and

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer''.

(ii) Section 6695(f) is amended—

(I) by striking ''subtitle A'' and inserting ''this title'', and

(II) by striking ''the income tax return preparer'' and inserting ''the tax return preparer''.

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income''.

(H) Section 6696(e) is amended by striking ''subtitle A'' each place it appears and inserting ''this title''.

(I)(i) Section 7407 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) by striking ''income tax preparer'' both places it appears in subsection (a) and inserting ''tax return preparer'', and

(IV) by striking ''income tax return'' in subsection (a) and inserting ''tax return''.

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(J)(i) Section 7427 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'', and

(II) by striking ''an income tax return preparer'' and inserting ''a tax return preparer''.

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

''Sec. 7427. Tax return preparers.''.

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $1,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

''(A) the tax return preparer knew (or reasonably should have known) of the position,

''(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

''(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

''(ii) there was no reasonable basis for the position.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

''(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $5,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

''(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

''(B) a reckless or intentional disregard of rules or regulations.

''(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 7247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

''(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

''(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

''(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit which is subject to a penalty imposed under part II of subchapter A of chapter 68.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

''Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim filed or submitted after the date of the enactment of this Act.

SEC. 7248. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''106.25 percent'' and inserting ''114.25 percent''.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on H.R. 2206.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes. Let me start by saying what is not in this bill. There is no money in this bill for agriculture, there is no money for western wildfires, there is no money for western schools. All of that will be in the next bill, which will be considered separately.

Mr. Speaker, this bill is our response to the President's request for $100 billion in additional funding for the civil war in Iraq, after he vetoed the Congress's first attempt to deal with that problem.

□ 1800

What the bill does is to provide roughly $40 billion in funds that are needed for the troops. We provide $30.5 billion for operations in Iraq and Afghanistan. We provide additional funding for training of Afghan and Iraqi soldiers.

We provide $3.5 billion for defense health, a number of these items we are providing the President has not asked for. We are providing, for instance, for the full $3.1 billion for base realignment. That is money which he asked for last year, but not in this bill.

We are also asking for $1.8 billion for veterans health care, which he did not ask for. We are asking for $2.2 billion for homeland security to strengthen our ports, our border and our cargo security.

We are providing $660 million to defend this country against the flu pandemic, which could kill many more Americans than have died in Iraq if we get hit with that flu. This is money the administration itself asked for 2 years ago.

We are also, in addition to that, asking to finish a number of jobs left over from the last Congress. We are asking to finish the construction, the job of cleaning up the mess after Hurricane Katrina.

We are also trying to restore 40 percent of the cut that the previous Congress, last year, made in the Low-Income Heating Assistance Program in light of the higher energy prices that are rising every day. And we are providing, roughly $400 million in order to keep some of America's poorest kids from losing their access to health care.

In addition to that, we are fencing the remaining funds that the President has asked for, for Iraq, and we are fencing that money, just as we did in 1984 when the MX missile issue was in dispute. And that money is being held until the President issues three reports.

By July 13, he needs to issue a report defining the progress Iraq is making in meeting the benchmarks which the President himself laid out several months ago.

And we also ask him to submit a second report outlining whether or not any of those benchmarks have actually been achieved.

And then, in addition to that, we are requiring a monthly report on the combat-ready status of Iraqi military units.

When the Congress receives those reports, it will then have about a week and a half before it has to consider, under expedited procedures provided in this bill, it would have to consider, essentially, two questions.

The pending question before the House would be whether or not the remaining funds should be released so that the President, essentially, gets all of his money with no strings.

The second proposition to be voted on is whether or not that money should instead be used to simply reposition our troops out of a combat role in Iraq.

We make certain exceptions, the same exceptions that we had in the bill the last time it was before the House. And I would simply say, Mr. Speaker, that I think we guarantee that the administration has a fair, clean shot at getting the result it wants; and I think those in this Chamber who want a different result and want to see a new policy in Iraq, will get a clean shot at their preference.

What we are, in essence, doing is giving the President about 60 more days to make his case before those votes occur. I think that is eminently fair to him, and I think it is eminently fair to those of us in the Congress who disagree with his position.

We are trying to find a way to reach a final decision on these matters, even though many of us in this body very strongly disagree with the President's package. With this package, we will have compromised, now, on three very major items. We will have compromised on the initial Murtha principles with respect to military unit readiness by providing a waiver for the President.

We have also compromised with respect to the time line, because we have kept in our national bill that he vetoed, we retained the initial date by which troop repositioning was supposed to begin. But the final close-out date was left very much an open-ended affair. That was a huge concession to the White House.

And now, in a third concession, we are offering a way for the President to get the rest of his money. All he has to do is issue these three reports and then go to the Congress and try to persuade the Congress that his case is better than those who have a different view. That is a straight, fair way to deal with the problem.

And I would urge a ''yes'' vote.

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

Mr. LEWIS of California. Mr. Speaker, Will Rogers once said, ''If you find yourself in a hole, the first thing to do is to stop digging.''

My colleagues, the majority now finds itself in a hole, and contrary to Will Rogers' advice, it continues to dig. Indeed, this ill conceived emergency supplemental is evidence of a majority party in complete disarray, unable to develop consensus on supporting American troops, and unwilling to work in a bipartisan manner with the minority and the President to develop a way forward.

This legislation rations funding to our troops over a 60-day period and dishonors the long-term sacrifice and service of our men and women in uniform. It is legislation that says to the troops, we support you conditionally today, but don't expect Congress to support you 2 months from now.

I ask my colleagues, is this the message Congress wants to send to our troops?

Is this the message we want to send to al Qaeda?

Is this the best a divided majority can do?

This legislation has caused me and others to question the majority's commitment to our troops. No political party has a corner on virtue, but the majority's reluctance to fully fund our troops clearly calls into question its commitment to our men and women in uniform.

It is no secret that Chairman OBEY is a strong supporter of the Corporation for Public Broadcasting, a program that receives broad bipartisan support. In recent years, Mr. OBEY has supported advanced appropriations for the Corporation for Public Broadcasting.

Is it an accident that Chairman OBEY, who advocates funding Kermit the Frog and Clifford the Big Red Dog 2 years at a time, now wants to fund our troops in Iraq and Afghanistan 2 months at a time?

What does that say about the majority's commitment to our troops during a time of war?

Why is the majority setting our troops up for failure?

Mr. Speaker, it is time that we take funding our troops seriously and move beyond the gamesmanship and the partisanship on display today. Supporting our men and women in uniform is not a joke or a game. It is among the most important responsibilities each of us has as elected officials.

I was hopeful when the Speaker emerged from the White House last week signaling her willingness to work with Republicans and the President to craft a troop funding bill worthy of bipartisan support. Instead, Speaker PELOSI has chosen confrontation over cooperation and has demonstrated unwillingness to compromise.

Chairman OBEY and his leadership have dramatically rewritten the Iraqi supplemental bill without any input from the minority, and unfortunately, the result will be the same as the last supplemental.

One more time it appears that the majority is more interested in appeasing the left than supporting our troops. One more time the House is being asked to consider a bill that is going nowhere fast. Even the Senate is opposed to this piecemeal approach to funding our troops. One more time, the House is preparing to approve a supplemental that the President will veto.

Today I am left scratching my head trying to determine which bill is worse, the one before us now or the one vetoed by the President last week.

Frankly, I believe the bill before us today is considerably worse than the measure vetoed last week. I will take a moment or two to explain why I think that. Under this proposal, the President is required to report by July 13 on the specific progress the Iraqi government has made in meeting 16 specific goals.

Once this report is received, only the chairman, only the chairman of the Appropriations Committee can introduce a joint resolution to release the funds. He is not required to introduce the joint resolution, and no other Member can do it.

Secondly, in an almost unprecedented move, this supplemental includes the rule under which the joint resolution will be brought to the floor. And under this rule, the only amendment made in order is the one that mandates the withdrawal of troops from Iraq within 6 months.

Further, this legislation includes a new reporting requirement that the President provide a detailed monthly accounting of the combat readiness status of Iraqi forces. The supplemental dictates that this report be made publicly available at the Department of Defense's Web site with a link to the detailed data. As a result, we will provide, not only to the public but also our enemies, the detailed readiness report and potential vulnerability of Iraqi security forces. We do not release this kind of information to our own troops. In fact, we keep it classified. Why would we ever mandate that the United States provide al Qaeda a blueprint for targeting Iraqi vulnerabilities?

Lastly, this supplemental includes a number of questionable legislative provisions otherwise known as earmarks, including a land transfer in Pennsylvania and a flood control earmark in New York.

Before closing, I want to express my profound disappointment over these emergency supplemental appropriations bills coming to the floor again under a closed rule. This is yet another violation of the longstanding tradition of the committee and the House.

Mr. OBEY's first two bills as chairman, the fiscal year 2007 continuing resolution and the first Iraqi supplemental, were both considered under a closed rule. These will be the third and fourth appropriations bills under Mr. OBEY's chairmanship brought to the floor with a closed rule. It is pretty obvious we do not have very much input from the general membership regarding these bills when they are on the floor.

I have spoken with Chairman OBEY about this concern, and expressed my belief that these bills, and all other committee bills, should be considered in regular order under an open rule. I say these supplemental bills, because my friend, Chairman OBEY, and his leadership have decided to split the ag, disaster, wild fire, rural schools and salmon relief funding into another bill that will be considered either later this evening or maybe even tomorrow.

Following consideration of both bills, the majority is apparently planning to wave a magic wand in a feat that would make even Houdini proud to merge them into one single package as it heads over to the other body.

Albert Einstein was correct when he said, and I quote, ''You cannot simultaneously prevent and prepare for war.''

The bottom line is this, the majority cannot have it both ways. The majority cannot say it supports the troops as it pulls the plug on funding. You either support the troops or you do not.

My colleagues, let us not signal that America is preparing to walk away. Let us not send the wrong message to America, to our troops, let alone to al Qaeda.

We must provide our full and unconditional support to our troops during this time of war. We must support our commanders in the field. We must support the President, our commander in chief.

I strongly urge my colleagues to vote ''no'' on this piecemeal, ill-conceived approach to funding our troops.

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

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, it is not the majority party that is in a hole. It is the U.S. policy toward Iraq that is in a hole. It is not the majority party that is in disarray. Last time I looked, the headlines said that there was a bunch of Republicans going down to the White House yesterday to tell the President that the jig is almost up on his Iraqi policy.

□ 1815

The gentleman says we should fully fund the troops. We have provided $4 billion more for the troops than the President asked for. We are fully funding the troops. What we are not fully funding is a bankrupt policy in Iraq.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York (Mr. ISRAEL).

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

And, Mr. Speaker, I want to say that I fully respect the views of the gentleman from California, but I do get troubled when I hear anybody on this floor questioning the commitment of any other Member of this floor to our troops.

I did not suggest for a moment that the other side was not supportive of our troops when they underfunded our troops, when they didn't provide enough up-armor for their Humvees, when they didn't provide enough armor for their vests, when they allowed Water Reed Hospital to deteriorate.

When these things happened, I never questioned the commitment of the other side to our troops. And I think we would all appreciate it if we confine our differences to honest policy debate and not suggest that any Member of this body does not support the brave men and women who are fighting for our country.

I support this resolution because it is another attempt at good-faith, honest compromise with the President of the United States. Two weeks ago we offered a compromise to the President. We said we will give you everything that you have asked for, for operations in Iraq, and we will give you more for operations in Afghanistan, where the war on terror began. We will give you more money for Walter Reed, for post-traumatic stress disorder, for traumatic brain injuries. And the President

said, no thanks. I want a blank check and I want to be able to spend a blank check eternally.

And now we are back offering a new compromise which says we will fund operations in Iraq. We will strengthen our capabilities in Afghanistan. But we want accountability for the first time, Mr. President. And all we are saying is this: report to the United States Congress, certify our progress, and in 2 months we will have a choice. Some people can say the status quo is working fine, progress has been made, the management of the administration is going well, and vote to continue operations in Iraq. And others will have the opportunity to draw a different conclusion and suggest a strategic redeployment. That is a commonsense compromise. And, frankly, if the President of the United States vetoes this compromise, he is saying to the American people I don't want accountability. I don't want oversight. I want it my way. I want it myself.

I just want to thank the gentleman for including language that was originated by the gentleman from Missouri (Mr. SKELTON) that codified the President's own language that for every Iraqi soldier that reaches combat proficiency, an American is redeployed. The President has been saying that for 4 years.

If 378,000 Iraqis have reached combat proficiency, why did we need a surge of 20,000? Why do we need another 13,000 that the President called for? All we are doing is codifying the President's own language: for every Iraqi soldier that is trained, an American is redeployed.

I thank the chairman for including that language. I thank the gentleman from Missouri for originating it.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding.

President Ronald Reagan said, ''We must realize that no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have.''

This courage and this commitment are most clearly evident with our men and women serving our Nation in Iraq. I see it in my stepson Doug and my daughter-in-law Lindsay, who were Marine officers flying missions in Iraq. Lindsay is now serving in Afghanistan. I see it in a valued member of my committee staff, Matt Zweig, who just returned from a 1-year tour of duty in Iraq. They believe in, and have fought for, our mission. And their courage is palpable.

And I think of the Parsons brothers in my congressional district. You have heard me speak about them before. All three of them were my West Point nominees. I have known them since they were just young boys. Bill Parsons is serving his second tour in Iraq. The youngest boy, Charlie, is on his first deployment in Iraq. Huber Parsons is on his third deployment to Iraq.

But today Huber, and his Stryker Brigade, was hit by a deeply buried IED. The Stryker caught on fire, and Huber thought that he was going to burn to death as the Stryker fully caught on fire. They were battling small arms fire as they pulled him away. Their driver was killed. Huber suffered a broken leg and a broken ankle, but his spirits are high. He will soon be in a military hospital in Germany. But his commitment to the mission, unwavering.

The father, in deep pain, wrote to me in an e-mail just a few hours ago, and he said, ''We are but man and only know in part. But we know that we have a great God, and we give Him praise in all things.'' He said, ''Yes, even in this.''

He adds, ''Please pray for the families of those who have paid the greatest price, for Huber's complete and speedy recovery . . . and for the men whom they command and lead and for all the men and women who serve our Nation.'' And he says, ''And pray for the wisdom of our President, all policymakers, and all commanders.''

Yet we stand here today, Mr. Speaker, faced with a supplemental that seeks to put these valiant efforts on an installment plan as they face a brutal, ruthless enemy that seeks to kill Americans wherever they are, as this supplemental ties the hands of our military commanders, as it doles out funds in pieces, and yet it provides millions to the United Nations and other international organizations through next September. This cannot, this must not, stand.

For the Parsons brothers and for all who serve our Nation and risk their lives every day, let's succeed and let's vote against this supplemental.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the distinguished chairman of the Appropriations Committee and compliment him on his efforts in this very, very difficult situation.

What is wrong with doing what we are doing? Yesterday in the Armed Services Committee, or I should say early this morning in the Armed Services Committee, we passed a bill out that had as its pole star the readiness of our military. That is what this effort is about. The readiness, the funding, more than the White House has requested of us, and that is what this is all about. The young men and young women are entitled to have the funding come to them, and that is what this does.

I find no fault with having our looking at it as a benchmark for us, as a benchmark for those of us who fund the troops. We are not rubber stamps; we are a co-equal branch of the government. And as such, our voices should be heard and there should be an agreement with what we are trying to do: readiness and benchmarks. And that is just what we are asking this body to vote upon.

In addition thereto, there is a proposal in this measure I suggested some time ago, actually in late 2005, to the President that there be a measurement of redeployment for the American troops. I suggested to him that for every three brigades of the Iraqi Army brought to level one that one American brigade be redeployed. I got an answer back from the President, and when I brought it to his attention, he said it was too rigid. When truth, in fact, it ought to be, and as it is in this legislation, this bill, for every one soldier or battalion or brigade that is brought to level one in the Iraqi Army, there would be a redeployment of the American soldier, platoon, battalion, brigade at any level. It should be soldier for soldier. It is their country. We have been there over 4 years, and I think it is time to pass that baton on for the security of that country to be taken over by the Iraqis themselves. That is what the formula does, one on one. And I strongly endorse it.

I urge the passage of this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the distinguished ranking member for yielding.

Mr. Speaker, typically I would talk about all the spending problems in this bill. I want to talk about that for a moment.

This bill includes $16 billion in nonwar, non-emergency spending. It blows through the $6.45 billion reserve fund that the incumbent budget resolution has for emergencies. It completely puts aside the rules that govern whether or not and how we fund emergency spending.

We put in these rules last year, which to the majority's credit continued this year, that said you can't just tuck anything in an emergency spending bill. It actually has to really be an emergency. Well, they have put those rules aside. We have got $16 billion of this stuff in here.

But the real problem I have with this bill, Mr. Speaker, the real concern I have is the signals it sends. We are telling our troops, we are telling our men and women in uniform in harm's way in Iraq, you have got 2 months, 2 months of funding, but we are letting any Member of Congress open up the bidding war and put $16 billion of stuff in here to fund them for a lot longer than 2 months. We are giving NASA more money than they need. We are putting LIHEAP money in here even after the winter has passed. We are putting money for the Architect of the Capitol for tunnel maintenance. We are putting the minimum wage in here. We

are saying yes to every other constituency, yes to every other spending request, whether it has anything to do with Iraq or not, whether it is a true emergency or not.

Some of these things may have merit, but why are they in this bill? And, more importantly, why are we telling our troops 2 months and you're up?

Mr. Speaker, our troops need better than that. They need to know we are going to be there for them. The Iraqi people need to know we are going to be there for them.

I was there just a couple months ago. Millions of Iraqis are sitting on the fence, trying to determine whether they join us or join the insurgency. If we tell them we are leaving in 2 months, we are cutting off the funding in 2 months, guess what. Those millions of Iraqis aren't going to join us. They aren't going to democracy. They are going to be pressured for fear to join the insurgency.

This sends the wrong message to the Iraqis. It sends the wrong message to our enemies. And it sure sends the wrong message to our troops.

I urge defeat of this bill.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

What the gentleman is telling the House is that he thinks his accounting principles are more important than providing additional veterans medical care. He is saying his accounting principles are more important than providing the funding for base closure. He is saying his accounting principles are more important than port security, cargo security, and border security. He is saying his accounting principles are more important than defending this country from a pandemic flu epidemic. He is saying his accounting principles are more important than providing a bunch of kids in this country with the health care they need.

And then he squawks about the tunnel in the Capitol. The fact is what we are doing is protecting workers who were exposed to life-threatening asbestos. That is what we are doing.

So the gentleman may like the ad that we hear for the accounting company. He may have a passion for accounting. I would much prefer if he had a passion for people.

□ 1830

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I strongly urge the defeat of this supplemental appropriation. It is wrong in so many ways. And I say that as someone who strongly believes that the war in Iraq is the central front in the war against terrorism. I say that, and I see my colleague here, Mr. FOSSELLA, someone who lost hundreds of friends and neighbors and constituents on September 11. And I also say that as someone who says this supplemental is sending all the wrong possible signals. It is sending the wrong signal to General Petraeus. It is sending the wrong signal to our troops. And probably most importantly of all, it is sending the wrong signal to the enemy. It is telling them that we in the Congress think there should be 535 commanders in chief, 535 commanders in the field; telling the enemy that they have 60 days to create whatever chaos and carnage and confusion they can to influence the media, to influence those here in the House who are looking for an excuse to cut off funding for the troops.

If we have a Commander in Chief, a commander in the field, they should be given the ultimate power and authority to prosecute the war. If the Democrats want to make this their war, that is one thing, but this should be above politics. It is not a political issue. It is not something that should be gauged on public opinion polls. It should be based on what is right for America. And whether it is a Democrat President or a Republican President, the President is the Commander in Chief.

The United States Senate approved General Petraeus by a unanimous vote. To send him over there and then to undercut him, to cut off his legs when he is trying to carry out a policy which is showing signs of work. I am not a general. I am not the commander, but if you look at what is happening in Anbar province, what is happening in Ramadi, what is happening in parts of Baghdad, give General Petraeus the opportunity. Give our troops the opportunity. Don't be grandstanding. Don't be playing to the crowd. Don't be caving into your left wing base which is right now driving you. You have gotten yourselves into a hole, and you cannot get out of it. Our troops should be above that.

Have concerns for our troops, but most importantly, respect the Constitution. Allow the President and his commanders to prosecute the war. He was elected; General Petraeus was confirmed by the Senate. Everyone knew that he had to plan for a surge. To undercut him now is wrong. It is morally wrong. It is politically wrong, and it is going to bring shame on the House of Representatives.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, having worn the cloth of this Nation for 31 years, I am at the point where I just needed to say that no one can call this war in Iraq Bush's war, for it is ours, America's war. We are in this together. We Democrats need the Republicans if we are to end it without a failed Iraqi state, and they us. It is not just about getting out of Iraq; it should be about redeploying out of Iraq so that we can better ensure U.S. security elsewhere as we leave Iraq with relative stability.

This resolution has merit, but with less of a strategic plan for a successful end than the last Iraqi resolution, despite times that are now more dire in Iraq and, therefore, for us. But it is hopefully a step towards one, and therefore, it pushes us to know that we do need the Republicans and a new strategy so that together we can successfully end this conflict for our betterment.

I see the key as President Bush's statement that our commitment is not open-ended. We therefore now need to define how to end it together.

I will vote for this resolution, but express my reservation that it does lack defining how to achieve the end of an open-ended commitment by a winning strategy. That is why we ultimately need the Republicans and they, us, to resolve the war successfully by a strategy to bring us to the end of an open-ended commitment.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 1 minute to the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, 94 days ago, the President of the United States sent to the Congress an emergency supplemental spending request to fund our activities in Afghanistan and Iraq. He asked for, in round numbers, $100 billion, which has now turned into some $20 to $23 billion more than that. But we have been through that fight. The President vetoed the bill, made it clear what he would sign and what he would not sign.

I was at the White House last week after the bill had been vetoed by the President, and there was an agreement in the room, bipartisan, bicameral agreement in the room that we would sit down together and try to resolve the differences that we have over funding our effort to take on al Qaeda and other terrorists in Iraq and in Afghanistan.

What we have seen over the last 10 days or so have been token meetings. There has been no honest attempt to work together, as we all committed to. There have been no meetings where we can actually sit down and discuss our differences and try to bring some resolution to those differences.

So when I heard earlier this week about this plan that was going to be brought to the floor today, I thought to myself, why? Why do we have to play more political games? The President of the United States has made it clear that he will veto this bill. The Senate leaders, Democrat and Republican, have made it clear that this plan has no chance in the other Chamber, but yet here we are playing political games while our troops are fighting for our freedom and our safety in Iraq.

Now, I am not going to go through all the reasons why Iraq is important; I have been through them before. I think every Member of this Chamber understands that Iraq is important to the safety and security of the United States. But I want to remind all of my colleagues that all of our Members in this Chamber, except one, all of our Members in this Chamber, Democrat and Republican, except one, voted to send our troops to Iraq. There they

have been locked in a battle for the safety and security of Americans, helping to try to build democracy to bring more stability to the Middle East. And here we are tonight divided, once again, about whether we should support our troops that are out there fighting for our safety.

Mr. Speaker and my colleagues, our soldiers are doing their duty in Iraq and Afghanistan and around the world, a duty that we have sent them on. And yet we sit here playing political games. That is not what the American people sent us here to do. Now they asked us to come here, Democrats and Republicans, to work through our differences and to make sure that we are helping our troops. And I think every Member here understands that we have to support our troops. And I think every Member here knows that, at the end of the day, we are going to pass a clean supplemental that doesn't have all this excess spending riding on the backs of our soldiers, that will in fact fund the activities in Iraq. The question I ask tonight is, how long are the games going to go on?

Ninety-four days we have been at this; 94 days since the President asked for this money and we are still playing games. That is not what the American people expect of us. They understand that Iraq is important. They understand that their safety and security is dependent upon what happens there because the consequences of failure in Iraq, which this bill will bring about, are too ominous to think about.

This bill is designed to bring failure to Iraq. Failure in Iraq means chaos in Iraq. It means genocide in Iraq, and it means we are jeopardizing the safety and security of the American people. It is not what the American people want. We should reject this bill.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply point out to the gentleman that in the last session of Congress, it took the Congress almost 110 days to respond to the President's request. Let me also point out that the first 30 days of this session were occupied because, while he was majority leader, we never managed to pass a single domestic appropriation bill, and we had to finish his unfinished business, which took the first 30 days of this session.

Let me also point out that we have had two meetings with the administration. We have laid out a number of compromises. I have laid out, frankly, to the administration that we are pursuing a two-track strategy. We asked them what concessions they would put on the table. They still have not put a single concession on the table in their conversations with us on this side of the Capitol. So absent that, we have no choice to proceed except sit here like a bunch of potted palms waiting for a miracle. Not many miracles on this House floor.

Mr. Speaker, I now yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my friend from Wisconsin.

Mr. Speaker, 4 years ago, President Bush used soldiers and sailors as stage props to declare that major combat operations in Iraq have ended. Well, indeed those combat operations should have ended, in fact, they never should have begun. This combat is constitutionally and strategically unjustifiable, operationally poorly executed with regard to armoring and deploying the troops, and politically and diplomatically disastrous.

This war is not making anyone more safer or more free, and it cannot be won militarily. As retired General Odom said, the challenge we face today is not how to win in Iraq but how to recover from a strategic mistake, invading Iraq in the first place.

The President continues to squander American influence, blood and treasure. It is the President's intransigence that forces us to pass this bill to force a change in the course in Iraq. The President needs to know that the days of congressional blank checks in support of a failed policy are over. We cannot continue to buy time with American lives.

Mr. Speaker, I rise today in support of our troops and for ending President Bush's war in Iraq.

This bill gives the President all the money he needs to ensure our troops have the equipment, ammunition, fuel, food, spare parts, and anything else they need to ensure their safety and security. What this bill does not give the President is the blank check with no questions and no accountability that he's come to expect over the last 4 years. Those days are over.

Yesterday's Washington Post front page story on the President's "surge" strategy was entitled "Commanders in Iraq See 'Surge' Into '08." While General Petreaus told the Congress earlier this year that we could determine the effectiveness of the troop increase within several months, General Odierno is trying to "get until April (2008, that is) so we can decide whether to keep it going or not."

If the Post's report is accurate—that the surge that was supposed to last several months will now last for well over a year—then it is more imperative than ever that we place clear limits on our future involvement in Iraq. We cannot continue to buy time with American lives and taxpayer dollars to support a fundamentally flawed policy.

Nor should we continue down this road when the Iraqis themselves fail to take the steps necessary to heal the divisions in their own country. Americans deserve to know that Iraq's government is about to take a 2-month vacation—while Baghdad burns and American troops continue to die daily amid the crossfire of Iraq's civil war. As the current U.S. troop "surge" reaches completion around mid-June, Iraq's parliament will adjourn for 2 months.

If Iraq's government is prepared to go AWOL in the middle of their civil war, why should we stay? Why should more of our troops die to help protect a government that leaves town with the battle raging on the streets of Baghdad?

I want to thank my friend, the gentleman from Massachusetts, Mr. MCGOVERN, for offering his own blueprint for redeploying our forces from Iraq. I'm pleased to be able to support this measure, and I commend Mr. MCGOVERN for his relentless commitment to help this House get it right on Iraq—to demand accountability for those responsible for the situation in Iraq.

That's what this debate is really about: getting Iraq's leaders to take responsibility for their country's security and its future. We can't end their civil war—only they can, but only if their political leaders cancel their 2-month vacation and get down to the hard work of building a new Iraq.

If enacted, this bill would incentivize them to do exactly that—it would force them to focus their full energies on reaching a political solution to Iraq's civil war, or face the prospect of a cut off in U.S. aid.

Mr. Speaker, President Bush announced his intention to veto this bill before it ever came to the House floor. His veto threat proves that he's more interested in continuing his war with Congress than he is in finding a bipartisan solution to the war in Iraq. That threat is all the more reason why we need to pass this bill so we can do what the American people have asked us to do: to end America's tragic misadventure in Iraq.

Mr. LEWIS of California. Mr. Speaker, I will yield 2 minutes to my colleague from the committee, Mr. TIAHRT.

Mr. TIAHRT. I thank the gentleman from California.

Mr. Speaker, on February 5, the President sent a request to fund our troops in Afghanistan and Iraq to the House. This week, Majority Leader HOYER said to a C–SPAN audience, the Speaker's plan was to get this supplemental funding to the President by Memorial Day. That means it will take 120 days to fund the President's request. In the meantime, not one penny is going to make its way to the troops. Why? Well, the President has said, in its current form, this bill is going to be vetoed. He will veto this bill because it funds the troops on a contingency basis for only 60 days; 120 days to get the request funded, and then it only funds it for 60 days. It will be vetoed also because Secretary Gates says the Pentagon cannot manage a 60-day appropriations bill. The bureaucracy simply will not move that fast.

This bill will also be vetoed because it has too many strings attached. They are attached in the form of benchmarks. And there are more than a dozen of them, 17 to be exact. It will take more than 60 days just to see if the benchmarks have been accomplished.

In the 120 days we have spent haggling over this bill that funds the troops for only 60 days, we know it is going to be vetoed. In the meantime, the troops are waiting for the mine-resistant equipment that is funded in this bill to be manufactured and to be sent to Iraq. They are waiting on the equipment that they need. They are waiting on the equipment they need. The majority should withdraw this bill and send back a clean appropriations supplemental bill that funds the troops without the 60-day contingency, without the strings attached so we can

meet the needs of our troops. This bill does not do it.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, the President of the United States had a chance to fully fund the troops just a few weeks ago, he chose not to take it, I tell my friend, Mr. TIAHRT, from Kansas. We fully funded the troops. In fact, we gave more money for the fight against terrorism. We want to see success.

Mr. Speaker, let every Member here and all those watching this debate at home be perfectly clear, this legislation fully funds our troops in harm's way in Iraq and Afghanistan, ensuring that they have the resources they need to conduct their missions. Not only that, this bill includes additional funding, as the last bill did, not requested by the President, to fight the war on terror, to improve America's military readiness and to meet our veterans' unmet health needs.

However, while this legislation funds our troops, it insists, as we tried to last time, for the first time in more than 4 years that the Bush Administration and the Iraqi government be accountable. The American public expects accountability.

Plain and simple, this legislation responds to the will of the people, who are dismayed by the failed implementation of American foreign policy, perhaps more failed than in any in the generation.

On Tuesday, a CNN poll found that two-thirds of Americans oppose the war, and 61 percent support benchmarks like the ones in this bill that would measure Iraqi progress.

□ 1845

Let me say to my friends on the other side of the aisle, Vice President CHENEY was deployed by this administration. What for? To tell the Iraqis they had to perform, that they had to meet benchmarks; that the American public was running thin on its support, and in fact is not supporting this war.

But, frankly, the Congress has taken the position that we won't say that, and the President vetoes a bill that said that, a bill that required performance so that the millions that the American public, the billions that the American public, the $500 billion-plus that the American public has dug from their pockets, will be responsibly met by the Iraqi Government.

Thus, Mr. Speaker, this legislation holds the President and the Iraqi Government accountable by fencing off 52-plus of the $95.5 billion provided to the Defense Department until released by subsequent legislation.

What is there to fear from this Congress as we oversee whether or not there is a turn from an unsuccessful implementation of a policy to a successful policy? Perhaps that fear is that that corner will not be turned, and therefore this vote may be at risk.

Before this additional funding is released, however, the President must report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. General Petraeus has said there is no solution but a political solution, and the only people who can accomplish a political solution are the Iraqis themselves.

What do we ask for? Disarming militias who are killing our men and women, enacting legislation to equitably share oil revenues. There will be no resolution without that. Reforming the debaathification process, which says to literally tens of thousands of people, we know you were Baath members, but you really weren't in politics, so you can come back and do the work to build this society. Without that, we will not succeed and our men and women will pay the price, as they are paying the price every day.

Lastly, providing for provisional elections. We are fighting for democracy. We are investing in democracy. That is what we are told. But we haven't amended the constitution and we are not providing for the provincial elections that were promised. If that is the case, the Iraqi people are not going to think democracy is on its way.

Mr. Speaker, the President of the United States himself has stated that our commitment in Iraq is not open-ended. That is what this legislation says. If you think it is open-ended, if you think there should be no benchmarks, if you think the American taxpayers' money ought to be spent without seeing results and without the carnage to our troops decreasing, then vote against this.

To this we say, no more. No more blank checks. Not after more than 3,370 Americans have lost their lives in Iraq and more than 25,000 have been injured. Ten percent of those lives have been lost in the last 4 months. Not after the American taxpayer spent nearly half a trillion dollars. And not after 4 years of egregious misjudgments by this administration, from ''mission accomplished,'' to ''the insurgency is in its last throes,'' to ''Iraq will fund its own reconstruction.''

Every Member in this body, every Member, hopes and prays that the current troop escalation succeeds, that the Iraqis stabilize and secure their country and that our troops can return home safely. Why should you fear waiting 60 days and making another judgment as to whether that is occurring? That is our responsibility.

We swore an oath to defend the Constitution of the United States which says that we are the policymakers. But there is little reason for optimism when the violence in Iraq continues unabated and progress on the ground is somewhere between illusive and nonexistent.

The two-step funding approach in this legislation effected by Mr. OBEY and Mr. MURTHA is not only appropriate, it is imperative. Even the Senate minority leader, MITCH MCCONNELL, has stated, ''I think the time to look at where we are is late summer.'' This is a few days before that, and we will continue consideration into that late summer that Senator MCCONNELL talks about.

We cannot want to succeed more than the Iraqis. They must take the lead in restoring stability and securing their nation. And the Iraqi Parliament must not go on vacation while American men and women are fighting and dying for them.

I urge my colleagues on both sides of the aisle, support this bill. Let us forge a new direction in Iraq and implement a policy and design to succeed.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to my colleague, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I always find the majority leader's comments compelling and moving. He is among the best communicators I think in this generation of leaders in this House. And let me say as a conservative Member of this House who was in Baghdad one month ago, I believe that it is imperative that we express to the Iraqi Government an urgency about performing on all the issues that the majority leader just addressed.

But the reason why I rise in opposition to this bill is because under the Constitution of the United States, Congress can declare war, Congress can choose to fund or not to fund war, but Congress cannot conduct war. And the latest Democratic plan to micromanage our war in Iraq is ''war on the installment plan,'' and it should be rejected on the basis of proof on the ground and common sense and history.

The proof on the ground is this: Baghdad is not safe, but it is safer as I saw a month ago. Due to more than two dozen U.S. and Iraqi installations set up throughout the city, insurgent violence is down. Thanks to the fact that 20 of 22 tribal leaders have stepped forward to support U.S. and Iraqi governmental forces, violence in the al-Anbar province is coming down.

Now is not the time for us to say we will do war on the installment plan and come back in 60 days and evaluate.

My Democrat colleagues heard General Petraeus on the Hill 10 days ago. He said by late summer we will have a better idea whether the surge is taking hold. He pledged to report to this Congress in September. So why this? Why do we come here tonight with a 60-day timetable for another vote?

As our troops do their duty on the ground in Iraq, our duty is clear. Let's set aside the politics of the moment. Let's find a common ground and build legislation that is constitutionally sound and fiscally responsible. Let's give our soldiers the resources they need to get the job done and then come home safe.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished Democratic Caucus chairman, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, first of all I would like to thank my colleague from Indiana who takes seriously his public service and his time and his trips to Iraq.

As you comment on the installment plan we have, I don't mean to do this, but we've tried the ''blank check approach.'' You may not like this installment plan, but we have tried for 4 years an approach of being a blank check. No oversight, no accountability, no questions asked. And that has resulted here.

Our men and women, and I know this is true for everybody here, we have great respect for what they have done. We asked our Armed Forces to seize a country. We asked our Armed Forces to take down an enemy's army. We asked our Armed Forces to seize the capital. We asked our Armed Forces to capture a dictator. They've done all of that. They have been unbelievably successful.

So tell me why we've got the problems we have in Iraq. It is because there has never been a political strategy associated with the success of the Armed Forces' military effort. And General Petraeus is right: you can't solve this militarily. You can only solve this with a political solution.

So here we are, our Armed Forces are up to 160,000 troops. We have over $600 billion that has been appropriated for this. We have lost 3,300 lives and 25,000 wounded fellow citizens. So the need for a political solution, and the Iraqi answer? We're taking the summer off. Going fishing.

This bill says, no way. You have got to be accountable for your country and get off the sidelines and get onto the playing field and taking ownership of your country's future. If the men and women in our Armed Forces are supposed to give the Iraqis the political space to come together, we do not do that by taking the summer off and not finding common ground.

We have plenty of differences here, but we have common ground here. It is the Iraqis that need to find the common ground, not us. We have the right approach. We have asked our folks to do everything.

Just a month ago we celebrated the 4-year anniversary of ''mission accomplished.'' We know there is a lot to be done in Iraq, and what we are trying to do is provide our troops the resources they need, the equipment they need, the training they need, and when they come home, the veterans, the health care they need, and, most importantly, the policy that has been absent. The reason we never lost a single soldier in our efforts in Bosnia and in the Balkans is because the policy that a President implements is as important to the protection of those soldiers as the Kevlar vests they wear.

What has been missing from this policy and what has been missing from this endeavor is a policy that is equal to the endeavor of our Armed Forces. We have a policy that has been reduced to one simple thing, more troops, more money, more time, more of the same, and you cannot continue a status quo-plus policy.

It is time for a new direction, and I am proud that we have offered a new direction to our Iraqi policy.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. I thank the chairman.

We just heard from the majority leader that this bill fully funds the troops. He is correct, it fully funds the troops; but it doesn't freely fund the troops. It is like giving a soldier a brand-new uniform and then shackling his foot to an anvil. And that anvil, Mr. Speaker, is politics. Our soldiers fight wars. They cannot take care of Iraqi politics. And yet this bill puts 17 different stipulations on that funding for our soldiers, to say that if these aren't taken care of, then you lose your funding. So it is not fully funding them, because it doesn't freely fund them.

We went to Iraq. We made some mistakes. We all on a bipartisan basis, from JOHN KERRY to HILLARY CLINTON to George Bush, thought there were WMDs over there. There were not. We also thought that once they were liberated, that because of American presence and ingenuity and Saddam Hussein being deposed, that democracy would rise from the ashes. It obviously did not, much to the disappointment of everybody in the world community.

And I can say this as a member of the Defense Committee, we have had 4 years of almost ''happy talk'' from representatives of the Pentagon. It has been very disappointing. Representatives not of defense as much as from the political side of things.

But I know one thing that is true: since the surge, there has been a glimmer of hope that we have rounded a corner. But I want to say this: it is very important that Members understand that failure in Iraq means that it devolves into a civil war. It means that perhaps it emerges as an anti-Western nation state of terrorists with their hands on the second largest oil reserve in the world, and surely those revenues will not be spent promoting democracy around the globe.

It would also mean a decline in U.S. credibility, because if we lose, as the Senate Democrat majority leader HARRY REID has said, who wins? Well, al Qaeda wins. The nation isn't going to just quietly go on about their business.

It is imperative for us to support the Petraeus plan and vote this bill down.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. Once again, as I have done over and over again, I thank him for yielding, for bringing this important legislation to the floor, and for his extraordinary leadership.

I also want to commend Mr. MURTHA for his leadership as well in shaping this path to stability in the Middle East and bringing an end to the war and bringing our troops home safely and soon.

I also want to acknowledge Mr. SKELTON, the Chair of the Armed Services Committee. He has been busy at work on his authorization bill, but he very much helped shape this proposal. I commend him and many other Members here who have made this path to stability in the Middle East possible.

□ 1900

Since January, a majority of the Members of this House have been working to change course and change the mission in Iraq. Our goals are clear: Strengthen our military; bring stability to the region; and make the American people safer by ending the war, allowing our attention to be refocused on defeating international terrorism, and at the same time, honoring our commitment to our veterans which, as we have seen unfold in recent months, has been sadly neglected.

Today, we will take the next step in that effort in this legislation by: Providing for our troops fighting a war in Iraq that the President initiated, but for which he has refused to pay in his annual budget requests; honoring our commitment to our wounded veterans of Iraq, Afghanistan and other wars who struggle to get the medical care and benefits they deserve from a system overwhelmed, underfunded and unable to respond effectively; demanding accountability from the Iraqi government on whose efforts a national reconciliation depends, but whose accomplishments in this area have been negligible, disappointing and unworthy of the sacrifice of our troops on the ground in Iraq.

And this legislation ends the blank check for the President's war without end. It does provide a path to stability in the Middle East by changing our mission in Iraq and enables us to focus on the threat of terrorism.

Chairman OBEY's bill satisfies each of these requirements and meets the immediate needs of our troops, but allows Congress to decide in a few months whether the situation on the ground in Iraq justifies using the remaining money to redeploy our forces or continue the war.

The President's own benchmarks, these are the President's own benchmarks for measuring progress in Iraq, will be the centerpiece of that evaluation. You would think that the President would embrace this legislation. It has his benchmarks. It asks for a progress report. Perhaps he thinks there will be no progress so he is afraid of that report. And then a vote in the House as to whether to continue the war. The President's own benchmarks

for measuring progress in Iraq again will be the centerpiece. His benchmark. This is the kind of regular and responsible review of the war Congress should have been conducting since the mission began more than 4 years ago.

Regrettably, but not surprisingly, the President has threatened to veto the Obey bill. Unfortunately, the President has taken us down this road before. The President has brought us to this point by vetoing the first Iraq Accountability Act and refusing to pay for this war responsibly. He has grown accustomed to the free hand on Iraq that he had before January 4. Those days are over.

The American people have made it clear that they want a new direction in Iraq, one that is going to bring this war to an end. They have lost confidence that the President can or will produce a plan to do that. Even some members of the President's own party have finally realized he has lost credibility with the American people.

The President said today that he would accept benchmarks. But what he fails to accept is accountability for failing to meet those benchmarks. Benchmarks without consequences are meaningless.

It is interesting to me that in the President's No Child Left Behind legislation, he establishes standards for America's school children. If those children do not meet those standards, there are serious consequences for them, for their families, for their schools and for their school districts. And yet, while holding America's school children accountable with consequences, the President refuses to hold the Iraqi government responsible with consequences while our young people in Iraq are dying.

The President said again today he would accept these benchmarks, we hope that he will and reconsider the thought of veto. This is a bill he should like. It has his benchmarks. It asks for a progress report. He must have some confidence in what he is doing and then leave it up to the Congress to make a judgment in July. What could be fairer than that.

Congress has offered the President recommendations for change in Iraq. In rejecting them, he has offered nothing in return except a demand for more of the same, a blank check for a war without end.

The American people expect more and deserve better. A war which has ended so many lives, weakened our military at a great risk to our security and costs so much money, costs so much in reputation for America throughout the world, cannot continue indefinitely. I don't know why the President doesn't understand. This war cannot proceed indefinitely, and that is the course he has us on.

Any engagement that we have militarily should meet the test of: Does it make our country safer? Does it strengthen our military? And does it bring stability to the region that we are engaged in? The President's policy fails on all three scores.

This bill offers more ideas for winding down this war. I urge the President to consider these ideas and those which may be proposed by the Senate and work with us in conference to produce a bill that meets the needs of our troops and the expectation of our country. We owe it to the American people to try to find our common ground so we can end this war, and we will do that. But we will stand our ground if it is a blank check for a war without end.

We look forward to continuing our conversations with the White House, with the Senate, to again draw down this war and bring home our troops safely and soon.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as has been said many times this evening and for the last days and weeks and months, indeed for years, we have Americans in harm's way in Iraq, in Afghanistan, in the Horn of Africa. Around the world, these Americans need our help, and they deserve our help.

It has been over 3 months since the President sent to us his request for emergency supplemental funding for our troops. It is time for us to stop playing politics and step up and do our part. We need to appropriate all of the funds our troops need, and we need to do it now.

The distinguished chairman of the Armed Services Committee said this afternoon that our young men and women are entitled to have the funding that they need. Unfortunately, Mr. Speaker, this bill does not give them the funding that they need. It has been made very clear that the President will veto this legislation, and I believe that he should. He showed us that he would veto legislation that shackled our generals and made it impossible for our troops to do the job. This piecemeal approach, the 60-day funding, is unacceptable.

We have men and women not only in harm's way, but men and women here who are already starting to feel the pain of the restriction in funds. Secretary Gates said they are shifting funds now. It is not fair for our young men and women to serve overseas and come back here and not have what they need even here in the States. We need to move forward on legislation that genuinely funds the troops and allows us a chance for success.

I would like to close with just a couple of comments. General Petraeus said to his troops when he took over that the way there was going to be hard, but hard was not hopeless. As I said on this floor weeks ago, this legislation makes hard hopeless. In fact, this legislation is hopeless because it will not become law. We need to step up and take care of these troops.

Mr. OBEY. Could I inquire of the gentleman from California how many speakers he has remaining?

Mr. LEWIS of California. We have two speakers remaining.

Mr. OBEY. We have only one remaining speaker, so why don't you proceed?

PARLIAMENTARY INQUIRY

Mr. FLAKE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for a parliamentary inquiry.

Mr. FLAKE. Mr. Speaker, is it true that, on page H4754, there is a statement that this bill contains no congressional earmarks, tariff benefits or tax benefits?

The SPEAKER pro tempore. Members may examine the RECORD and make that determination for themselves.

Mr. FLAKE. I thank the Chair, and I will examine the RECORD.

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

Mr. FLAKE. The CONGRESSIONAL RECORD today makes a statement, ''H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.''

I am just trying to reconcile. I am a bit confused because there is a press release today, and I would ask and would gladly yield time to the chairman if he can explain, there was a press release from a Democrat office today saying so-and-so inserts funds in emergency supplemental appropriations bill for critical flood mitigation projects. It goes on to say so-and-so today announced that $8,665,000 is included in the House emergency supplemental appropriation bill to fund flood mitigation projects in New York necessitated by the recent nor'easter.

That seems an awful lot like an earmark to me, if a Member actually does a victory lap afterwards and says that Member actually inserted in the bill.

I yield to the chairman to respond or explain.

Mr. OBEY. I have no idea what any Member put out by way of press release, and I claim no responsibility for any statement made by any Member.

Mr. FLAKE. I thank you.

The problem that we have pointed out over and over is that the earmark rules that have been adopted allow the majority simply to state in the RECORD that there are no earmarks, regardless of whether that is true or not. In this case, clearly it is not.

Yet when the time is right to challenge, when a point of order can be lodged against consideration of the bill, the minority or anybody who wants to challenge in the majority or minority is without recourse. So clearly this needs to be addressed. Clearly this bill does have earmarks.

I would appeal to the majority to please tighten up the rules so we can actually have an honest debate.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Thank you for the time, Jerry, I really appreciate it.

I have talked about this before with my colleagues over there. Al Qaeda is the enemy. They are the ones that attacked us on 9/11, attacked the USS Cole, our embassies in Africa, and they have said they want to destroy us.

The military leader of the terrorist group in Iraq today is the al Qaeda leader. They want to drive us out of Iraq and defeat us. They want us to turn tail and run so they can continue their attacks on the free world, especially the United States of America.

I just don't understand this. You say you want to redeploy. That means withdraw. You say that you want a fair end to this war. You say that you want a timetable for withdraw.

We didn't do that in World War II. It was a world war against terrorism. Adolph Hitler killed 6 million Jews in the ovens. This is a world war. They have told us in no uncertain terms what they want to do. They are the enemy, and we are going to withdraw?

I just don't understand it. I don't understand my colleagues. We cannot do that. They aren't going to go away. They will blow themselves up holding a baby in their arms. They will do anything to defeat us.

Al Qaeda, remember? This President said this war may go on for a long time because they want to destroy us. He didn't put a timetable on it; nor should we.

Al Qaeda, they blew up the World Trade Center; remember? They killed over 3,000 people and flew into the Pentagon; remember? They want to destroy us; remember? They are in charge of the military operation over in Iraq now; remember?

And you want to withdraw? If you don't fight them there, where are you going to fight them? Are you going to fight them in New York? Are you going to fight them in L.A.? Are you going to wait until they blow up Indianapolis? Where? If not now, when?

Mr. LEWIS of California. Mr. Speaker, in closing, let me repeat that one more time it appears that the majority is more interested in appeasing their left, that is the left in their caucus, than in supporting the troops.

One more time, the House is preparing to approve a supplemental that the President will veto in no small part because it tells our enemy we are ready to wave the white flag.

I strongly urge my colleagues to vote ''no'' on this piecemeal, ill-conceived approach to funding our troops.

□ 1915

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

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

The SPEAKER pro tempore. Nine minutes.

Mr. OBEY. Mr. Speaker, I yield the remaining time to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished chairman of the Defense Appropriations Subcommittee.

Mr. MURTHA. Mr. Speaker, it's not working. This policy is not working. That's why we want to change direction. I mean, it is one thing to stand here and rhetorically say it's working, say there's progress to make statements. Because the White House says it? Because the Pentagon says it?

Let me tell you, the Pentagon wrote and said, ''Further, the lack of timely supplemental funds has limited the Department's ability to properly contract for the reconstitution of equipment for both the active and reserve forces.''

We put extra money in the budget, $17 billion last year. There wouldn't have been any money in the budget to reset. We have no strategic reserve. Our National Guard has only 40 percent of the equipment they need. They can't respond to a national disaster. As a matter of fact, the National Guard in this country couldn't be deployed overseas. The active duty American Armed Forces could not be deployed overseas because we have no strategic reserve.

This war has been mishandled. We need accountability. We had a hearing on contracting today, and I have been studying this contracting. Some of the accusations are that the contractors, there's 126,000 contractors in Iraq. We have approximately 140,000 troops there and 126,000 contractors. Now, imagine this. Some of them are making or being paid $600 a day, the contractors, and no accountability. It took us 2 weeks to find out who those contractors were, what they were doing. We still haven't gotten the details of what they're doing or who they are. This is unacceptable.

I saw in the book about Blackwater. It said in this book that Ambassador Bremer had 26 Praetorian Guards and those Praetorian Guards made $600 a day. Now, you can imagine them pushing through an area where the Iraqis lived, with their sunglasses on, you know, those little sunglasses that wrap around your eyes, with their khaki uniforms with their AK–47s or whatever weapons they carry. That does not make friends.

When I went to Iraq the first time, you could drive around anyplace in the city. Today, you can't drive anyplace. Matter of fact, they fly you from the airport to the Green Zone.

We are occupying Saddam Hussein's palaces. We are in the very area where Saddam Hussein occupied and there's no accountability.

We need to redeploy to stabilize this situation. We need to get our troops out of the killing zone. We have lost more people in the last 4 months than we lost any other 4 months in the entire war.

Now, let me tell you what you're voting against if you vote against this bill.

Well, first of all, let me tell you why I say it's not working. Oil production, below pre-war level; oil exports, below pre-war level; electricity production, below pre-war level. Hours of electricity in Baghdad, they had to shut down the Parliament the other day because they didn't have enough electricity. The microphones wouldn't work, and they had no air conditioning inside; and, of course, they have air conditioning in the Green Zone. Potable water, people with potable water, below pre-war level; unemployment rate between 25 and 40 percent; inflation rate in Iraq, 50 percent.

Now, here's what you're voting if you vote against this bill. There's $95.5 billion for the troops. There's $12.3 billion for military personnel pay and benefits program. $1.15 billion to cover the full cost of housing allowances, something that was left out last year.

We are adding $2 billion to address the training and equipping shortfalls in the forces not deployed. We actually have $4 billion more in this bill than was asked for.

We have $2 billion dedicated to the strategic reserve readiness fund. We recommend adding $1 billion for Afghanistan, where the real war should be fought.

We have $25.6 billion in this bill, and if you vote against it, you're voting against $25.6 billion purchases to increase the President's request by $800 million. That's the acquisition. The proposal allocates $3 billion. Let me tell you, the Pentagon asked for $1.3 billion. We added $1.2 billion for MRAPs. What are MRAPs? MRAPs are the V-shaped vehicles that resist IEDs.

Now, some of your children have been there. Some of your sons and daughters have been there. This the Pentagon says is their most important equipment, and we added twice as much money as they asked for in the budget, and if you vote against this, you are voting against that very equipment.

We passed legislation that fully funded everything at $4 billion more and the President vetoed it. He should have signed that bill.

For the Army procurement accounts, we approved a total of $15.8 billion, more for Humvees, more for Strykers. Somebody mentioned Strykers. Let me tell you something, if it hadn't been for the Subcommittee on Defense, there wouldn't have been any Strykers for the Army because they wanted them, but they weren't willing to ask for the money.

The defense health programs, somebody mentioned Walter Reed. All of us have been to Walter Reed. All of us have seen the young people who have been shattered by this war. All of us have seen the people who go to Walter Reed and are taken care of so well. None of us knew about Building 18, but we put money in the budget for three or four years in a row, and it was mishandled. It didn't go to fixing up the places that should have been fixed up.

I just went out there a week ago, and I met with the doctors. The doctors

said we don't have enough doctors. They said we don't have enough nurses, we don't have enough administrative people, at Walter Reed today. Why? Because they can't afford to pay them as much as they would on the outside. We put $2.1 billion above the budget request for Walter Reed.

$450 million for post-traumatic stress. Of all the other injuries that are suffered in Iraq, this is going to be the most damaging, the things that people will have to live with the most. I have seen young people that came back from Iraq that are having a hard time adjusting, and they were not in the heaviest contact. The psychologists that appeared before the committee said to me, 3 months in this situation is a long time, 3 months they start getting post-traumatic stress. Predictions are we will have 65,000 Americans, not Iraqis, Americans that are going to have post-traumatic stress.

You wonder why we want to bring this to an end? We want to change the direction? You wonder why we want to convince the President that it's not working? Why we have to have a diplomatic surge instead of a military surge?

We put $450 million in for brain damage to see if we can't find ways to help the people with brains that have been damaged. If you vote against this, you're voting against that.

Amputee care, $62 million for amputee care; $12 million for care givers. The care givers at Walter Reed, at Landstuhl are suffering because they see this all the time. They see these young people coming in, and they are shattered.

Let me tell you this, finally. I went down to Fort Hood, Fort Bragg, Fort Stewart; and I saw at those bases these families who inspire me, these families who I can't say enough about them. And they gathered around me and we talked about their problems. It had just been announced they are going to extend the troops for 15 months. Now, Secretary Gates made the right decision because he wasn't going to leave them at home. Because of what we have done here in the Congress, he is now leaving people at home for at least a year, and let me tell you that's essential for these people who have to go back.

Some of these troops in the 82nd Airborne will be deployed for the fourth and the fifth time. They're individuals. They're people. They're people suffering from the horrendous impact of this war, and I ask you to vote for this because we want to hold this President accountable for this war, hold him accountable and convince him we need compromises.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to announce that I will proudly cast my vote in favor of H.R. 2206, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act." By vetoing the bipartisan Iraq Accountability Act last week, the President vetoed the will of the American people. The President vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than even the President requested.

By vetoing the Iraq Accountability Act, the President rejected a bill that reflects the will of the American people to wind down this war. By vetoing the Iraq Accountability Act, the President turned a deaf ear to the loud message sent by the American people last November.

The President demands a blank check to escalate the war in Iraq against the will of the Congress and the American people. The Constitution does not require it, he certainly has not earned it, and I am not prepared to give it to him. That is why I will proudly vote for H.R. 2206.

The legislation crafted by the chairman of the Appropriations Committee in consultation with the leadership and the members of the Democratic Caucus offers us a real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can "care for him who has borne the battle, and for his widow and orphan." This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, in threatening to veto this legislation, the President claims it will "undermine our troops and threaten the safety of the American people here at home." Coming from an administration that has been wrong on every important question relating to the decision to launch the Iraq war as well the conduct of it, this claim is laughable. It is nearly as ridiculous as the President's often stated claim of "progress" in Iraq. The facts, of course, are otherwise. The U.S. death toll in Iraq reached 104 for April—making it the deadliest month of the year and one of the deadliest of the entire war. It is therefore little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim that the Iraq Accountability Act undermines our troops and threatens the safety of the American people here at home is simply not true.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture: "This thing is coming undone quickly, and [Prime Minister] Maliki's government is weaker by the day. The police are corrupt top to bottom. The oil problem is a huge problem. They still can't get anything through the parliament—no hydrocarbon law, no de-Baathification law, no provincial elections."

Mr. Speaker, many of the Nation's most highly respected generals and several leading Republicans have endorsed the House Democratic majority's approach; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, MG John Batiste, U.S. Army, (Ret.):

> This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities.

MG Paul Eaton, USA, Ret. supports this legislation because it "gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group." According to General Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

> The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

LTG William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it "gives the president a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved."

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breathtaking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,381 brave service men and women, 64 in the first 30 days of this month. More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Mr. Speaker, I support H.R. 2206 because it holds President Bush and the Iraqi government accountable—by fencing $52.8 billion of the $95.5 billion provided to the Defense Department until released by subsequent legislation. This bill requires the President to confront the realities of the Iraq war and take account of the facts on the ground.

First, the bill requires the President to submit a report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. The President must report progress by the Iraqi Government in meeting key security benchmarks, articulated by Iraqi Prime Minister Maliki himself in January, including eliminating militia control of local security, I disarming the militias, and giving Iraqi Security Forces the authority to pursue all extremists, including Shiite militias.

The legislation also requires the President to report on whether key political benchmarks,

announced by President Bush himself in January have actually been accomplished by the Iraqi Government, relating to such issues as enacting a bill to equitably share oil revenue among all Iraqis, reforming current laws governing the de-Baathircation process, providing for provincial elections, and amending the constitution.

Second, within 7 legislative days after receiving the report in July, both the House and Senate would vote on whether to release the remaining defense funds. Thus, the bill guarantees two votes by Congress in July.

The first guaranteed vote is a vote on an amendment to the measure releasing the remaining defense funding, which would provide that this funding could only be used for planning and executing the redeployment of U.S. troops from Iraq within 180 days of the bill's enactment, with only limited exceptions to this redeployment for troops for training and equipping Iraqi troops, targeted counterterrorism operations, and force protection.

The second guaranteed vote is a vote on the underlying measure releasing the remaining defense funds. The bill contains expedited procedures to guarantee that the votes take place in both the House and Senate by the end of July.

Mr. Speaker, it is time to hold the Bush administration and the Iraqi Government accountable. This bill's timetable and benchmarks finally hold the Iraqis accountable. As retired MG Paul Eaton has stated, ''This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq.

Even Defense Secretary Robert Gates has noted that the timetable is helpful—and sends the message that ''the clock is ticking.'' Gates said ''The strong feelings expressed in the Congress about the timetable probably have had a positive impact . . . in terms of communicating to the Iraqis that this is not an open-ended commitment.''

Mr. Speaker, in passing H.R. 2206, this House will be doing the business and expressing the will of the American people. In the latest CBS News/New York Times poll, 64 percent of Americans favor a timetable that provides for the withdrawal of U.S. troops from Iraq in 2008. In the same poll, 57 percent of Americans believe that Congress, not the President, should have the last say when it comes to setting troop levels in Iraq.

Mr. Speaker, in passing H.R. 2206, Congress is fulfilling its constitutional responsibilities and exercising the first check on the President's power in 6 years. As Iraq Study Group Co-Chairman Lee Hamilton has pointed out, ''The founders of our nation never envisioned an unfettered president making unilateral decisions about American lives and military power. They did indeed make the president the commander in chief, but they gave to Congress the responsibility for declaring war, for making rules governing our land and naval forces, for overseeing policy, and of course the ability to fund war or to cease funding it.''

Mr. Speaker, I urge all Members to join me in voting for H.R. 2206. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Passing this legislation is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

Mr. BECERRA. Mr. Speaker, I rise in support of H.R. 2206, the revised Iraq Accountability Act.

This legislation fully funds the troops in Iraq and Afghanistan, provides health care to our active duty soldiers and veterans, holds the Iraqi Government accountable, and continues to pressure President George W. Bush to change the course and responsibly end our military involvement in Iraq.

The American people have spoken clearly time and again that the United States must find an end to its commitment in Iraq. Last month, Congress responded to the American people by sending President Bush a bill that required him to be accountable in his execution of the Iraq war. He responded to that legislation by vetoing it and asking for a blank check for his Iraqi misadventure. How symbolic that the President vetoes the Iraq Accountability Act on May 1, 2007, the 4-year anniversary of his ''Mission Accomplished'' speech.

In an attempt to compromise with President Bush, the House of Representatives has revised its legislation. H.R. 2206 provides over $42 billion immediately to fund the operations and equipment needs of our troops in Iraq and Afghanistan.

To ensure real accountability over execution of the war, the bill requires the President to submit a report to Congress by July 13 regarding the success of the Iraqi Government in meeting security and political benchmarks. Iraqi Prime Minister Nouri al-Maliki and President Bush proposed these very benchmarks in January 2007. These benchmarks include provisions such as eliminating militia control of local security, disarming the militias, and enacting a bill to equitably share oil revenue among all Iraqis.

After the submission of this report, both houses of Congress would vote on whether to release an additional $52.8 billion for military operations and equipment in Iraq. Before such a vote, H.R. 2206 would require an important vote on an amendment to use these funds only to plan and execute a redeployment of troops from Iraq in 180 days. This is the crucial vote: will we finally change course in Iraq and represent the aspirations and the best interests of the American people?

This legislation requires the President to confront the realities of the Iraq War and take account of the facts on the ground. Since President Bush has shown a tin ear by failing to listen to the American public's discontent concerning the Iraq War, it is the responsibility of Congress to lead America out of this war. By sending this strong piece of legislation to the president, we are one step closer to reaching that goal.

I urge my colleagues to support this legislation to bring accountability in Iraq and provide the necessary help to our troops and veterans at home.

Ms. VELÁZQUEZ. Mr. Speaker, today is a landmark day in our efforts to end the war in Iraq. There is nothing more offensive to a democracy than a war being waged against the people's will. Yet that is the situation our soldiers face every day.

Tonight, the House has a chance to reflect the will of the people on the most important issue of our time. We have the opportunity to vote to reunite our soldiers with their families. Let this body speak with one booming voice that cannot be denied. Mr. President—no more surges. Bring them home.

I have opposed this war from day one. But now is not the time to talk about the past. It's time to talk about the future of this country. Under the legislation proposed by my friend from Massachusetts, Mr. MCGOVERN, most of our soldiers and contractors in Iraq will be back with us in 9 months.

The Iraq war has ended the lives of nearly 150 New Yorkers, and nearly 3,400 Americans. The young people we have lost in Iraq are as diverse as America itself—they are people of color, teenagers, women, immigrants of many faiths, and many are from my own home in Brooklyn. Tens of thousands more are severely injured and will need our care for the rest of their lives.

We do not serve Iraq by staying there. While our military can help the Iraqi Government with security, no surge can resolve Iraq's bitter political differences. Our diplomatic efforts will carry more weight after we leave. We can better ask Iraq's neighbors to help when we are Iraq's partner, not its occupier.

It's time to bring our troops home to their families. By supporting Speaker PELOSI's package of H.R. 2237, H.R. 2206, and H.R. 2207, we can achieve critical domestic priorities, fund our soldiers and veterans, and begin a swift withdrawal from Iraq. I urge the support of my colleagues.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 2206, the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. The revised Iraq Accountability Act supports our troops while holding President Bush and the Iraqi Government accountable.

After vetoing the April supplemental bill that was supported by a majority of the American people, President Bush is once more asking for a blank check to continue his escalation of our military involvement in Iraq. Once again, the President has chosen confrontation over cooperation by threatening to veto the bill we are considering today. After a meeting during which lawmakers from his own party told him he had lost the confidence of the American people, the President issued a statement claiming to support ''benchmarks'' for progress in Iraq. But, unlike congressional Republicans, the President will not support consequences for failure to meet those benchmarks. It should be obvious to all that benchmarks without consequences are nothing but meaningless window dressing.

This Congress will not provide the President the blank check that he has requested. In last November's election, the American people demanded a new direction in Iraq, and we will continue to fight to responsibly wind down this war. Our revised bill will fully fund the troops, honor our commitment to veterans, hold the Iraqi Government accountable, and continue to press the President to change course and stop the bloodshed in Iraq. It also provides funding for urgent domestic needs that are emergencies in their own right and appropriate to include in this emergency supplemental legislation. These include a minimum wage/small business tax relief package, $6.8 billion for Hurricane Katrina recovery, $3.5 billion more

than the President's request, $400 million for the Low Income Heating Assistance Program, LIHEAP, and $396 million for the State Children's Health Insurance Program, S–CHIP.

I voted earlier today in favor of Congressman MCGOVERN's bill providing for the redeployment of United States Armed Forces and American defense contractors from Iraq. That measure was defeated, but attracted far more support than many observers had predicted, indicating a growing momentum inside Congress for redeployment. I remain confident that as the tragedy in Iraq wears on, even more Members of Congress will join in demanding withdrawal of our troops from Iraq and prohibiting the further use of funds to continue President Bush's war. In the meantime, however, I will join with my colleagues in the Democratic Caucus to send the President a supplemental funding bill that demands accountability and guarantees further congressional consideration of war funding in just a few short months.

H.R. 2206 fully funds the troops over the next 2 to 3 months, ensuring that they have everything they need to conduct their mission. The bill also includes additional funding for the troops not requested by the President, including increased funding for military health care and Mine Resistant Ambush Protected, MRAP, vehicles in Iraq. It includes funds to improve military readiness as well as $1.8 billion to meet our veterans' health care needs.

The bill would fence off $52.8 billion of the $95.5 billion provided to the Defense Department until it is released by subsequent legislation. It requires the President to submit a report to Congress by July 13 of this year regarding the success of the Iraqi Government in meeting key security and political benchmarks. Within 7 legislative days of receipt of the report, Congress would have the opportunity to evaluate the situation in Iraq and vote on whether or not to continue to fund the war. Expedited procedures are included in the bill to guarantee that this vote will take place in both the House and Senate by the end of July.

I would have preferred not to be taking this vote today, but the President has brought us to this point with his stubborn refusal to accept the will of the American people. I will continue to support any Iraq-related legislation that holds the President's feet to the fire. The inferno raging in Iraq is one of his own making, and he should be forced to feel the heat.

Mr. CARNAHAN. Mr. Speaker, I rise today to express my support for H.R. 2206, the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability appropriations Act. This legislation will fund our troops, protect our veterans, and give the much needed relief to the Gulf region while sending a clear message to the Iraqi government that they will not receive a blank check.

However, I would like to express my displeasure that the bill includes a rescission of nearly $683 million in unobligated highway funds. The cost of the Iraq war has already taken too many lives and costs way too much money. Our nation's infrastructure is at a breaking point, and cannot afford to be subjected to further cuts. At a time when increased investment in our roadways is critical, this rescission hurts our Federal-aid highway program. Some roads in my District have been rated among the most dangerous in the country and it is critical that we fully fund highway improvements to ensure the safety of our constituents. I look forward to soon having the opportunity to vote to restore these funds.

Mr. LARSON of Connecticut. Mr. Speaker, last week President Bush marked the fourth anniversary his proclaimed "Mission Accomplished" in Iraq with a veto. He refused to heed the will of the American people and disregarded the work of this Congress by vetoing the Iraq Accountability Act that called for a new direction in Iraq.

Earlier tonight, I supported a bill offered by the gentleman from Massachusetts, Mr. MCGOVERN that would have provided for the redeployment of U.S. Armed Forces and defense contractors from Iraq. I have believed for some time now that we must begin the safe and strategic withdrawal of our troops. While this measure was defeated, I remain resolved we must change the current course in Iraq.

Before the House is a revised Iraq Accountability bill. This bill continues to keep our commitment to our servicemen and women and to the American people. It fully funds our troops, improves military readiness and holds the Bush Administration and the Iraqi government accountable. The bill would provide $95.5 billion to the Department of Defense, but would fence off $52.8 billion, more than half of the funds. This funding would be held by Congress until the Bush Administration accounts for progress on the ground. President Bush would have to report to Congress the progress of the Iraqi Government in meeting key security benchmarks by July 13, 2007. Only with this accountability and another vote by Congress would the remaining funds be appropriated.

The era of "stay the course" and blank checks without accountability is over. I call upon my colleagues and the President to search their conscience and join me in supporting the underlying bill—a balanced and reasonable approach to Iraq.

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

All time for debate has expired.

Pursuant to House Resolution 387, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am in its present form.

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

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill, H.R. 2206, to the Committee on Appropriations to report the same back to the House forthwith with the following amendment:

In chapter 3 of title I, strike section 1331.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes on his motion.

Mr. LEWIS of California. Mr. Speaker, I rise to offer this very simple and straightforward motion to recommit.

Included within Mr. OBEY's emergency supplemental proposal is legislative language that requires the President to report by July 13 on the specific progress the Iraqi Government has made in meeting 16 specific goals. Once this report is received, only the chairman of the Appropriations Committee can introduce a joint resolution of approval to release any additional funds to our troops in Iraq.

The chairman of the House Appropriations Committee is not required to introduce the joint resolution of approval, and no other Member can do it. The authority that this gives the chairman of the committee to introduce or not introduce legislation is unprecedented.

Further, in an almost unprecedented move, this supplemental includes the rule under which the joint resolution will be brought to the floor. And under this rule, the only amendment made in order is one that mandates the withdrawal of troops from Iraq within 6 months.

Mr. Speaker, this legislative language sets dangerous precedents that should be of great concern to Members on both sides of the aisle.

My motion to recommit strikes this legislative language in section 1331, the so-called fence language, limiting the availability of funds for our troops. This ill-conceived language not only grants the chairman of the House Appropriations Committee extraordinary authority, but also preordains the rule by which the joint resolution will be brought to the floor.

I strongly urge a "yes" vote on this motion to recommit.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, let me simply say that this motion is very simple.

It simply removes the provision in this bill which fences almost $50 billion pending the three reports from the President that we have talked about for the last hour. The effect of it is to give the President every dollar he wants, no questions asked, no oversight, no review, no nothing. It is a blank check, and it guts the bill, and I would urge a "no" vote.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, let me say, I see the Vice President has gone to Iraq to urge the Iraqis not to take a 2-month vacation. I mean, we have got to put some pressure on them. It hasn't been working. I mean, I see the Vice President also said, he said they seem to be more enthused than they used to be. Let me tell you something, we have got to do something more than be enthused when the Americans are in the killing zone. That's the problem.

If this amendment were adopted, we would lose all our leverage on the Iraqis. The Iraqis could go on as they have, and one of the biggest problems

we have right now is that every time the Iraqis don't do something, the Americans are put in a killing zone.

So I would urge the Members to reject this motion to recommit.

Mr. OBEY. Mr. Speaker, if you remove the fencing, you remove all pressure for policy change. That's the last thing we ought to want to do. If you vote for this motion, it is an endorsement of the status quo. I urge a ''no'' vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 195, nays 229, not voting 9, as follows:

[Roll No. 332]

YEAS—195

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bachus
Boehner
Brady (PA)
Davis, Jo Ann
Engel
Fattah
McMorris Rodgers
Reynolds
Souder

□ 1951

Mr. SNYDER and Mr. DOGGETT changed their vote from ''yea'' to ''nay.''

Mr. TANCREDO, Mr. WALSH of New York, and Mrs. CUBIN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROGERS of Michigan. Mr. Speaker, on this evening's rollcall vote number 333 I was detained and did not cast my ballot. If I had cast a ballot I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows:

[Roll No. 333]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Watson
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—7

Brady (PA)
Davis, Jo Ann
Engel
Fattah
McMorris Rodgers
Rogers (MI)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1959

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RESOLVE INTO SECRET SESSION

Mr. ISSA. Mr. Speaker, pursuant to clause 9 of rule XVII, I offer a privileged motion.

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

The Clerk read as follows:

Mr. Issa moves, pursuant to clause 9 of rule XVII, that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider communications which he believes should be kept secret for the present.

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table the motion at the desk.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. ISSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 199, not voting 14, as follows:

[Roll No. 334]

AYES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bachmann
Brady (PA)
Davis, Jo Ann
Dicks
Emerson
Engel

Fattah	McMorris Rodgers	Shadegg
Gutierrez	Peterson (PA)	Souder
Hastert		Watson

□ 2016

Mr. MORAN of Virginia changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Calvert.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Shuster, to rank after Mr. Franks of Arizona.

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. McCotter.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Bilirakis.

(5) COMMITTEE ON NATURAL RESOURCES.—Ms. Fallin and Mr. McCarthy of California.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Jordan of Ohio.

Mr. PUTNAM (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2207 is as follows:

H.R. 2207

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 ''Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork,

and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term ''livestock'' means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 5101 and 5102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 5101, 5102, and 5103.

SEC. 1005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 5101 and 5102.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 5101 and 5102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 5101 and 5102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation.

The Corporation shall not make any expenditures to carry out sections 5101 and 5102 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the ''Farm Service Agency, Salaries and Expenses'', to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2006'' and ''2007'' each place they appear and inserting ''2007'' and ''2008'', respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. Pursuant to House Resolution 387, the amendment printed in part B of House Report 110–143 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2207

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 ''Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term ''livestock'' means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 1001 and 1002 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 1001, 1002, and 1003.

SEC. 1005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 1001 and 1002.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 1001 and 1002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 1001 and 1002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 1001 and 1002 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the ''Farm Service Agency, Salaries and Expenses'', to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2006'' and ''2007'' each place they appear and inserting ''2007'' and ''2008'', respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on H.R. 2207.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, in the bill which the President vetoed last week, in addition to funding for the troops in Iraq, we provided funding for a number of other high-priority purposes. We provided additional funding above the President's request for veterans' health care, something which the President did not want. We added additional funding to defend the country against a potential epidemic from the pandemic flu virus that our scientists are concerned about. The President asked for that money 3 years ago, but this time around said he didn't want it in the bill. The President said he did not want to see the money that we put in the bill for homeland security and a variety of other programs.

It seemed to me the administration took special pleasure in also objecting to the fact that we had agricultural disaster funding in the bill and that we had the funding in the bill to respond to the court decision on western salmon and we also had funding in the bill to deal with Western school programs that had been allowed to lapse by the previous Congress and several other provisions like that. The President said that those programs didn't belong in this bill because they weren't emergencies.

Well, in fact, I think the President had it backwards because what the President seemed to suggest is that the only legitimate funding for an emergency appropriation would be for the war in Iraq. In fact, the war in Iraq should not be funded at all as an emergency appropriation. After all, it has been around for more than 4 years, despite the President's landing on that aircraft carrier. And the fact is that the President, in order to hide the full cost of the war, asked for that war to be funded in 11 different slices. Those funds should have been provided in regular appropriation bills, not in supplementals. So it is the President who has the usual practice figured out just backwards. We didn't object to dealing with the Iraqi problem, and we would appreciate it if he would not object to dealing with other legitimate emergency problems.

The President seemed to suggest, in his veto message, that we didn't have the courage to deal with the agriculture and other related issues alone, that we had to slip them in, so to speak, in the Iraq bill. And, frankly, that got my dander up. And so now that we are back in the second bill, I have insisted that when the House votes on this matter tonight that we vote on it separately to demonstrate to the President that there is support in both parties, I believe, for dealing with some of these issues, especially with the agriculture problem.

Now, I didn't declare 70 percent of the counties in this country to be disaster areas. The President did. The Congress has an obligation not to ignore those declarations and act accordingly, and that is what we are trying to do. So very simply, we are going to have these votes tonight, and I am glad that we are.

There are two items that are not in the bill that should be in the bill. One is spinach. When the President vetoed the bill, his administration made a lot of fun of the fact that we had funding for spinach in the bill. Well, there is no spinach in my district, but let me tell you why we had that funding. Nobody was laughing a year ago when people were deathly sick because they had consumed spinach that was contaminated with E. coli, and then the Federal Government went to spinach growers and asked that they take their products off the shelf voluntarily, and when they did that, that cost those spinach growers a lot of money. Now, I have heard a lot of conservatives and liberals alike in this House complain and cry and whine all over the floor when the government engages in an uncompensated taking from a private citizen. Well, if you tell an industry that they can't collect for their product after they have been asked by the government to take it off the market even though 99 percent of that spinach was perfectly safe, then what have you done? You have engaged in an uncompensated taking. Now, that may not bother many people in a city like Washington, D.C., where a lot of people look down their noses at anything rural, but the fact is that farmers are entitled and spinach growers are entitled to the same kind of consideration any other economic group would have in this country.

The second thing that isn't in here is funding for Great Lakes fishery problems. We had several Members of the minority party make fun of the bill 2 weeks ago because they claimed we had money in the bill for tropical fish. Well, I want to tell you what we had in the bill. The Federal Government discovered last year that fisheries in the Great Lakes, especially in Lake Michigan, that fish were being found with a disease called viral hemorrhagic septicemia. It does to fish what ebola does to human beings. It is a bloody problem. And that problem, if left unchecked, has the potential to destroy the entire Great Lakes fisheries. That is an 8 to $9 billion annual business. So what we tried to do was to simply recognize the plight of a few commercial fish growers who were told by the government they could not ship their product across State lines because it would endanger the entire fisheries, and so they complied. The irony was under the law if the fish produced by those farmers had been diseased, they could have collected from the government, but because those fish were healthy, they couldn't. So they were stuck in a catch-22 situation.

We tried to fund that, and we got laughed off the screen because the demogogues in this institution and demogogues on the other end of the avenue made fun of a problem that is a very serious environmental problem. We have taken that item out of the bill, too, simply because there is only so much bowl gravy that you can counter in a political debate. So we are left with the bare bones proposition that deals with legitimate problems faced by farmers and faced by Western States with respect to wildfires and the other problems funded in this bill.

So I am happy we finally are going to have an opportunity to vote on these items standing alone. I urge an ''aye'' vote.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are continuing our debate on the emergency supplemental with a discussion of a separate measure that includes billions of dollars of spending completely unrelated to the global war on terror or legitimate emergencies in the gulf coast region.

This is an extraordinary amount of unauthorized spending, spending that is not offset in any way, contained under the emergency designation. As the ranking member of the House Appropriations Committee, and the committee's former chairman, I believe the House must firmly hold the line and reject this unnecessary spending.

Members on both sides of the aisle can, and will, argue that some of this spending is justified. Members can correctly point out the need for additional funds to address wildfire suppression or agricultural assistance in various regions of the United States. However, I would urge that many of the needs addressed in this bill could, and they should, be addressed in regular order through the fiscal year 2008 funding bills.

Sadly, many items are being designated as emergencies for no other reason than to make more room for additional spending under the fiscal year 2008 caps, which, incidentally, we still do not have.

When the new majority assumed power earlier this year, it committed to restoring pay-as-you-go, the practice of offsetting spending increases with spending decreases. As I mentioned earlier, none of the proposed spending included in this package has been offset in any way.

Lastly, Mr. Speaker, our colleagues should be aware that the President has indicated that he will veto this legislation due to the excessive nonemergency spending it contains. I urge our colleagues to show spending restraint by opposing this package.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairwoman of the Agriculture Appropriations Subcommittee, Ms. DELAURO.

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Ms. DELAURO. Mr. Speaker, with this supplemental appropriations bill, we continue to confront urgent business which the 109th Congress left unfinished last year and which the President continues to want to leave unfinished. Today, that includes an important relief package for agricultural disasters which occurred in 2005, 2006 and 2007.

I do not have to remind my colleagues about so many instances of devastation that have struck every corner of our Nation. And the President's response to these disasters is, ''You are on your own.'' With severe drought in the Midwest, wildfire in the Southwest and floods in the Upper Plains, the United States Department of Agriculture designated nearly three-quarters of all U.S. counties as primary or contiguous disaster areas over the past 2 years. Hardworking farmers struggling just to get by, struggling to deal with each disaster's painful consequences, struggling to understand their deeply felt impact on our businesses, our communities, on our everyday lives. What is the President's response? ''You are on your own.''

These events are described by many as ''slow-motion disasters,'' but they are disasters nonetheless. And we cannot turn our backs on those who are hit hardest. Indeed, we have a responsibility to look honestly at all of the hard choices which have been put off far too long by this Congress and our President.

Outside the gulf region, there has been no disaster assistance in the past 2 years, even though natural disasters hit our farmers hard. In 2000 and 2001, we had disaster assistance bills that cost over $11 billion in one year and $14 billion in the other. Our proposal is a fraction of those.

While some time has passed since these natural disasters occurred, it does not mean that they have ceased to be emergencies, and it does not mean that we no longer have an obligation to help those in need.

What the Democrats tonight are telling those who are struggling in the face of these disasters is that you are not alone. We are on your side. I urge my colleagues to support the bill.

Mr. LEWIS of California. Mr. Speaker, because he is constantly talking to me about the challenges of rural schools, it is my pleasure to recognize GREG WALDEN of Oregon for 3 minutes.

Mr. WALDEN of Oregon. I thank the ranking member of the committee, my friend and colleague from California.

Mr. Speaker, tonight I must rise to strongly urge my colleagues on both sides of the aisle to help us deal with a very real emergency in the West and across the country by supporting this measure to fund rural schools and roads, and to help make sure that our farmers and ranchers and those who fish get the disaster aid that they have needed for some time.

And I have to forcefully disagree with the statement of administration policy issued by this administration which threatens a Presidential veto. To say that the closing of jails and schools and libraries, as is occurring right now in my district and in others, is not somehow an emergency is to simply ignore the reality of what is happening in the rural West. It is outrageous. Enough is enough.

First, the Federal courts and the government shut down the timber industry and timber harvest on Federal lands and took away our jobs in rural communities. Then the Federal Government quit effectively managing those forests. And last year, we again paid the price with 10 million acres of Federal land that burned at a cost of a billion and a half for taxpayers to extinguish those fires. But it gets worse. The Federal Government has failed to replant a million acres of Federal forest lands, America's forest lands that have burned over the years. And now it has broken a hundred-year promise to the rural communities who used to depend on the revenues from these forests that now aren't even managed.

And now the President threatens to veto this emergency funding bill designed to pay for firefighting, designed to pay for fishermen whose season was shut down last year, and to pay for keeping schools open and jails open and roads open, and providing disaster aid to farmers and ranchers. If we don't do this advanced funding for firefighting, they will dip into the accounts of the Forest Service and they won't do the very kind of work that needs to be done in the forest to prevent these kind of catastrophic fires that we are seeing over and over and over again. It is the same process that we decry is occurring in the military if we don't properly fund our troops. They will rip into these accounts. They will cancel the contracts, and they will set us behind. That is what happened to the Forest Service.

Enough is enough. The President should not veto this bill, and this Congress should pass it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the chairman for yielding.

Mr. Speaker and Members, this bill contains emergency disaster funding that is needed because of a commercial fishing disaster that happened last year and was not dealt with last year. It has devastated fishing families and related businesses up and down the California and the Oregon coast. Moreover, this disaster was the result of this administration's failed and illegal water policy. This water policy caused a virtual shutdown of the entire commercial fishing, salmon fishing season last year. And their water policy has been unanimously ruled arbitrary and capricious and a violation of the Endangered Species Act by not one, not two, but three different courts.

Sadly, fishing families throughout my district and other parts of the coast have lost their boats. They have lost their homes. And they can't wait, as the ranking member suggested, for the 2008 funding cycle. The ones who still have their boats can't afford to buy fuel to go fishing if they do get a fishing season this year.

Marinas throughout my district have gone out of business. The few that are left open have had to lay off up to 80 percent of their employees. Fishing lodges throughout the coastal area are near bankruptcy. And all of this because of a failed water policy and the previous majority's failure to deal with this disaster declaration last year, a disaster declaration that was made by the Secretary of Commerce. These folks can't wait.

Also, as previously mentioned, this important bill contains rural school funding that is critical to school districts throughout rural America. And they are entitled to this funding because the Federal Government owns the property that would otherwise generate taxes that would fund these schools. This funding goes for schools and for the road maintenance in these areas.

I have one county that has 80 percent federally owned property. And to talk about rubbing salt on a wound, not only do they get their school funding and their road maintenance funding taken away, but they are still required to maintain the roads throughout this federally owned property. This is an incredibly important bill that needs to be passed and should not be vetoed by this administration.

I urge an ''aye'' vote.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 5 minutes to my colleague from the committee, Mike Simpson.

Mr. SIMPSON. I appreciate the gentleman yielding time, and I appreciate the leadership of the ranking member from California on this committee.

Mr. Speaker, one of the difficulties we often have is you are tasked if you are a member of the party of the administration to sometimes defend the administration. But sometimes the administration, quite frankly, does things that are undefendable. If you read the statement of administration policy and what they would do and why they would veto this bill, I have got to tell you, I believe it is undefendable.

I want to thank Chairman OBEY for recognizing that even in a time of war, not all emergencies are war-related, that unanticipated circumstances occur that require our attention. Unanticipated floods and droughts and hurricanes occur that require our attention. Unanticipated wildfires occur that require our attention. Unanticipated actions that are taken that

would impact our county schools and road budgets need to be taken into account.

If you read the administration's statement of administration policy, I want to read from it, if I could.

The Office of Management and Budget, Statement of Administration Policy.

The administration strongly supports efforts to increase opportunities for America's farmers and ranchers in rural communities. However, H.R. 2207 would allow almost $7 billion in unrequested spending that is unjustified and not appropriate for an emergency spending bill.

Mr. Speaker, I will tell you that if you look at the funding in this bill, it is exactly what emergency spending is for. As an example, if you look at what we have done in the agricultural section of this bill; we have had droughts, we have had problems in the agricultural community. And while the administration talks about how good the ag economy is and how good the 2001 farm bill worked, and that the ag economy is up like $16 billion in income this year, the fact is that, in isolated cases and in isolated situations, you have disasters, you have floods, you have droughts. We have a responsibility to help those people. That's what an emergency is. I don't think the administration recognizes that.

When you have wildfires that occur throughout this country that are more than we anticipate, and if you will look at the news any given night, wildfires are occurring now in California and other places, we have to put out those wildfires. If we don't, the costs grow and become enormous.

If you look at the Secure Rural Schools and Community Self-Determination Act, I don't know if most people understand what that is. Counties used to get a part of the timber sales to help fund their roads and their schools. Timber sales were being reduced so much that those funds were drying up and it was affecting those counties that were predominantly rural counties and had many public lands in them. Mr. THOMPSON said he has one that is 80 percent Federal land. I've got one that is 96 percent Federal land.

What we did was we put this into place 10 years ago. The problem was it said that we will wean the schools off of this and find a way to replace those funds. How do you replace those funds if you are a county that is 96 percent Federal land? You have no private land for taxes. How are they going to find the resources to replace that funding?

So we did it in the Secure Rural Schools and Community Self-Determination Act. Now, the administration says they have come up with a perfectly reasonable alternative to fund this, an offset, if you will. They want to sell public lands. They proposed that last year, selling nearly 250,000 acres in Idaho. The people of this country stood up and rejected that idea. The people of this country do not want to willy-nilly sell public lands.

We have a responsibility, when the Federal Government owns an overwhelmingly majority of public lands in a lot of the western States, 64 percent in Idaho, we have a responsibility to help those counties with some of the funds where they don't have the tax base to address these needs themselves. Otherwise, you are going to have schools that, quite frankly, don't have a budget next year. Is it an emergency? Can we wait until 2008? I don't think so. They start school before that, and we have to address it.

Mr. Speaker, I appreciate the fact that the administration is trying to address the deficit, but to suggest that these needs are nonemergency, that we should be able to anticipate them, I think is just wrong.

I hope my colleagues will vote for this bill. And again, I thank the chairman of the committee. I thank the ranking member of the committee for the work that they do. It is always difficult when you are trying to address both the deficit and the needs of this country, and they do a very, very good job of it.

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to control the remaining time.

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

There was no objection.

Ms. DELAURO. I would like to recognize the gentleman from Minnesota, the Chair of the Agriculture Committee (Mr. PETERSON) for 2 minutes.

Mr. PETERSON of Minnesota. I want to thank the gentlelady and Mr. OBEY and others for working to put together this bill.

The Agriculture Committee is very interested, obviously, in the disaster provisions in this bill. It's something that we've been working on for a long time and we've been trying to get accomplished the last couple of years.

In my particular district, we had our agriculture disaster back in May of 2005, and the guys are still having a tough time keeping their head above water. We've been waiting a long time for this.

As has been said by other people, this is something that affects just about every part of the country. And it is a true emergency because this is something that is beyond the control of producers, and it is something that we ought to, as a government, be responding to. We do it for homeowners and businesses, when we have a hurricane or a flood or a tornado or some kind of event like that, with FEMA. We have a process where we take care of this. A lot of times we put emergency money into that to take care of the disaster, and it is only fit and proper that we do the same kind of thing for folks in agriculture.

We, on the committee, have been working with the ranking member of the Agriculture Subcommittee and the full committee on this language. I just want people to know that this is the tightest language that has ever been written on a disaster bill. It has really been focused in on the folks that had the problem.

□ 2045

One of the most important things, for the first time, and this has not been something that has been able to be accomplished in the past, we are going to require that people have crop insurance in order for them to be able to be paid under this disaster bill. That is a big reform, and it gets us a long ways in the right direction. What we are hoping to do this year in the farm bill is put in a provision so that we can have this covered in the regular order as part of our regular farm program.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. REHBERG), a member of our committee.

Mr. REHBERG. Mr. Speaker, I would like to associate myself with Mr. WALDEN and Mr. SIMPSON when I say the President is dead wrong. In fact, he is almost to the level of being cruel, when an administration doesn't clearly understand a sense of urgency, when you only have 3 minutes to talk about something as serious as the lives of family members within places like Montana.

Rural schools, it hits 33 of my counties of the 56. The disaster with the farmers and ranchers hits the rest of the State. Virtually our entire State has been under a disaster since 2005.

It is always interesting to me when we debate on the floor the seriousness of Hurricane Katrina, or we talk about the hurricanes and we talk about floods. Drought sneaks up on you. It occurs during a period of years.

I can tell you in Montana we have seriously had to consider setting up crisis counseling for farmers and ranchers because of the emotionalism of not being able to pay for your children's food, their clothing, their shoes, their college education or even your own retirement, because it continually eats away at you.

It doesn't happen overnight like a flood or a tornado. It creeps up on you like a cancer. And to have an administration that doesn't have any more sense of urgency to understand that 2005 still has not been addressed, 2006 has not been addressed, and now we are in 2007 and we are arguing about the fact we want to veto this bill? That's cruel.

Clearly the administration needs to understand that there are emergencies beyond. Now, it's not without some criticism I level on the majority party when they tied it to the timelines in the Iraq supplemental. That's cruel as well, because essentially it held them hostage. And not one farmer or ranch group in Montana came up and said I want you to vote for the timelines in the Iraq supplemental because we need our money.

They were smarter than that. They can't be bribed. They don't want to be held hostage. They did not apply pressure. I thought it was unfair to tie it together in the first place.

So we finally come to where we need to be, and I want to thank the majority party for recognizing that. I hope they won't tie it again, because ultimately this is too important. We are in fact talking about lives and families and futures. The future of the State of Montana, it is an agricultural State. We need the opportunity to become whole by being able to go to the bank and to borrow the money to stay in business.

Please support this bill.

Ms. DELAURO. Mr. Speaker, the gentleman from Montana's words are eloquent.

Mr. Speaker, I yield 1¾ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for the time.

Mr. Speaker, the ranking Republican on the other side said there is no other reason for this than to make room for the fiscal year 2008 spending.

No, this is the unfinished business of the 109th Congress, the Republican Congress led by the Republican President in the White House, who allowed county and school payments to lapse without lifting a finger. Nothing was done. 780 counties are on the brink of losing essential services, closing jails, laying off deputy sheriffs, no rural law enforcement, no public health, other essential services jeopardized, thousands of jobs. 4,400 rural schools, already underfunded, struggling to make ends meet for their kids, are going to lose money if these payments aren't renewed. And the President says that does not meet any reasonable definition of an emergency.

Well, I guess if you live in the White House and you ride in motorcades protected by the Secret Service and you fly in a private 747, you're not too worried about cops in rural areas. You're not too worried about public health. You get free health care up at Walter Reed. You're not too worried about educating the Nation's kids and the kids in rural areas. But I am, and I represent that district. This is long overdue. This is an emergency.

And then for them to denigrate the emergency assistance to the fishermen? We had to drag the administration kicking and screaming last year to finally declare an emergency when they closed down the season and people couldn't work and they are losing their boats. Now they say it is unwarranted funding for the fishermen.

How distant from the reality of the American people can you get? Twice in one day we have tried to bring this President back to Earth, on a new course in Iraq and on the needs of the American people here at home.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the distinguished gentleman from California for yielding.

Mr. Speaker, I rise tonight in support, strong support, of the legislation that is before us this evening. In fact, my number one agriculture priority for 2007 is the passage of legislation similar to what we are addressing this evening.

We are going to deal with the farm bill later this year, but the reality is that many farmers in America and certainly the farmers I know in Kansas will not be around to take advantage of the provisions of the 2007 farm bill, absent some kind of assistance, due to no fault of their own.

In Kansas, we have struggled through five and six years of drought followed by this year's December 31, 2006, winter storms that caused 44 of Kansas' 105 counties to be declared natural disasters, followed by a winter freeze, three nights in April in which the temperatures were in the teens and much of what we thought was going to be a wonderful wheat harvest is now destroyed due to the cold weather. And as you have all seen most recently here just a few nights ago, tornadoes, hail and floods have now affected this part as well as the rest of the State of Kansas.

So, Mr. Speaker, if we care about an agricultural economy, this disaster assistance is so important. The average age of a farmer today in Kansas is 59 years old. There is almost no next generation. If we want young family farmers, we have got to make certain that the economic opportunities are there.

People will look to crop insurance. It doesn't work in the circumstances that we are talking about, multiyear disasters. Many crops, including livestock, are not covered. And we look to the farm bill. It is there for purposes of when the price of the commodity that the farmer sells is lower than the cost of production. So it is only through this type of agricultural assistance that we can see our farmers through from day to day.

If you care about life in rural America, if you care about the future of farmers, if you care about the future of the communities they live in, this is an important piece of legislation. In fact, you don't have to be a farmer to gain benefits from agriculture disaster. This is about whether or not in rural America we have people who shop on our Main Streets, whether or not we have kids in our schools.

So, Mr. Speaker, this is an important piece of legislation, and I ask my colleagues, both Republicans and Democrats, to support this legislation.

I thank the majority for allowing it to be brought to the floor tonight.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlelady for yielding.

Mr. Speaker, I represent farm families in desperate need of the disaster assistance in this bill, and that is why I am so offended by this Statement of Administration Policy threatening veto on this bill. Consider some of the words in the veto threat of the President: ''The farm economy is strong. Both crop and livestock receipts are forecast to be record high in 2007.''

You know, I don't think they get it. National numbers. National averages. These are of no value whatsoever to the individual farm family that gets wiped out in a disaster.

Most of the country on Labor Day of 2005 had a perfectly delightful Labor Day weekend. But part of the country got hammered to bits with Hurricane Katrina. I represent people living more than 1,000 miles from there, but we think we need to help those people. When it comes to the North Dakota farmers, who have been devastated, well, they need our help too. These are natural disasters certified by the President.

Take a look at this corn. You've heard of ''knee high by the 4th of July''? Well, this was taken in early July. When the wind starts blowing, the temperature soars and the rain stops and the drought takes hold, the families' income goes away. Family farmers lose their crops. Family farmers forced to sell their cattle. Family farmers lose their income. And without our help, without our help tonight, family farmers are going to lose their farms.

In North Dakota, this was the third worst drought on record, only following the thirties and the fifties. But we are not alone. Look at this figure. We had farmers through the great heartland, an area by the way providing some of the President's staunchest support, deeply hurting from these droughts and in need of this disaster bill.

We need to send a strong bipartisan signal and send it right now, tonight, help is on its way. Please vote for this bill.

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

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in strong support of this legislation to provide desperately needed disaster assistance to farmers and ranchers across this country who are suffering from natural disasters.

Over the past several years, large swaths of my home State of South Dakota have experienced persistent, severe, devastating drought. It has been particularly hard on livestock producers in my State. Its epicenter has been across central and western South Dakota, some of the Nation's prime cattle and sheep grazing land.

The drought worsened dramatically early last summer. Customary spring rains never came. By June, we were seeing temperature records being broken weekly and water holes going dry. The landscape was brown. By August it was black; bare, parched Earth where we usually have lush green grass.

Ranchers in my State had two options, purchase and haul feed and water at substantial cost to their cattle, or sell or dramatically cull their herds. Many of them chose the latter because of the persistence of this drought. Livestock auction markets across the region reported record sale numbers. Many producers were, in essence, selling their factories.

This is particularly hard on younger ranchers. So many of these ranchers now don't have adequate breeding stock to produce the calves today that they would have sold this fall. Thus, many of the real economic impacts are still to come. Once a ranch family leaves the land, they are gone forever. Small towns and local businesses suffer, schools and churches suffer, the very fabric of our communities is torn apart.

As devastating as this drought has been to our economy, the lack of appreciation for its seriousness among some who don't come from rural America has been equally frustrating. Many of my colleagues and I have been trying for almost 2 years to get this done. The administration has threatened to veto the assistance for the past 2 years through today. We filed a discharge petition at the end of the last Congress which nearly every Democratic Member and a handful of Republican Members signed, but Republican leadership failed to take action.

Supporters of this necessary relief have been criticized by some for trying to attach it to the emergency supplemental. Well, because the last Congress couldn't get its work done last year, this is all we have. We make no apologies for it. We have been forced to wait until today, and suffering U.S. farmers and ranchers have been forced to wait until today too.

The economic and psychological damage that these droughts cause is just as real as that caused by hurricanes, tornadoes and floods. This bill can alleviate some of that pain. Let's pass it tonight and get this assistance out to those throughout rural America, those who are quietly suffering on the land.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlelady for yielding this precious time.

Mr. Speaker, I heard our colleagues from Oregon, from Idaho and Montana speak about the disasters that are striking their area and the need for funding and assistance from this legislation.

As we speak, there is a 22,000-acre segment of the Boundary Waters Canoe Area Wilderness in the Superior National Forest in the heart of my district on fire; 470 firefighters are out there trying to put the blaze out.

We need help every bit as much as do the people in Iraq for water and sewer and infrastructure investment. We need that help right here at home. If we don't have a strong and vibrant economy at home, we can't support our troops overseas. We can't support other countries and their needs. We have got to rebuild America. We have got to protect our land here at home. And this is only today's fire. We had just a year-and-a-half ago a huge blaze that ripped through the Boundary Areas Canoe Area.

We need this assistance, we need it now, and we need it in this bill.

□ 2100

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

Mr. BLUMENAUER. Mr. Speaker, I would like to take up where my good friend from Minnesota left off in terms of dealing with the money that is in this legislation that would help us deal with the crisis that is occurring in our Nation's forests.

One of the legacies, unfortunately, of the last Congress where we had a meltdown of the budget process is that these issues were left unresolved. We have eviscerated the budgets for the Department of the Interior, shifting money out of operating budgets for purposes of firefighting. This is going to help us move back in the right direction.

One of the other casualties was the county payments program. In the last session, the implosion of the budget process where the Republican majority and the administration could not follow through, left 4,600 school districts across the west, including a number in my State in Oregon in a lurch.

This legislation steps up and meets the needs. It is not extraneous. I sincerely hope the President changes his tune and withdraws his veto threat.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, it is interesting that when we talk about Hurricane Katrina, a horrible disaster that affected hundreds of thousands of lives, left people homeless; we talk about the recent tornado or hurricane wiping away a city, people ask me, particularly those from the urban areas, why they should vote for this. What is in it for them?

Well, this is just as much a disaster, but it is a different kind of disaster. This has salmon money. We have fishermen who can no longer pay for their boat. They can't pay for their crew or housing, and they are hurting. That is what supplemental budgets are for.

We have rural schools laying off teachers, disappearing sheriff departments, rural roads not being able to be fixed. This is a bill that impacts every single person in this room. This is a disaster. That is what supplemental budgets are all about. Please vote ''yes.''

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlelady.

When parts of Texas endure an extreme drought, the burden is felt most heavily by our farm families. A devastating lack of water left many of our counties parched. Sam Berry, a rancher from Lavaca County wrote me to say: ''After back-to-back bad seasons and with all my reserve hay gone, how much worse could it get''?

Well, as bad as that drought was down in Texas, it is nothing like the drought of understanding for the plight of farmers and ranchers here in Washington. They have faced indifference on top of indifference.

Federal disaster assistance dried up. I received similar pleas from farmers and ranchers like David Wagner in Lavaca County and others from Bastrop County and Caldwell County and Fayette and Colorado counties. The last Congress, with $10 billion to burn every month in Iraq, had nothing to offer these ranchers here at home. When our new Congress finally passed emergency help this March, that help was vetoed by the President.

The bill that we pass today is another attempt to provide much-needed assistance to these farmers and ranchers.

I know that ranching looks mighty easy over in the Oval Office when some over there seem to think that clearing out brush in August is vacation work. But for those for whom ranching is not a hobby, who have found that their fields turned fallow; for those like Pat Peterson of Red Rock whom high-priced hay means selling their best livestock, disaster endangers a life and a livelihood.

This spring, Texas has had some relief. But who is to say this wet spring will last, and it is not enough to make up for the last two really bad seasons that our farmers and ranchers have endured. Helping our farmers and ranchers now cannot guarantee them success, but it will go a long way in helping restore what has been lost and protect what remains.

I hope the House tonight will approve this bill and that the President will finally get behind the relief that his fellow Texans need so very much.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I wanted to say, Mr. Speaker, as I listen to this debate tonight, I am reminded of my old alley cat, Hercules. When I was growing up in Athens, Georgia, I had a mean, tough cat. He was an alley cat who basically adopted me. You know, we humans don't really adopt cats. Athens, Georgia, kind of a hilly, foothills Appalachian town with ivy bank. In the ivy bank, we had lots of cute little chipmunks.

Hercules, being tough and could be the bully, could be somewhat like the majority party in some respects in that he was the alpha cat of the neighborhood. He would catch chipmunks at will. He would usually kill them and

eat them, dispensing of them quickly. But every now and then, and it is an interesting thing about cats, it is not unique to my cat, but he would catch a chipmunk and he would toy with it awhile. He would just play with it.

You would think: Did he have a change of heart? Is he going to let this chipmunk go? No, he would just play with it awhile.

Well, that is what is going on tonight. We are hearing a lot of discussion, a lot of administration bashing about how cruel the White House is and a lot of lamenting about the Republican Party, and a lot of talk about compassion for the farmers and the rural communities and schools. There has been talk about the horrors of fire, drought and windstorm.

And yet as we look at the rule that is governing this bill, which would be known as H. Res. 387 in the House Calendar No. 59, introduced by Ms. SLAUGHTER, of New York, if we turn to page 3, section 4, we read the fine print. And it says: ''Sec. 4.(a) In the engrossment of H.R. 2206, the Clerk shall—

''(1) await the disposition of H.R. 2237 and H.R. 2207;

''(2) add the respective texts of H.R. 2237 and H.R. 2207, as passed by the House, as new matter at the end of H.R. 2206;

''(3) confirm the title of H.R. 2206 to reflect the addition of H.R. 2237 and H.R. 2207, as passed by the House, to the engrossment,'' which as the Speaker knows and followed very closely, what this means is this is Hercules toying with the chipmunk.

It means there is not a disaster bill at all. It just means the majority party is toying with a disaster bill, because what happens, this goes right back to the President attached to the war funding bill.

Here is my point, Mr. Speaker. If all these things are true, why is the majority party toying with a disaster? We are right back where we started from. We have just jumped out from the war funding bill only temporarily for I guess some purpose of voting here, and I understand politics, you can't remove that from the House of Representatives, but the reality is we are toying with a disaster bill because we already know two things: All the gobbledygook on page 4 that the Clerk shall do means this bill gets rejoined with the military funding bill. That is a fact.

Number two, the President has already said he is going to veto the military funding bill, and one of the reasons is because of the extracurricular, nonmilitary items that are being added to it.

So what I would say to Hercules, if you were worried about that little old chipmunk, you really would let it go. And I would say to the majority party, if you really were sincere about disaster relief, you would separate it from this rule, this H. Res. 367 introduced by Ms. SLAUGHTER of New York and say, you know, we are going to have an up-or-down vote on a straight, free-standing separate disaster bill so that the farmers and ranchers and people out west can get the relief that we have heard over and over again on a bipartisan basis that they need so badly.

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

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

Let me keep it short and sweet, Mr. Speaker. Let me simply point out that the items contained in this bill are not new add-ons. They are essentially items that clean up and finish last year's unfinished business. That is certainly the case with agriculture disaster. It is certainly the case with rural schools, a program which the previous Congress allowed to lapse. It is certainly the case with western wildfire, and it is certainly the case with the western fisheries' issues which the Congress of last year should have dealt with but didn't.

I ask for an ''aye'' vote on the bill.

Mr. UDALL of Colorado. Mr. Speaker, I support this supplemental appropriations bill.

Among other things, it will provide critically important funding for farmers and ranchers in southeastern Colorado who were hit hard by storms last winter. Thousands of cattle were killed.

While I have not seen a final total of the damage resulting from this winter's storms, it seems evident that they will be even worse than those resulting from an October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million.

The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities.

Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face infrastructure losses that pose serious, long-term challenges to economic recovery.

So, I am pleased that the bill includes financial assistance for our beleaguered farmers and ranchers, as well as for many others in other parts of the country who need and deserve assistance.

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

The SPEAKER pro tempore. Pursuant to House Resolution 387, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am opposed to the bill.

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

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill, H.R. 2207, to the Committee on Appropriations to report the same promptly with an amendment to make the bill deficit neutral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. LEWIS of California. Mr. Speaker, this is a simple motion to recommit that sends the bill back to committee and instructs the committee to find offsets.

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

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this motion is really quite interesting. What it says is that the same folks who want to spend $57 billion on tax cuts on millionaires this year, all paid for with borrowed money, the same folks who are comfortable with the idea that we have got over a trillion dollars in unfunded tax cuts, all paid for with borrowed money, the same folks that want us to spend, no questions asked, at least $600 billion in a sad, sad war in Iraq, these folks have suddenly gotten religion, and they now have a motion that says they would like to see this bill be deficit neutral.

What that mean is they are going to ask the farmers of America to bear the full weight of deficit reduction in this bill. This is simply a device to kill the bill because instead of asking that the bill be reported forthwith, it asks that the bill be reported promptly. That, as you know, is code language for killing the bill. I don't think I need to say anything further.

If you want to provide the funding in this bill, you will vote against this motion to recommit. If you care about the farmers, if you care about the western wildfire problem, if you want to meet our obligation to the parts of the country that generally get stiffed and ignored, then you vote against the motion to recommit. If you care about these folks, you will vote against the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passing the bill.

The vote was taken by electronic device, and there were—yeas 184, nays 233, not voting 15, as follows:

[Roll No. 335]

YEAS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Baca
Blunt
Brady (PA)
Clay
Conyers
Davis, Jo Ann
Drake
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Pickering
Souder

□ 2137

Mr. MITCHELL and Mr. WELCH changed their vote from ''yea'' to ''nay.''

Messrs. LATHAM, SHIMKUS and TAYLOR of Mississippi changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 335, the Lewis motion to recommit H.R. 2207, I am not recorded. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 120, not voting 10, as follows:

[Roll No. 336]

YEAS—302

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Filner
Fortenberry
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)

Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—120

Akin
Bachmann
Baker
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Campbell (CA)
Cantor
Castle
Chabot
Coble
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Paul
Pence
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Stark
Stearns
Tancredo
Terry
Tiberi
Turner
Upton
Walberg
Wamp
Waxman
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Clay
Davis, Jo Ann
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2145

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2082 pursuant to House Resolution 388, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WESTMORELAND. I make a point of order under clause 9(a) of rule XXI regarding the earmarks in this bill, H.R. 2082. The list of earmarks in this bill fails to meet the requirements of clause 9(a) in that the list is deficient. One of the earmarks listed was included in the bill even though it failed to meet the requirement that the requesting Member notify in writing the chairman and ranking minority member of the committee.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, the Chair is constrained to ask a threshold question relating to the cognizability of the point of order.

Is the gentleman from Georgia alleging the absence of an entry in the report of the Permanent Select Committee on Intelligence in compliance with clause 9(a) of rule XXI?

Mr. WESTMORELAND. Mr. Speaker, I am saying that under clause 9(a) of rule XXI, that the list is deficient and did not include a notice to the ranking minority member on the committee of the earmark.

The SPEAKER pro tempore. The Chair finds the entry on pages 50 and 51 of the Report of the Permanent Select Committee on Intelligence constitutes compliance with clause 9(a) of rule XXI.

The point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to notify the ranking minority member of his request, as required under clause 17 of rule XXIII?

The SPEAKER pro tempore. The Chair cannot render advisory opinions or respond on hypothetical premises.

Mr. WESTMORELAND. Mr. Chairman, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though the list fails to include an earmark contained in the bill?

The SPEAKER pro tempore. Again, the Chair does not purport to issue such an advisory opinion.

Mr. WESTMORELAND. Mr. Speaker, I don't believe this is a hypothetical situation, but I want to make further parliamentary inquiry, if I could.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to certify he has no financial interest in the earmark?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. WESTMORELAND. Finally, one last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Finally, is the Chair saying that the mere printing of a list of earmarks, or a statement that the bill contains no earmarks, is sufficient to render the point of order against the bill as not recognized by the Chair?

The SPEAKER pro tempore. The Chair can affirm that clause 9 of rule XXI contemplates that the presence of earmarks and limited tax and tariff benefits be disclosed or disclaimed. Complying statements, listing such provisions or disclaiming their presence, must appear either in the report of a committee or conference committee or in a submission to the CONGRESSIONAL RECORD.

Paragraph (a) of clause 9 establishes a point of order. Paragraph (c) of clause 9 requires that such a point of order be predicated only on the absence of a complying statement.

Clause 9 of rule XXI does not contemplate a question of order relating to the content of the statement offered in compliance with the rule. Argument concerning the adequacy of a list or the probity of a disclaimer is a matter that may be addressed by debate on the merits of the measure or by other means collateral to the review of the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. So, Mr. Speaker, is it my understanding, from your last comments, that even though the rule specifically state that these procedures should be followed, and that they were not followed in this particular instance, that you are going to rule that the list, even though deficient not containing all the earmarks, just the mere fact that there was a list presented, no matter how accurate, that that will stand?

The SPEAKER pro tempore. The Chair would not deign to say what the gentleman understands, but the Chair's statement speaks for itself.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Under the rules, is there any limit to the number of times a Member may ask the identical parliamentary inquiry?

The SPEAKER pro tempore. Recognition is within the discretion of the Chair, and the gentleman clearly did not understand.

PARLIAMENTARY INQUIRY

Mr. MCHUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCHUGH. I thank the gentleman. I have deep respect for the Speaker. He is a great American, in spite of the fact he is a fan of the Boston Red Sox. But I would ask, is it appropriate under the House rules for the Speaker, as a member of the committee, to be ruling on points of order against the bill of which he is a member?

The SPEAKER pro tempore. The gentleman has a point of order. The Chair of course was about to turn the gavel over to another Member and did not anticipate this point of order.

Mr. MCHUGH. Mr. Speaker, if the gentleman will step down, I have another point of order.

The SPEAKER pro tempore. Is the gentleman's point of order with respect to the bill that is before the House?

Mr. MCHUGH. It is to this bill. I think the point of order speaks for itself.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MCHUGH. Mr. Speaker, is it not against the rules of the House for a member of a committee of a bill before the House to be ruling on that bill and those questions?

The SPEAKER pro tempore. No, it is not.

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 2082.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2082.

□ 2156

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. TAUSCHER in the chair.

Mr. MCHENRY. Madam Chair, I raise a question of consideration against the legislation before us.

The CHAIRMAN. The question of consideration is not available in the Committee of the Whole.

Mr. MCHENRY. I thank the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

□ 2200

Mr. REYES. Madam Chairwoman, I yield myself such time as I may consume.

Intelligence is our Nation's first line of defense. In a world of asymmetrical threats, it is critical that we detect and disrupt the plans and intentions of those who would do us harm. And it is critical that we conduct intelligence operations in a way that conforms to our laws and to our values as a Nation.

This bill was the product of bipartisan work, and I am pleased that the ranking member, Mr. HOEKSTRA, worked with me over the past several weeks and months to draft this bill. We do not agree on every provision in this bill, but we agree on the larger points, and we agree that intelligence officers in the field deserve our support.

Let me address up front one area where I think there has been some confusion, and that is section 407 of the bill, which asks for a national intelligence estimate on the national security impact of climate change.

We heeded the advice of 11 former 3- and 4-star admirals and generals who have studied this issue and specifically recommended an NIE. They believe that significant changes in global climate may act as a ''threat multiplier for instability in some of the most volatile regions of our world.''

The ranking member has argued that this work should not divert resources from higher priority items. Our committee staff has spoken with senior Intelligence Community leaders in the administration, and we have been assured that this will not, I repeat, will not divert resources.

The data needed is already available. The administration is already drafting a community assessment on this very issue. And I want to assure the ranking member that we will work with the administration to ensure that nothing will divert resources away from higher priority efforts.

But I also want to be clear; targeted discussion on this topic is a distraction from the key points of this bill. This bill provides funding for the men and women in the field. Opposition to this bill sends the wrong signal to them.

We are at war, and we face many threats over the horizon. This bill contains robust funding for critical intelligence programs to penetrate the hard targets, such as terrorist networks and countries developing WMD capabilities.

We add funds to both CIA and military elements for human intelligence training. We invest in language training for collectors and analysts and in language translation capabilities. We add funding for sending additional analysts overseas, and we strengthen counterintelligence field operations.

We have added funds to broaden our view so that we are spending, not just on Iraq, but on some of the other global challenges that we face, such as Iran, Russia, East Africa, Latin America and countries in Asia.

We have several provisions that enhance critical oversight. We require quarterly intelligence reports to Congress on the nuclear weapons programs of Iran and North Korea.

We also require that the CIA Inspector General conduct an audit of covert activities no less than once every 3 years. And we require the administration to provide the Intelligence Committees with a full list of all special access programs.

We also require detailed reports to Congress on the use of contractors in the Intelligence Community because their use has grown without adequate oversight, both by Congress and even by the executive branch.

We also require a strategy for implementing a multi-level security clearance system. This will allow patriotic Americans with much needed foreign language skills to serve as translators or linguists in the Intelligence Community.

And we also promote diversity in the Intelligence Community by requiring a strategic plan for implementing the recommendations of a highly regarded diversity panel.

I am of the strong view that diversity is a major strategic asset of the United States, and we have to leverage that asset to our full advantage.

In sum, Madam Chairman, this bill strengthens U.S. intelligence capabilities. This bill, if passed and signed into law, will help the courageous women and men of our Intelligence Community accomplish their mission. They are counting on our support, and tonight I hope we respond.

I urge all my colleagues to support this critical legislation.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairwoman, I would like to yield myself 4 minutes.

I would like to begin by thanking my colleague, Chairman REYES, for the cooperative working relationship that we have had as we have gone through this process and as we have developed and built this bill. There are a number of

things in this piece of legislation that I do support, so I appreciate the cooperative working relationship we have had. I appreciate the hard work by the committee on both staffs.

You know, it is absolutely important that we provide the Intelligence Community with the information or with the resources, the commitment and the framework with which they can be the tip of the spear to keep us free. We all owe the men and women of the community a deep sense of gratitude for the work that they do each and every day, as they risk their lives to keep us safe.

As they well know, let me quote, ''we are in a state of war. And if we have not yet realized that we are in a state of war, when will we realize that''?

Some folks may say, well, PETE, what's new? You have been saying that for a long period of time.

Actually, I don't believe that, and I don't like to use the term ''war.'' We shouldn't elevate the people that pose this threat to the United States as being soldiers or representing a nation-state. They are thugs. They are murderers, and they are terrorists.

These are the words of Ayman al-Zawahiri from an interview that he just gave last week, a video. Those are the words that he says. He says that they are at war. We need to recognize that that is how they view the U.S. and how they view the West.

We have continued a number of initiatives that were begun in the last Congress. I feel good about that. Building global collection capabilities, rebuilding HUMINT capabilities, working on the overhaul of the Intelligence Community.

But I think we do need to affect and address the weaknesses in this bill. This bill significantly cuts from the President's budget request in a very important area, human intelligence at the Central Intelligence Agency, and cuts that directly affect our efforts in Iraq.

I agree with the chairman. Passing the wrong bill sends exactly the wrong message to our troops. Just like saying we are going to pull out of Iraq on a definite date sends the wrong message, sending a bill that cuts the funding for our Intelligence Community in Iraq sends exactly the wrong message.

And telling the community that we want to move their priorities from radical Islam, North Korea, Syria, Iran, restructuring the community, rebuilding HUMINT to focusing on a national intelligence estimate on climate change sends exactly the wrong message. As a matter of fact, what the community will tell you is this hearkens back to the exact things that they experienced in the 1990s, a very depressing decade for the Intelligence Community, a dark decade, a decade where budgets were cut, where human intelligence was cut, where we changed rules for human intelligence and said, we are only going to have good-guy spies. It was known as the ''Deutsch doctrine.'' It said, if we have people on the payroll or we are working with people who have human rights records, criminal violations, we are not going to work with them anymore.

And the other thing that we did is we did the politically correct thing, is we moved resources to spy on the environment. George Tenet mentions it in his book. He refers to it as those were the days that the community said we were focused on bugs and bunnies. And we are going right back to that. We are doing the politically correct priorities. We are cutting HUMINT, and we are cutting the resources that are directly supporting our efforts in Iraq against a very deadly and a very dangerous enemy. That is the message that we are sending to the agency that says, we are going back to the 1990s.

The community doesn't want to go back to the 1990s. They recognize what had happened at that time.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, it is my privilege to yield to the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), 3 minutes.

Mr. SKELTON. Madam Chairman, this evening I rise in strong support of H.R. 2082, the Intelligence Authorization Act For Fiscal Year 2008. Let me take this opportunity to thank and congratulate the chairman, the gentleman from Texas, SILVER REYES, on the work that he does.

It is especially important, Madam Chairman, that he is a member of the Armed Services Committee, and he is the chairman of the Intelligence Committee, and it is one of those rare moments where the two very important committees are glued together, and he does that. And from our perspective, it is a good, good piece of evidence that he is the chairman and is doing such an excellent job in both respects.

Every day American men and women are deployed into harm's way and depend on the military intelligence capabilities authorized by this bill. It is important for them to achieve their missions. And this legislation assures continued delivery of our intelligence to our warfighters. It will lead to important improvements in the future.

I am also pleased to report that this bill reflects a new more cooperative relationship, as I mentioned, between the Intelligence Committee and the Armed Services Committee in guiding and overseeing the Nation's military intelligence program.

Chairman REYES and I have been working together to craft common approaches on key issues by our shared jurisdiction. For example, both this bill and the National Defense Authorization bill that we marked up late last night in committee contain provisions requiring reports on the national security implications of global warming. And that is no small thing.

And the committees, we are working together on significant changes in key space programs to ensure that both the intelligence analysts and the warfighter receive critical information in a timely manner, and that is so important.

Again, let me take this opportunity to congratulate Chairman REYES for bringing this to the floor. Intelligence is the key to so many areas, in particular the military and security forums of our country. So I congratulate the gentleman from Texas.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to a senior member of the committee, Mr. EVERETT.

Mr. EVERETT. Madam Chairman, I thank my ranking member, and I thank the chairman for the work they have done on this bill. And for many years, the chairman of the committee and I have worked closely together.

But, regretfully, I rise today in opposition to the Intelligence Authorization bill for Fiscal Year 2008, H.R. 2082. Actions taken in the bill regarding human operations, the irresponsible use of our intelligence professionals and the short-sighted steps to critical space systems justify a ''no'' vote on this legislation.

□ 2215

The bill slashes funding to HUMINT, or Human Operations, one of our most important intelligence collection functions in the global war on terrorism. Regardless of your position on the war, we cannot cut a primary intelligence function that is critical to protecting our troops in combat.

Like many, I have visited the front line, and we owe our brave American military the support they need to be successful in Iraq and Afghanistan. I also note that the Under Secretary of Defense for Intelligence has stated that HUMINT is his number one priority.

Remarkably, rather than focus on national security, this bill places an emphasis on global warming. In the middle of a war which has our intelligence community overloaded with real-world intelligence missions, this intelligence authorization bill carves out scarce intelligence resources for an environmental matter that should be the purview of another committee.

Madam Chairman, we have already had 13 Federal agencies looking at the effects of climate change. The administration has requested nearly $7.4 billion this year for climate change-related activities. Since 2001 the Federal Government has devoted $37 billion for climate change-related activities. We are in the middle of a war against radical jihadists, and the terrorist plot of the radical Islamists at Fort Dix earlier this week should be a sobering reminder for all of us. It is wrong and misguided for Congress to overburden our highly skilled intelligence professionals by shouldering them with this unnecessary science project.

Lastly, this measure gives our strategic threat little attention. While engaging in the global war on terror, the strategic threat has grown. Having the

ability to peer into areas that would cause us harm is vital to advanced warning, known as ''Persistent Stare.'' We need to pay more attention to the architecture of ''stare'' and ''persistence''; yet this bill provides inadequate resources.

For example, substantial funds have been added to a space-based infrared program, SBIRS, that cannot be wisely used. In fact, if these additional funds were obligated, the program would be sent into procurement before it is ready, likely to cause schedule delays and cost overruns. This funding add was poorly conceived and would cause the Defense Department to literally bite off more than it can chew.

I urge a ''no'' vote on the bill.

Mr. REYES. Madam Chair, it is now my pleasure to yield 3 minutes to the gentleman from Alabama (Mr. CRAMER), one of our subcommittee Chairs.

Mr. CRAMER. Madam Chair, I rise today in strong support of H.R. 2082, and I want to compliment the chairman of the Intelligence Committee, the ranking member of the Intelligence Committee, and my colleagues on both sides of the aisle that I have worked with for a number of years to make sure that we give the intelligence agencies the resources and the balance that they need to do the job that we want them to do.

I am sorry that my colleagues from across the aisle can't support this bill.

I am proud to represent an area of the country that has given much to the defense of this country including to the intelligence agencies. My district is the home of the Missile and Space Intelligence Center, known as MSIC, and MSIC is a key DIA facility that helps our country understand and prepare against the threat from missiles from foreign nations.

Now, this bill today, H.R. 2082, is a well-crafted bill. It strengthens our national security by authorizing the largest amount of funding ever for the intelligence community. Let me say that again. This bill authorizes the largest amount ever for the intelligence community.

But it is not just the amount that is important. We have got to make sure that we perform oversight of the agencies that we give these resources to, make sure that the distribution is balanced between the needs to be addressed today and the needs that will be faced in the future.

Specifically, this bill provides our intelligence professionals with the resources to deal with the immediate threats that we face in Iraq and Afghanistan, as well as the emerging challenges from dangerous regimes around the world, particularly in Iran and North Korea.

I also support this bill because it recognizes that simply giving the intelligence community considerable resources and hoping for the best is not enough. Congress must conduct effective oversight, and this bill accomplishes that.

Now, Chairman REYES, as you know, we have worked hard to make sure that we continue the bipartisan approach that this committee has a history of being the best at, and I think this bill is a product of a bipartisan effort to fund our intelligence priorities and strengthen our oversight.

To the ranking member, in the last Congress, we established, I believe, set up, the Oversight Subcommittee that Mr. THORNBERRY chaired and I was the ranking member of. I think that subcommittee did an excellent job, drafting reports, holding informal hearings, making visits out in the field both in this country and out of this country, to make sure that together we got off to a better start of performing oversight. And I think this bill today continues with that effort.

We drafted a report on the standup of the DNI in the last Congress. We made sure that we let them know that we were there to give them the resources that they needed but to hold them accountable for what they did as well, and I think this bill strikes that appropriate balance between strengthening national security and performing effective oversight.

I urge support of the bill.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Chair, I would agree with my colleague Mr. CRAMER that much of this bill was developed in a bipartisan way. And one of the reasons that I like the Intelligence Committee is we don't have the C–SPAN effect. The cameras are off, and we get down to doing some very serious and important business on behalf of the country.

While we fixed a lot of things in the initial draft of the bill in committee, particularly with respect to technical intelligence and overhead systems, there are two very serious concerns that I still have that cause me to stand here today and oppose the bill.

The first is that there is a significant reduction in human intelligence in some very important special accounts, and they are reductions that are marked and serious and will impact our ability to conduct human intelligence in an area of the world where it is absolutely critical, not only for current operations but for our long-term security in the region.

We can't cut human intelligence. That was one of the number one recommendations of the 9/11 Commission. We have to strengthen human intelligence after a decade of neglect.

The second problem is that this bill fails to address in any way one of the most important problems that we face in the intelligence community, and that is the Foreign Intelligence Surveillance Act. The Director of National Intelligence came to the committee with written recommendations on how we need to update and modernize the Foreign Intelligence Surveillance Act, and this bill does nothing. He said to us we are actually missing a significant portion of what we should be getting. Because of the way the Foreign Intelligence Surveillance Act is written, we are not collecting critical intelligence important to this country.

We should have addressed that in this bill. The DNI asked us to address that in this bill because we were operating with one hand tied behind our back. That is dangerous for this country and causes me to oppose this bill.

Mr. REYES. Madam Chairman, I would remind the gentlewoman that we will be having hearings and addressing the issue of FISA in regular order, which is the proper way to handle very serious issues that the American people want us to handle.

Madam Chairman, I now yield 3 minutes to the gentlewoman from California, Ms. ANNA ESHOO, who chairs our Subcommittee on Intelligence Community Management.

Ms. ESHOO. Madam Chairman, I thank the distinguished chairman of the House Intelligence Committee for yielding.

I rise in support of H.R. 2082.

First, I want to make a comment about a requirement that is in the bill that has been made fun of, made fun of by our friends on the other side of the aisle, and that is that the bill requires a National Intelligence Estimate on the national security implications of global climate change. I take issue with their diminishment of this issue.

The American people are ahead of us on this and so are people in the intelligence community, including three and four star admirals and generals who recently issued a report on the national security impacts of global climate change. I will submit their names for the RECORD.

* General Gordon R. Sullivan, USA (Ret.)
* Admiral Frank ''Skip'' Bowman, USN (Ret.)
* Lieutenant General Lawrence P. Farrell Jr., USAF (Ret.)
* Vice Admiral Paul G. Gaffney II, USN (Ret.)
* General Paul J. Kern, USA (Ret.)
* Admiral T. Joseph Lopez, USN (Ret.)
* Admiral Donald L. ''Don'' Pilling, USN (Ret.)
* Admiral Joseph W. Prueher, USN (Ret.)
* Vice Admiral Richard H. Truly, USN (Ret.)
* General Charles F. ''Chuck'' Wald, USAF (Ret.)
* General Anthony C. ''Tony'' Zinni, USMC (Ret.)

As they noted, the geopolitical effects of global warming are likely to intensify instability in some of the most volatile regions of the world as people fight over access to water and food, creating humanitarian disasters and failed states that facilitate the establishment of terrorist safe havens.

The intelligence community agrees, and they are already preparing an assessment on how our enemies could use global climate change to degrade our security interests. This NIE will not divert collection assets from other priorities. That's hogwash.

I would also like to note that we have a growing crisis in our overhead architecture. Over the past several years, the intelligence community has chosen to take more risk in its management structures that have failed. The consequences of these failures are extremely serious, threatening our overhead capability and wreaking havoc on the industrial base. Some of these risky decisions were made without the appropriate congressional notification, and now we have to clean up the mess.

Finally, last September the President acknowledged that the intelligence community had kept prisoners in undisclosed detention sites and reserved the right to do so in the future. I, as one Member of Congress, strongly object to any policy which does so. Generations of people, Americans, have come to this Nation to escape regimes that make people disappear. We have commitments under the Geneva Conventions, international laws and treaties. If we don't live up to these standards, we weaken protections for U.S. citizens abroad. I think our Nation stands for a higher standard of treatment, and I don't think we should ever engage in such practices.

I am proud to support this bill, Madam Chairman. This is the largest single intelligence authorization in the history of our country. And for anyone to say that we are shortchanging the people that are working so hard to protect our national security is simply and plainly wrong.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 3 minutes to a gentleman on the committee, Mr. THORNBERRY from Texas.

Mr. THORNBERRY. Madam Chairman, I thank the ranking member for yielding.

Madam Chairman, there are many good provisions of this bill, and I appreciate the hard work of the staff and the sincerity of the Members in attempting to tackle complex, vital issues before this committee. And yet I also have concerns with this bill.

Last July the Oversight Subcommittee of the Intelligence Committee issued a unanimous report about the progress of implementing the Intelligence Reform Act so far. And what we found was that there was some good, there were some disappointments, but yet there was overall a lack of a sense of appropriate urgency in doing the things that needed to be done to reform intelligence and to make this country safer.

And that is kind of the sense I get from this bill. There is a lot of good in it. There are some significant disappointments. But I worry about a lack of urgency in a sense because as 9/11 drifts further in the past, we have to face up to these very serious threats that are before us. And yet in this bill certain efforts and resources are diverted from higher priorities to lower priorities.

And I might point out in the case of one particular lower priority that the gentlewoman from California (Ms. ESHOO) mentioned, there has never been a hearing or, as I understand it, even a question at a hearing about intelligence implications of global climate change. And yet it is so important, it is a mandatory item in this bill for the intelligence community.

This bill takes significant efforts that the intelligence community is making and cuts back or places restriction on them, and yet it delays making reforms in essential areas as Mrs. WILSON was talking about. So I worry that we are on a path where we will return to mistakes of the past and do so at a time when we face a ruthless, determined, adaptable adversary.

□ 2230

I would like to make one other point. In many respects, I think it is a test for Congress as an institution whether we can pass an intelligence authorization bill.

The Intelligence Committees of both Houses were set up in the 1970s as the oversight entities for the broad Intelligence Community. The fact is, if we don't do it in these two committees in the House and the Senate, it will not get done. No one else has insight into the programs. No other committees have the time and resources and expertise to delve down into the many, many activities that the Intelligence Community performs that are essential to our country's security.

And yet, if we use these intelligence authorization bills to promote a political agenda, I think it makes the effectiveness of that oversight less so, and particularly if it results in their failure to be a bill. I think we can do better, and I hope we do.

Mr. REYES. Madam Chairman, I now yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who serves as our chairman on the Subcommittee on Technical and Tactical Intelligence.

Mr. RUPPERSBERGER. Madam Chairwoman, I want to first say that I rise in support of H.R. 2082, the Intelligence Authorization Act.

Our Nation is at war. We are fighting in Iraq, Afghanistan, and we are battling terrorists worldwide. We are also witnessing the rise of nuclear powers in Iran and North Korea. We are facing major challenges from China and Russia, who want to gain a technological edge on the United States.

America has to stay on the offensive, and the way to do that is with stronger technology. This bill will strengthen our intelligence capabilities and invest much needed resources in new research and development.

I am the chairman of the Technical and Tactical Subcommittee, which is responsible for overseeing technical intelligence assets, including the National Security Agency. The subcommittee has been working hard to ensure that this bill provides the necessary resources so that the Intelligence Community has the latest cutting-edge research and technology. This is the foundation for good intelligence.

Other countries are gaining the ability to take out intelligence assets, such as orbiting satellites. Al Qaeda is finding innovative ways to communicate over the internet to plan attacks.

We need to develop smarter tools to collect this information about threats to the U.S. and our allies. This bill refocuses the Intelligence Community on these new and emerging threats. The number one priority is preserving our technical workforce. This bill invests in our scientists and engineers.

This bill also addresses the future of research and development across the Intelligence Community. Let me emphasize; we must invest more heavily in research and development. The committee is looking to the Director of National Intelligence to establish an aggressive R&D investment strategy that promotes cooperation among various agencies while allowing each agency to conduct research that fulfills its specific needs. During this time of growth, we need to maintain the good working relationships the Intelligence Community has with our Nation's research centers.

In closing, we need to maintain our technology. We should vote for this bill.

I have been on the Intelligence Committee for 4 years. I feel very strongly that this committee should be USA first. What we have to deal with is very important. I am very distressed and concerned that the minority at this point, who I have worked with and are excellent friends and I respect, the first bill that we have coming out of as a majority are voting ''no.''

We need to bring consensus together. We need to work as a team. There are some things that we have and some that we don't, but I hope that we will be able to work together in the future and go beyond this tonight.

Mr. HOEKSTRA. At this time, I would like to yield 3 minutes to another member of the committee, Mr. MCHUGH of New York.

Mr. MCHUGH. I thank the distinguished ranking member for yielding to me.

Madam Chair, I would say that I want to begin by expressing my deep appreciation and great respect to the bipartisan leadership of the committee. To the distinguished ranking member who has provided such a steady hand and, certainly during his time as chair, for great guidance and leadership. And a particular tip of the hat, Madam Chair, to the current chairman. Chairman REYES I consider to be a personal friend, and he is a man of a good heart and great leadership. I would suggest respectfully through that good heart and great leadership, this bill certainly has some positive aspects. It increases needed counterintelligence assets to protect our Nation's military secrets. As well, it initiates the movement of

supplemental funding to the base budget for the better use and planning of those funds. And it establishes the requirement to develop an integrated space-based collection architect.

In addition, it places limitation on the termination of the U–2 program. It also gives added emphasis on language training and additional accountability on intelligence contracting. As I said, Madam Chair, these are all very positive steps in improving our intelligence capabilities, and I commend the chairman and Members on both sides of the aisle for working together to make that happen.

I have to say, regretfully, however, there is much that distresses me in this bill. Let me just cite a few examples.

I am very, very concerned that the legislation before us begins to retrace the failed policies of the 1990s that were based on underfunding and overtasking of our limited intelligence resources. It inadvertently, or not, establishes politically correct restrictions on intelligence operations.

Additionally, at least in my judgment, the bill does not adequately support key Intelligence Community activities that directly protect our national security. It calls for cuts to human intelligence programs which is counter to the recommendations of the 9/11 Commission. It fails to support the Intelligence Community and our national defense by rejecting an amendment that our side offered to include important legislation to modernize the Foreign Intelligence Surveillance Act, even though this identical language, Madam Chair, was passed unanimously by a bipartisan vote previously last year in the House.

There is no question that our Nation is locked in a struggle with radical jihadists and facing continued uncertainty and threats around the globe. As well, there is no question that before us lie critical questions. And we know what is needed right now is a well-trained, well-equipped and capable Intelligence Community. Instead, this bill unnecessarily, again in my judgment, diverts the resources of the Intelligence Community, as we have heard, to produce unnecessary legislation and initiatives.

I would hope we could go back, reject this bill and begin anew to work together on a bipartisan basis to produce a better product.

Mr. REYES. Could I inquire of the Chair how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Texas has 13 minutes; the gentleman from Michigan has 15 minutes.

Mr. REYES. Madam Chairman, it is my pleasure now to yield 3 minutes to the gentleman from California (Mr. THOMPSON), who is the chairman of our Subcommittee on Terrorism, Human Intelligence Analysis and Counterintelligence.

Mr. THOMPSON of California. I thank the chairman for yielding.

Madam Chairman, I am pleased to stand in strong support of this authorization bill tonight. I believe that this bill strengthens our capabilities to recognize and counter threats to the United States, both terrorist threats from groups like al Qaeda and the strategic challenges present in regions all over the world, including the Middle East, Asia and Latin America. This bill ensures that U.S. troops in Iraq and Afghanistan will continue to receive the intelligence support they need to conduct their missions.

The bill authorizes the largest intelligence budget ever. It also provides full funding for the intelligence programs related to Afghanistan and for U.S. efforts to counter terrorist threats.

Madam Chairman, terrorism and the war in Iraq are critical issues, and they have required intelligence agencies to divert resources away from other strategic challenges. This bill funds initiatives to collect better intelligence on those that pose threats to our country. It also adds funds to enhance coverage of other challenges, such as emerging threats in Africa and Latin America, and to ensure that America is not caught by surprise in the future.

The bill makes significant investments to improve the quality of intelligence analysts. It provides resources to send more analysts overseas so they can gain the real world experiences in the countries that they study. It provides funds for expanded foreign language training that we all agree is needed, and the development of advanced technical tools so both analysts and collectors can better do their jobs.

The bill makes us safer by adding resources for counterintelligence investigations, and these provisions will help mitigate efforts by our adversaries to steal classified information and advanced technologies, keeping the U.S. policy options open and preserving our military edge.

Despite these additions, the bill promotes efficiency and accountability by cutting programs that lack clear objectives and measurable results. It also requires the CIA Inspector General to audit covert action programs, ensuring regular oversight.

Madam Chair, this legislation helps us fight terrorists; it supports our troops; and it enhances U.S. intelligence capabilities throughout the world.

I support this bill, and I strongly recommend that our colleagues do as well.

Mr. HOEKSTRA. Madam Chair, at this time I would like to yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. I thank the gentleman from Michigan.

Madam Chairman, this bill reduces our human intelligence capabilities. Human intelligence is one of the primary tools used to keep us informed about the plans and intentions of our adversaries. Human intelligence keeps our families and our military personnel safe.

Today, we are faced by many threats around the world, from radical jihadists to the emerging threat from rogue nations. One of our primary ways to combat these threats is with human intelligence, but this bill distracts us from that. And we have been in this predicament before. It is entirely probable that the downsizing of our Intelligence Community, and specifically the Central Intelligence Agency, during the decade of the 1990s contributed to the intelligence breakdown often associated with 9/11. We should have learned that lesson, but instead of putting more resources into human intelligence, this bill redirects resources to a new top priority.

The bill requires that the Intelligence Community determine the impacts of global warming. How could we have overlooked this? I thought the enemy was al Qaeda, who claimed responsibility for September 11, 2001. I thought it was Iran, who calls us ''the Great Satan'' and is actively pursuing nuclear weapons. I thought it was the Islamic terrorists that are attacking our young men and women every day. Now we find out it is global warming.

Now, I know that the world is warming. Kansas used to be covered by a sheet of ice 14,000 years ago; now it's not. But for the record, I would like to point out that the United States has 13 Federal agencies currently studying the effects of climate change. In fact, the President's 2008 budget request has nearly $7.4 billion associated with studying climate change. And according to the Congressional Research Service, since 2001, the Federal Government has devoted $37 billion to study climate change activities.

Why is this an intelligence priority? Is it really responsible to shift our resources, currently focused on North Korea and Iran and other threats, to the impacts of global warming?

Madam Chairman, this bill is not the right approach, and it does not provide the tools to protect our Nation's security. Intelligence is the first line of defense. Now is not the time to let down our guard.

I urge my colleagues to vote against H.R. 2082.

Mr. REYES. Madam Chair, it is now my pleasure to yield 2 minutes to a gentleman from Iowa, an American hero, fellow Vietnam veteran (Mr. BOSWELL), a member of the committee.

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

Mr. BOSWELL. Madam Chairman, I rise in support of this bill. I feel it is a step in the right direction. I have to take note that there is almost a self-righteousness of those that have been in charge for all these years and want to criticize, you have only had the driving of this ship for 4 months. You're doing a good job. Keep your head up and keep going forward and the country will be safer.

This bill does a number of things. One thing for sure that we recognize, all of us that have served in this capacity, that the people that go out there and gather intelligence, they put it on the line. The things they do, if the Nation understood the risks they take, the things they will do to try to make us safe, they would be very appreciative.

□ 2245

This bill also recognizes something that we have been overlooking now for several years, that there is a need to increase the gathering of information or opportunities for people to learn languages. Around the world, this world we live in, there is much need to have innovative ways to explore new language opportunities. The need is there. This bill will require that, and that is a good step forward at least.

It also recognizes the need to take an aggressive approach to the gaps in our knowledge about Korea and Iran and around the world. We know there is a threat there and we are going to have to do more about it. We have tried before; we are trying again. This bill will do it and require the DNI to report back to us on a quarterly basis so we can assess and give oversight and do a better job of recognizing this need.

So, Mr. Chairman, I appreciate your hard work. Keep it up. Support the bill.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the great State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chairman, I want to congratulate the chairman on mostly good work. And a big budget doesn't necessarily mean a good budget. We have had some great discussions. There are some really good things in this bill. But there are some serious departures on the direction in which we take intelligence that I think are so important that we need to stand up and oppose this bill.

This bill jeopardizes our ability to listen to terrorists. It puts it at risk. This bill cuts very specific human intelligence programs. They will get less money this year than they got last year.

I just want to talk for a minute about global climate change. As mentioned earlier, the President's budget proposes over $7 billion for climate change activities. This bill should be about securing America. Instead, it is being used to secure a political agenda on these items.

Climate change is an important issue, and it should be taken seriously. Thankfully it is. Fourteen Federal agencies already have active climate change programs. Let me go through them: Agriculture, Commerce, State, Health and Human Services, Interior, Transportation, EPA, NASA, NSF, Defense, Treasury, USAID, the Smithsonian, the Army, the Navy, the Air Force, DARPA and NASA all have active research, development, testing and evaluation programs. NASA's program already makes satellite images available to government researchers.

This legislation assigns intelligence agencies that have limited experience in this area the job of researching climate change. We are going to take analysts away from looking for Osama bin Laden and we are going to put them on the ''March of the Penguins.''

This bill requires intelligence agencies to use intelligence satellites to monitor environmental issues. Many of my colleagues have been in the field. You know that imagery is so important and so high in demand. This is the wrong direction for their mission accomplishment.

If you want to break the spirits of our intelligence agencies, if you want to destroy their morale, go ahead and give them this assignment. Tell them they should spend their day watching the grass grow, and see how it works. George Tenet referred to these kinds of assignments as ''bugs and bunnies assignments.''

We are making a mockery of the seriousness of climate change and a mockery of the important work our intelligence agencies do. If you liked building the rain forest in Iowa, you are going to love the Department of Environmental Espionage.

Vote against this legislation. The stakes are too high. The people in the field mean too much to us. Their mission is too crucial to have it diverted for a political agenda.

Mr. REYES. Madam Chairman, sometimes I feel like we are living in a parallel universe here, when I hear the Members of the minority quote the ''slam-dunk expert.''

Madam Chairman, it is my privilege to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Chairman, although the bill before us today does not produce the overhaul of intelligence I seek, it does address a number of critical deficiencies in the operation and oversight of the intelligence community, and I support this important legislation.

I commend the committee staff. They do excellent work without help from outside. And I commend the Chair, the gentleman from Texas, for his sensible, considerate approach to his work as Chair.

There are several specific provisions in this bill that I would like to highlight. For example, the bill requires the compilation of a comprehensive inventory of special access programs, as well as measures to improve the contracting accountability. These provisions will give the committee additional tools to hold the intelligence community accountable for its actions and the use or misuse of taxpayer funds.

Again this year we demand more attention to the foreign language facility of employees in the intelligence community.

Of course, we would want the intelligence community to look at international and global issues that affect our national security. And who could oppose the attention to climate change?

There are a number of areas where we have had added or reduced resources. Overall, the agencies have ample support, the largest budget ever. By the way, I would say to my colleague from Kansas, there is no reduction in human intelligence collectors. This legislation adds resources for their training, it adds analytic capability, it adds technologies to help them do their job.

Let me close by thanking the chairman again for the admirable manner that he shows in running this committee. I support this legislation, and I urge my colleagues to do so.

Mr. HOEKSTRA. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Chairman, I thank the ranking member, and I thank the chairman for what we were able to accomplish during the markup. But I come to the House floor knowing that in fact in a few short minutes, an hour or so, our Members will vote not knowing what is in this bill. Oh, they will hear us talking in unclassified terms about the fact that HUMINT, contrary to the last speaker, is being cut in absolute dollars. The eyes and ears of human beings is being cut in this bill.

Certainly, with inflation, other things are going up. But as everyone knows that has read the Iraq Study Report or the 9/11 report, it is the absence of the human resources that we have been investing in that led to our vulnerability on 9/11. And I will say that if the people on the other side of the aisle want to say we are losing this war, then they have to be willing to make a much greater commitment in the diplomatic and especially in the human resources and the above-sky resources that allow us to know what our enemy is thinking and planning before he attacks.

This bill doesn't do it. This bill does, as many of the speakers have said, deal with ''bugs and bunnies.'' Now, I happen to be an advocate for global warming research. I happen to believe that the Earth is warming, and I happen to believe that CO_2 is something we have to address. I serve on a committee that has overseen it, that has looked at it, that has costed it; and I will continue to do so.

But I am beyond words, furious, that with no new funding we are diverting resources from finding out what bad people want to do to us, to a vague, beyond vague, an open-ended statement of over the next 30 years what is global warming maybe going to do.

It is a worst case, all-possible-negatives study. It will cost ten or hundreds of millions of dollars to begin with. It will cause us to divert satellites to do the research. To be honest, the CIA doesn't just throw together a report, especially when it is this vague.

We urged in committee that in fact they put reasonable amendments to

this. We asked something simple: task them with the U.N.'s finding on global warming. Any committee, any group's finding. It is an open-ended go-study report. It is going to cost a lot of money, and it is going to cost American lives.

But last but not least, there are unconscionable earmarks in this bill which I three times participated and voted for going to closed session so the Members would understand that pork and ''unfounded'' earmarks are in this bill; that American lives will be lost because we divert needed moneys from the human resources we need to invest in to pork projects and special interests of Members of the majority.

Mr. REYES. Madam Chairman, so we move from a parallel universe to the Twilight Zone.

Madam Chairman, I would like to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of our committee.

Ms. SCHAKOWSKY. Madam Chairman, I rise today to address two matters in the intelligence authorization bill.

For too long, the intelligence community has been increasing its use of contractors without internal or congressional oversight. For the first time, the Director of National Intelligence has conducted a contractor survey to begin to get a handle on the situation. A simple survey, however, is not sufficient to understand how we are using contractors and whether the use of such contractors is appropriate.

This bill takes an important step towards understanding the use of contractors. It requires the DNI Inspector General to report on intelligence contractors committing waste, fraud or abuse. It also requires a report on contractor accountability and their effect on the workforce, all positive steps toward better oversight.

But there is one issue this bill does not address that I firmly believe raises a fundamental question as to who we are as a Nation. The President has acknowledged that the intelligence community kept prisoners in undisclosed detention sites and has reserved the right to do so in the future. We should reject this policy.

In Nazi Germany, millions of people were sent to camps, never to be heard from again. During the Cold War, thousands of people disappeared into gulags. Saddam Hussein's secret prisons still strike fear into the hearts of Iraqis. Each time, our Nation stood as a beacon of human rights and strongly objected to those practices. If we endorse any policy that allows undisclosed detention, we undermine our moral authority to stand against such atrocities in the future.

The United States should be beyond reproach in its treatment of detainees. In the first Gulf War, the International Committee of the Red Cross called U.S. compliance with the Geneva Conventions the best of any nation in any conflict in the history of the convention.

If we lower that standard for how we treat prisoners, we weaken our ability to insist on the highest standards of treatment for our own military personnel and civilians abroad, thus endangering their safety and undermining our standing in the world. More importantly, we sacrifice the principles on which this country is based.

I want to thank the chairman for considering all these important matters in the intelligence bill and for his leadership on this good bill.

Mr. HOEKSTRA. Madam Chairman, I yield 1 minute to my colleague and classmate from the State of Maryland, Mr. Roscoe Bartlett.

Mr. BARTLETT of Maryland. Madam Chairman, I hold here a major study done by the Center for Naval Analysis entitled ''National Security and the Threat of Climate Change.'' Their Military Advisory Board contains five admirals and four generals, including Sullivan, Lopez and Zinni.

In their recommendations, ''Recommendation No. 1,'' they say the national security consequences of climate change should be fully integrated with national security and national defense strategies. Two of the specifics of this have been included in the National Defense Authorization Act, including the National Security Strategy, the National Defense Strategy and the Quadrennial Defense Review, all of which, they say, should consider climate change. A specific related to the intelligence community should incorporate climate consequences into its National Intelligence Estimate.

A letter from the chairman of this board said that ''we made that call because we are concerned that climate change may affect our military.''

This conservative Republican proudly joined Mr. MARKEY in requesting that this become a part of the base bill; and thank you, Mr. Chairman, for making it so.

Mr. REYES. Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield 1 minute to my colleague from the State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chairman, I just want to quickly respond to my colleague, who I have the greatest amount of respect for. Climate change is an important issue, and I think the point we are trying to make here is that there are 14 agencies, $7 billion already being spent on it. The time to train an analyst and a case officer to their optimum performance level is between 5 and 7 years. Five and 7 years. That is an incredible investment. And I want them looking for Osama bin Laden, for the next nuclear program that we don't know about around the world. It takes a tremendous amount of effort to get them where they need to be. This is the wrong direction for it.

We have, I am going to read them again, the Army, Navy, Air Force, DARPA, NASA, EPA, NSF, Defense, Treasury, USAID, the Smithsonian, Transportation, Interior, HHS, State, Energy, Commerce and Agriculture all looking at climate change. Don't waste these very precious resources.

Mr. REYES. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of our committee.

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

□ 2300

Mr. LANGEVIN. I thank the gentleman for yielding.

Madam Chair, I rise in strong support of the Intelligence Authorization Act for FY 2008. I particularly want to commend Chairman REYES for his outstanding leadership, vision and work on this bill and getting us to where we are today. Equally important, I want to recognize the staff for their hard work as well.

Madam Chair, I have always believed that good intelligence is the pointy tip of the spear. This bill provides intelligence support for troops in Iraq and Afghanistan and strengthens information-sharing among Federal, State and local agencies. Most importantly, it enhances the full range of intelligence collection capabilities, tactical and strategic, near term and long term.

The United States relies heavily on satellites to gather intelligence. Our intelligence agencies, working with industry, have developed extraordinary capabilities that build upon proven technologies. And to ensure that we maintain our technological edge, this bill refocuses the Intelligence Community on evolving satellite technology while ensuring that our industrial base also remains strong.

And because nothing beats having eyes on the ground, this bill strengthens human intelligence collection capabilities by adding funds to both CIA and military collectors to receive training and operational skills in critical foreign languages while providing advanced technological tools that support intelligence collection.

This measure further strengthens intelligence analysis by investing in the people of the Intelligence Community. By establishing challenging career paths for intelligence professionals at FBI and DHS, it rewards good work and encourages America's best and brightest to serve. Many of these Americans, because of their personal backgrounds, possess a wealth of expertise on foreign cultures, societies and languages. But for the Intelligence Community to harness their potential, its staff must reflect the myriad experiences, talents and perspectives of the American people.

This bill takes important steps to enhance diversity in the Intelligence Community. For example, it requires the DNI to implement a multi-level security clearance system to ensure that Americans who are ineligible for the highest clearances because they have

relatives overseas and cannot be investigated, for instance, can still offer expertise in their roles.

It is a good bill, and I urge its passage.

Mr. REYES. Madam Chairman, I yield 1½ minutes to a former ranking member of this committee, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Chair, I thank the gentleman for yielding and commend him for his leadership as chairman of the committee.

Madam Chair, I spoke earlier during the rule about the specifics in this bill, a bill I strongly support. But as the debate closes, I thought I might offer just two thoughts from my vantage point as someone who has served on this committee for so long and who passionately cares about the issues.

The first is I believe al Qaeda is here and waiting to attack us. I believe America is in danger, and if we don't get our intelligence right both internationally and domestically, we will be attacked. We will fail to prevent or disrupt the harm that is coming our way. That is why it is so critical that we pass the best bill that we can.

My second point is that I have never seen, and I have sat through these debates for many years, the kind of partisanship we are now seeing in debate on the intelligence authorization bill. It breaks my heart.

And if there is someone out there in an austere, unaccompanied post watching C–SPAN, if C–SPAN is available, and looking at this debate, that person must wonder: Why can't Congress come together and protect America at a time of urgent need? And I have to say, I am wondering, too. It is very disappointing to see the partisanship. It is very disappointing to hear that members I served with are going to oppose this bill. I hope they will reconsider. It is very important to reach consensus and pass the strongest bill possible.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

Madam Chair, I have a great deal of respect for my colleague, but I believe last year, and she can correct me if I'm wrong, but I believe she voted against the bill on the floor. And to characterize our disagreement with this bill as partisan, and to, I assume perhaps in another way, characterize her vote against our base bill last year as something else, her vote as something else, is disappointing.

We had a good partnership when I was chairman and you were ranking member. I am disappointed by that. I believe this is a well-founded difference of opinion on the content of this bill. There are clear differences in priorities. As the gentlelady said and others have said, we are a Nation that faces a great threat.

We saw earlier this week that threat may have evolved and found its way once again to our shores, in New Jersey. We believe we need to strengthen HUMINT and face the threats that are out there. We believe that we can't be working in the politically correct environment.

The message that people are looking for in the field is, what direction is this new majority going to take our Intelligence Community? They are seeing cuts in key activities that support the war, the effort against the threat that we face from radical jihadists, and not applying the resources that we need against targets that we don't know enough about.

I think we would all agree on a bipartisan basis, we don't know enough about al Qaeda and how it works and where it is and what its resources are and what its plans and intentions are. We don't know enough about Iran, Syria, North Korea and the people that are proliferating and making this world a much more dangerous place.

We will see amendments later on from both sides of the aisle that acknowledge that we are not where we want to be with the reorganization of the Intelligence Community. We have lots of questions about where the DNI, the office of the DNI is headed and whether this structure is going to work the way that some of us worked in a very bipartisan way to reform it with a certain expectation and hope, and what we would get as a result of that: An enhanced Intelligence Community that would be quicker, more nimble and more effective than the threats that we face today. And we need to rebuild HUMINT.

And at the same time, we see in this bill a commitment that says we are going to task the Intelligence Community, and the question that has not been answered is what specific skills does the Intelligence Community add to the study of climate change when we are already spending $7 billion projected for the next fiscal year on climate change? What secrets are we going to steal? What are we going to task our HUMINT folks for? What are we going to task our limited resources with spy satellites to do? To assess the political, social, agricultural and economic risk during the 30-year period beginning on date of enactment? And don't say it is not going to take resources. This is a massive undertaking. It is not a throw-away. This is Congress coming and saying the most important national intelligence assessment that the community can complete next year, and you need to do it in 180 days; 180 days with no input from the community on whether they have the resources, the capabilities to carry out this task. We are saying that it needs to be done in 180 days. You need to do it on a global basis, and you need to do it over 30 years, and you need to cover all of these different areas. And by the way, we are not going to give you a benchmark from where to start.

Are you going to take the U.N.'s assessment of what may be happening with climate change? Are you going to take a university's assessment on climate change? Where do you start?

This is a massive undertaking. It will shift resources because when you tell the Director of National Intelligence Congress wants this done, and Congress we know has been dissatisfied with the national intelligence estimates that we have been given on Iraq and Iran and on a number of other issues, they know they need to get this one right or it better be a very, very good piece of work. They will take this very, very seriously. They will divert resources to get this done, and they will divert resources from the things that we need them to be doing.

This bill sends the wrong message to our men and women in the field. I ask my colleagues to vote ''no.''

Mr. REYES. Madam Chairman, I yield myself the balance of my time.

Madam Chair, I am very proud of this bill, and I am proud of the work we all put into it. I realize there are some political differences. You have heard the minority go from characterizing bugs and bunnies. Well, I think bogeyman politics doesn't work with the American people. It doesn't work with the challenge that we are facing in Iraq, and it is not going to fly with what we are doing with this intelligence bill.

This bill does not make cuts. It adds funds to both CIA and military elements for human intelligence training. It adds funding for sending additional analysts overseas.

Yes, I agree with the former ranking member, we should be concerned about al Qaeda. The ranking member mentioned the potential attacks against Fort Dix last week. So this is serious business. We know it is.

This is an important piece of legislation that I hope everyone knows it is imperative that they support. The men and women of the Intelligence Community don't care about mischaracterizations. They don't care about talking about slam dunking and bugs and bunnies and all of these other rhetorical phrases that the minority likes to engage in. They care about support from Congress.

This bill gives the Intelligence Community the support that they need. All you have to do is travel around the world and listen to them. I am proud of this legislation.

By strengthening our Nation's Intelligence Community, we will be able to detect and disrupt the plans of those that are threatening our national security. I urge my colleagues to support this critical piece of legislation.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in strong support of H.R. 2082, the Intelligence Authorization Act of 2007. H.R. 2082 authorizes the largest amount for intelligence ever considered in a single bill, which just goes to show you how important intelligence has become to our national security and how serious the new Democratic majority is about protecting the homeland and defending the nation.

H.R. 2082 promotes responsible budgeting and oversight by shifting resources from the supplemental to the base budget—allowing officers in the field to plan their operations properly, particularly in the counterterrorism arena, and allowing Congress to review funding requests.

The bill makes key investments to strengthen intelligence by adding funds to both CIA and military elements for Human Intelligence (HUMINT) training. We increase our investments in language training for collectors and analysts and in language translation capabilities. We also add funding for sending additional analysts overseas. The bill also strengthens counterintelligence field operations.

Madam Chairman, H.R. 2082 promotes efficiency and effectiveness of intelligence programs by streamlining acquisition, trimming the fat from ineffective programs, eliminating redundant activities, requiring greater strategic focus in some key areas.

Madam Chairman, this bill does not, as some claim, make deep cuts in any intelligence programs. In one area, related to supplemental funding for Iraq, the bill reflects bipartisan concerns about excessive spending on programs that lack a strategy or metrics for evaluating its effectiveness. These funds are shifted to enhance coverage of other global challenges, such as Iran, Russia, East Africa, and Asia.

The bill promotes accountability by requiring quarterly intelligence updates to Congress on nuclear programs of Iran and North Korea. And it requires the CIA Inspector General to conduct an audit of each covert action program not less than once every three years.

Finally, Madam, Chairman, H.R. 2082 requires reports to Congress on the use of contractors in the Intelligence Community. It requires a strategy for implementing a multi-level security clearance system—to allow patriotic Americans to serve as translators or linguists in the intelligence community. I think it important also that H.R. 2082 promotes diversity in the intelligence community by requiring a strategic plan for implementing the recommendations of a key diversity panel.

Last, the H.R. 2082 follows the recommendations of several former military commanders in requesting that the National Intelligence Council produce a National Intelligence Estimate on national security impact of global climate change.

Madam Chairman, I strongly support H.R. 2082 and the rule.

Mr. LARSON of Connecticut. Madam Chairman, I rise in strong opposition to the amendment offered by Mr. HOEKSTRA that would strike language requesting an assessment of the national security challenges posed by global warming. As a member of the House Select Committee on Energy Independence and Global Warming and an original cosponsor to H.R. 1961, the Global Climate Change Security Oversight Act, I support the inclusion of this language in the Intelligence Authorization bill.

There are serious political, social, economic and national security risks associated with climate change. It is only appropriate that our nation have a National Intelligence Estimate assessing its global warming threat. The National Intelligence Council is already a producing a community assessment on this issue, this provision would simply require that assessment be elevated to a formal National Intelligence Estimate.

This type of review is supported by a group of 11 retired three-star and four-star generals and admirals, who on April 16, 2007, issued a report entitled, ''National Security and the Threat of Climate Change.'' This report concludes that global warming presents significant national security challenges the United States. The effects of climate change are projected to have grave consequences for some of the poorest areas of the world—already volatile areas, the instability of these regions would be multiplied. Projected climate change will seriously exacerbate already marginal living standards in many Asian, African, and Middle Eastern nations, causing widespread political instability and the likelihood of failed states. As retired U.S. General Gordon R. Sullivan described before the Select Global Warming Committee, the potential national security threat of global warming in certain regions of the world could potentially be a Petri dish for terror.

Climate change is yet another front in the war on terror and now is the time for the United States to fully understand the implications it has on our national security. I urge my colleagues to join me in opposing this amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2082

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 ''Intelligence Authorization Act for Fiscal Year 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical amendment to mandatory retirement provision.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Extension to the intelligence community of authority to delete information about receipt and disposition of foreign gifts.
Sec. 305. Modification of requirements for reprogramming of funds for intelligence activities.
Sec. 306. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 307. Report on proposed pay for performance intelligence community personnel management system.
Sec. 308. Plan to increase diversity in the intelligence community.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 404. Leadership and location of certain offices and officials.
Sec. 405. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 406. Multi-level security clearances.
Sec. 407. National intelligence estimate on global climate change.
Sec. 408. Plan to implement recommendations of the data center efficiency reports.
Sec. 409. Comprehensive inventory of special access programs.
Sec. 410. Quarterly intelligence reports to Congress on Iran and North Korea.
Sec. 411. Accountability in intelligence contracting.
Sec. 412. Annual report on foreign language proficiency in the intelligence community.
Sec. 413. Intelligence community reports on foreign language proficiency.

Subtitle B—Central Intelligence Agency

Sec. 421. Deputy Director of the Central Intelligence Agency.
Sec. 422. General authorities of the Central Intelligence Agency.
Sec. 423. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 424. Report on audited financial statements progress.

Subtitle C—Other Elements

Sec. 431. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
Sec. 432. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 433. Clarification of inclusion of Coast Guard and Drug Enforcement Administration elements in the intelligence community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Aerial reconnaissance platforms.
Sec. 502. Extension of National Commission for Review of Research and Development Programs of the United States Intelligence Community.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 512. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 513. Technical amendments to the National Security Act of 1947.
Sec. 514. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 515. Technical amendments to the Executive Schedule.

Sec. 516. Technical amendments relating to titles of Central Intelligence Agency positions.
Sec. 517. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2082 of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the congressional intelligence committees whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $737,876,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1035 full-time personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2008 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $39,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2009, and funds provided for procurement purposes shall remain available until September 30, 2010.

(2) TRANSFER OF FUNDS.—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used for purposes of exercising police, subpoena, or law enforcement powers or internal security functions.

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 2082 of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

''(A) upon reaching age 65, in the case of a participant in the system serving in a position with a Senior Intelligence Service rank of level 4 or above;''.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 304. EXTENSION TO THE INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS.

Section 7342(f)(4) of title 5, United States Code, is amended to read as follows:

''(4) In transmitting such listings for an element of the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), the head of such element of the intelligence community may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element of the intelligence community certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.''.

SEC. 305. MODIFICATION OF REQUIREMENTS FOR REPROGRAMMING OF FUNDS FOR INTELLIGENCE ACTIVITIES.

Section 504(a)(3)(B) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)(B)) is amended to read as follows:

''(B) the activity to be funded supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 306. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting

''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

(3) by adding at the end the following new paragraph:

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMISSION OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.

(a) PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.—The Director of National Intelligence and the head of each element of the intelligence community may not implement a plan that provides compensation to personnel of an element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report under subsection (b).

(b) REPORT.—The Director of National Intelligence shall submit to the congressional intelligence committees a report on performance-based compensation for the intelligence community, including—

(1) an implementation time line, by phase and by element of the intelligence community, which includes target dates for completion of—

(A) the development of performance appraisal plans;

(B) establishment of oversight and appeal mechanisms;

(C) deployment of information technology systems;

(D) management training;

(E) employee training;

(F) compensation transition; and

(G) full operational capacity;

(2) an estimated budget, by phase of implementation and element of the intelligence community, for the implementation of the performance-based compensation system;

(3) an evaluation plan to monitor the implementation of the performance-based compensation system and to improve and modify such system;

(4) written standards for measuring the performance of employees;

(5) a description of the performance-based compensation system, including budget oversight mechanisms to ensure sufficient funds to pay employees for bonuses;

(6) a description of internal and external accountability mechanisms to ensure the fair treatment of employees;

(7) a plan for initial and ongoing training for senior executives, managers, and employees;

(8) a description of the role of any advisory committee or other mechanism designed to gather the input of employees relating to the creation and implementation of the system; and

(9) an assessment of the impact of the performance-based compensation system on women, minorities, persons with disabilities, and veterans.

SEC. 308. PLAN TO INCREASE DIVERSITY IN THE INTELLIGENCE COMMUNITY.

(a) STRATEGIC PLAN REQUIRED.—The Director of National Intelligence shall submit to the congressional intelligence committees a plan to increase diversity across the intelligence community. Such plan shall include—

(1) a description of the long term and short term goals for the intelligence community;

(2) a description of how the plan will be implemented by each element of the intelligence community, taking into account the unique nature of individual elements of the intelligence community;

(3) training and education programs for senior officials and managers; and

(4) performance metrics.

(b) RESTRICTION ON COMMUNITY MANAGEMENT FUNDS UNTIL SUBMISSION OF PLAN.—The Director of National Intelligence may only obligate or expend 80 percent of the funds appropriated to the Intelligence Community Management Account pursuant to section 104(a) until the date on which the report required under subsection (a) is submitted.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'' ;

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by inserting ''the headquarters of'' before ''any other element''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

(2) by adding at the end the following new paragraph:

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be executed by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Such section is further amended—

(1) in subsection (c)—

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

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research programs; and

''(3) ensure that programs are designed to meet the technical requirements of the intelligence community.''.

(c) REPORT.—(1) Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2018.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for basic, advanced, and applied research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to transition technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting ''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the intelligence community.

''(10) The Inspector General of the intelligence community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 405. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(d) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—'' after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 406. MULTI-LEVEL SECURITY CLEARANCES.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) MULTI-LEVEL SECURITY CLEARANCES.—The Director of National Intelligence shall establish a multi-level security clearance system for the intelligence community to enable the intelligence community to more efficiently make use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.''.

(b) ESTABLISHMENT DATE.—The Director of National Intelligence shall establish a multi-level security clearance system under section 102A(s) of the National Security Act of 1947, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 407. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) NATIONAL INTELLIGENCE ESTIMATE.—Not later than 270 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a national intelligence estimate on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(b) CONTENT.—In preparing the national intelligence estimate required by this section, the Director of National Intelligence shall—

(1) assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic national security importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse national security impacts caused by global climate change;

(3) assess the strategic challenges and opportunities posed to the United States by the risks described in paragraph (1); and

(4) assess the impact of global climate change on the activities of the United States intelligence community throughout the world.

(c) COORDINATION.—In preparing the national intelligence estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, and, as appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) FORM.—The national intelligence estimate required by this section (including key judgments) shall be submitted in unclassified form, but may include a classified annex.

SEC. 408. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later then February 1, 2008, the Director of National Intelligence shall submit to Congress a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 409. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 410. QUARTERLY INTELLIGENCE REPORTS TO CONGRESS ON IRAN AND NORTH KOREA.

(a) IN GENERAL.—

(1) REPORT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''QUARTERLY INTELLIGENCE REPORTS TO CONGRESS ON IRAN AND NORTH KOREA

''SEC. 508. (a) REPORT.—

''(1) IN GENERAL.—On a quarterly basis, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the current intentions and capabilities of the Islamic Republic of Iran and Democratic People's Republic of Korea (North Korea) with regard to the nuclear programs of Iran and North Korea, respectively, including—

''(A) an assessment of nuclear weapons programs;

''(B) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;

''(C) a summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources; and

''(D) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

''(2) FORM.—Each report submitted under paragraph (1) may be submitted in classified form.

''(b) ACCESS TO REPORT.—Each report submitted under subsection (a)(1) shall be made available to all members of the congressional intelligence committees and to all staff of the congressional intelligence committees with appropriate security clearance. Other members of the Senate or the House of Representatives may review the reports in accordance with security procedures established by each of the congressional intelligence committees.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Quarterly intelligence reports to Congress on Iran and North Korea.''.

(b) EFFECTIVE DATE.—The first report required to be submitted under section 508(a)(1) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 30 days after the date of the enactment of this Act.

SEC. 411. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.

(a) OVERSIGHT REPORT ON IC CONTRACTORS.—

(1) REPORT.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is further amended by adding at the end the following new section:

''REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS

''SEC. 509. Not later each year than the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees a report on contractors funded under the National Intelligence Program. Such report shall include—

''(1) a list of all contractors that—

''(A) have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year,

''(B) are the subject of an investigation by such an Inspector General during the current fiscal year, or

''(C) will be the subject of an investigation that may affect the ability of the contractor to deliver contracted services to the intelligence community by such an Inspector General during the current fiscal year,

either as a corporate entity or an individual employee, for financial waste, fraud, abuse of government resources, failure to perform a contract, or criminal violations; and

''(2) the number of contractors performing services for each element of the intelligence community.''.

(B) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is amended by—

(i) redesignating subparagraph (N) as subparagraph (J);

(ii) adding at the end the following new subparagraph:

''(K) The annual report on intelligence community contractors required by section 509.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 508, as added by section 410, the following new item:

''Sec. 509. Report on intelligence community contractors.''.

(b) REPORT ON REGULATIONS AND ACCOUNTABILITY MECHANISMS GOVERNING INTELLIGENCE COMMUNITY CONTRACTORS.—

(1) REPORT REQUIREMENT.—Not later than February 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on accountability mechanisms that govern the ongoing performance of contractors for personal services contracts under the National Intelligence Program.

(2) MATTERS COVERED.—The report submitted under paragraph (1) shall include—

(A) a list of statutes and regulations that govern the ongoing performance of contractors for services contracts entered into by each element of the intelligence community;

(B) an analysis of accountability mechanisms within services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(C) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(D) an identification of best practices of accountability mechanisms within services contracts.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(c) IMPACT OF CONTRACTORS ON THE INTELLIGENCE COMMUNITY WORKFORCE.—

(1) REPORT REQUIREMENT.—Not later than March 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the impact of contractors on the intelligence community workforce under the National Intelligence Program.

(2) MATTERS COVERED.—The report submitted under paragraph (1) shall include—

(A) an identification of contracts where the contractor is providing a substantially similar functions to a government employee;

(B) a comparison of the compensation of contract employees and government employees performing substantially similar functions;

(C) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions; and

(D) an estimate of the value of the infrastructure provided to contract employees for government furnished equipment, facilities, or other support, by agency and expenditure center.

SEC. 412. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 510. Not later each year than the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the foreign language proficiency of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(3) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(4) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(5) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(6) a description of such element's efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language; and

''(7) an assessment of methods and models for basic, advanced, and intensive foreign language training.''.

(2) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is further amended by adding at the end the following new subparagraph:

''(L) The annual report on foreign language proficiency in the intelligence community required by section 510.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 509, as added by section 411, the following new item:

''Sec. 510. Report on foreign language proficiency in the intelligence community.''.

SEC. 413. INTELLIGENCE COMMUNITY REPORTS ON FOREIGN LANGUAGE PROFICIENCY.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''ANNUAL REPORTS ON FOREIGN LANGUAGE PROFICIENCY

''SEC. 120. (a) IN GENERAL.—The head of each element of the intelligence community shall annually submit to the Director of National Intelligence a report on the foreign language proficiency of the personnel of such element.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report submitted under subsection (a) shall include, for each foreign language and, where appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that—

''(i) requires proficiency in the foreign language or dialect to perform the primary duty of the position; and

''(ii) does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel that are proficient in the foreign language or dialect that—

''(i) are authorized for the element of the intelligence community for which the report is submitted; and

''(ii) the head of such element considers necessary for such element for each of the five years following the date of the submission of the report;

''(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States;

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors; and

''(K) the percentage of work requiring linguistic skills that is fulfilled by members of the Armed Forces.

''(2) MILITARY PERSONNEL.—Except as provided in paragraph (1)(K), a report submitted under subsection (a) shall not include personnel that are members of the Armed Forces on active duty assigned to the element for which the report is submitted.

''(c) DNI REPORT TO CONGRESS.—The Director of National Intelligence shall annually submit to the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate a report containing—

''(1) each report submitted to the Director of National Intelligence for a year under subsection (a);

''(2) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole; and

''(3) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant.''.

(2) TABLE OF CONTENTS.—Such Act is further amended in the table of contents in the first section by inserting after the item relating to section 119B the following new item:

''Sec. 120. Annual reports on foreign language proficiency.''.

(b) EFFECTIVE DATE.—

(1) REPORT BY HEADS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The first report required to be submitted by the head of each element of the intelligence community under section 120(a) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) REPORT BY DNI.—The first report required to be submitted by the Director of National Intelligence under section 120(c) of the National Security Act of 1947, as added by subsection (a)(1), shall be submitted not later than 240 days after the date of the enactment of this Act.

Subtitle B—Central Intelligence Agency

SEC. 421. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF THE POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director; and

''(2) act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

''Deputy Director of the Central Intelligence Agency.''.

SEC. 422. GENERAL AUTHORITIES OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''any of the functions or activities authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405),'' and inserting ''any functions or activities authorized by law to be conducted by the Central Intelligence Agency''.

SEC. 423. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CIA.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end;

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every three years.

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action

that has been terminated or suspended if such covert action was terminated or suspend prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(g)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(g)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(g)''.

SEC. 424. REPORT ON AUDITED FINANCIAL STATEMENTS PROGRESS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

Subtitle C—Other Elements

SEC. 431. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 432. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) in subsection (g), by striking paragraphs (3) and (4); and

(3) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e)(2), as so redesignated, by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 433. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION ELEMENTS IN THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.

(a) LIMITATION ON TERMINATION OF U–2 AIRCRAFT PROGRAM.—The Secretary of Defense may not begin the process to terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(b) REPORT AND CERTIFICATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(2) REPORT.—The Secretary shall submit to the congressional committees specified in subsection (c) a report containing the results of the study. The Secretary shall include in the report the Secretary's determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—

(A) has reached mission capability; and

(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(3) CERTIFICATION.—The Secretary shall include with the report the Secretary's certification, based on the results of the study, as to whether or not there would be a loss of national or Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(c) SPECIFIED COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 1007(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking ''September 1, 2004'' and inserting ''September 1, 2008''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community (in this subsection referred to as the ''Commission'') established under section 1002(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2438; 50 U.S.C. 401 note) to carry out title X of such Act.

(2) AVAILABILITY.—Amounts made available to the Commission under paragraph (1) shall remain available until expended.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 512. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 513. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)''; and

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i);

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in the heading of subsection (n), by striking ''ACQUISITION AUTHORITIES'' and inserting ''ACQUISITION AND OTHER AUTHORITIES''; and

(2) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

SEC. 514. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 515. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 516. TECHNICAL AMENDMENTS RELATING TO TITLES OF CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service''; and

(3) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director for Support''.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1)(K).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)(XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

The CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–144. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 110–144.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–144.

Mr. HOEKSTRA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Strike section 407 (page 24, line 17 through page 26, line 8).

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I yield myself 2 minutes.

As we have already talked about a number of times in general debate, the base bill includes a provision that directs the Director of National Intelligence to complete a national intelligence estimate on climate change where they shall assess the political, social, agricultural and economic risk during the 30-year period beginning at the date of enactment of this act posed by global climate change.

This is a global study, 30 years, and it is very clear what we want to do with this amendment. We want to make sure that the Intelligence Community stays focused on its priorities which is the threat from radical jihadists, the proliferation and the threats posed by Iran, Syria, North Korea and other countries that over this 30-year period may participate in proliferation, the restructuring of the Intelligence Community, and the rebuilding of HUMINT.

These are the key priorities that the Intelligence Community and the Intelligence Committees have been focused on over the last number of years. We need to continue that focus rebuilding this community, rebuilding the resources and the capabilities while, as it was discussed, the information that is going to be used is public information. The direction in the bill says it will be a public report, so the real question comes: What specific value does the Intelligence Community add to this process that makes it so important that we will divert resources from other key priorities to climate change?

□ 2315

Why can't this be done in other areas of the government where it is already being done, areas that have already been allocated and been spending dollars in these areas over a number of years in what is projected to be over $7 billion of expenditure in these areas in 2008?

Madam Chairman, I reserve the balance of my time.

Ms. ESHOO. I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Madam Chairman, as I said when I was speaking a little bit ago, and I am going to make some comments about this amendment, I want to set something else down which I think is really important, and that is, that it's not debatable that this is the largest single intelligence authorization in the history of our country.

Now, we are hearing a lot from the other side, hearing a lot from the other side, not enough money, not enough money, not enough money. When did you make any amendments to increase anything in this authorization, with the exception of an earmark with three States specified? That's what you offered, and that's the only thing that you offered.

So I think it's important for the people of our country to know what's going on.

Now, on this amendment that Mr. HOEKSTRA offers, this is not a study of climate change. This is a directive to the intelligence community to assess the impacts of climate change; and most frankly, I would go with the former Army chief of staff, Retired General Gordon Sullivan, who said the national security consequences of global climate change should be fully integrated into the national security and national defense strategies, including a National Intelligence Estimate. Climate change is a national security issue.

Madam Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Chairman, I thank the gentlelady for her leadership on this issue.

As the Chairman of the Select Committee on Global Warming, I conducted

a hearing 3 weeks ago in which Retired General Gordon Sullivan, speaking for eleven senior retired three- and four-star admirals and generals, released and testified on a report entitled ''National Security and the Threat of Climate Change,'' which called for global warming to be fully integrated into the military and defense planning.

Here's what General Sullivan testified to. He said that he was the Army chief of staff when we lost 19 men in Mogadishu. He testified before the Select Committee on Global Warming that with more drought we will see more disasters such as Black Hawk Down. Drought caused famine, famine caused food relief, food relief caused warlords to fight over it, the warlords fighting caused the U.S. to intervene, and 19 U.S. fighting men were killed. He added, and I quote, that the same thing is what is driving Darfur and there has to be some recognition that these issues are at the heart environmentally related.

These are men who have dedicated their lives to protecting our country. They are asking us to do a National Intelligence Estimate about what the impact is of climate leading to drought, leading to famine, leading to conflicts, leading to the American military or other of our allies having been dedicated to preserving the peace. That is no small request from 11 retired three-star generals and admirals.

Ms. ESHOO. Madam Chairman, I believe our time has expired?

The CHAIRMAN. The gentlewoman has 1½ minutes remaining.

Ms. ESHOO. Madam Chairwoman, let me just close out this very important debate, and it is important to have a debate. It's very important to have a debate.

In listening to it, I see two things: one, a rearview mirror, looking to the past, people that are sincere, but nonetheless I think are sticking their heads in the sand. When we see whole populations, massive movement of populations, moving across borders because of drought, moving across borders because of disruption, they cause national security issues. We know that.

This debate is about the future, and I understand why some have trouble seeing the future and even embracing it, much less harnessing it.

Mr. MARKEY. Madam Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, I thank the gentlelady for yielding.

It is not inappropriate for the CIA to tell us how the increasing scarcity of water could exacerbate the very failed state conditions which breed terrorism. It is not politically correct to want the military services to know how polar ice melt could alter the patrols of our submarines or how rising sea levels could threaten not only our naval facilities but also our crucial shipbuilding infrastructure.

It is not pre-9/11 mindset that wants to study how our ability to project power from the Pacific would be damaged if our crucial air base at Diego Garcia, average elevation 4 feet above sea level, changes from a land-based stationary aircraft carrier to a sub-sea ruin.

That is in the interest of the national security of our country.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of my time.

I think as you listen to the discussion, the question almost answers itself because the primary question hasn't been answered: Exactly what are we going to task our spy satellites to do? Exactly what are we going to task our human collectors to do?

The statistics are very, very obvious in terms of climate change, and there's lots of different, competing ones. Exactly what secrets, with limited resources, are we going to task the intelligence community to go out and collect? And precious analysts that are taking a look at northern Africa and trying to determine exactly what the footprint is of al Qaeda in Algeria and Morocco, Nigeria, other parts of Africa, are we going to ask the CIA stations in those areas to take their time and dedicate it to studying climate change for the next 6 months? It's a totally new task.

We have a community that at this point is not even a global community. So we are going to dedicate precious resources instead of expanding the reach of our intelligence community into places where we are not at today, the bigger emphasis is going to be giving them a totally new and different assignment?

Instead of tasking our satellites to take a look at exactly what the proliferation capabilities are in China or North Korea, we are going to task them to look somewhere else even though that same kind of capabilities may be available from commercial imagery? Exactly what information does the intelligence community, I mean, it's our business to steal secrets, to find out what the plans and intentions are of those who want to attack the United States. This is information.

There are hundreds and probably thousands of people that are very skilled at investigating climate change, predicting what may happen in certain regions of the country and certain regions of the planet, and they are not in the intelligence community. These people have their plate full. The threats are real. We should not diminish the threats. The information is in the public. These are two missions that do not come together.

Studying climate change can be done by other government agencies. Stealing the secrets of al Qaeda and North Korea, Iran, other parts of the world, that is the job of the intelligence community. Let them focus on the job that we need them to do. Support this amendment and strike this National Intelligence Estimate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–144.

Mr. HOLT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HOLT:

At the end of title III (page 16, after line 25), add the following new section:

SEC. 309. MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.

The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting '', including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents'' after ''measures to protect the identities of covert agents''.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chairman, I yield myself such time as I may consume.

The amendment I am offering would require the President, through the Director of National Intelligence, to report annually to Congress on the need for any modification to the Intelligence Identity Protection Act to improve legal protection for covert agents. This report, along with other oversight work the committee will undertake, will help us establish what measures need to be taken to minimize the chances in the future of compromising the identities of covert operatives.

These men and women take enormous risks on our behalf. Their covers are their only protection when they are working overseas. We owe them everything we can do to ensure that their identities are protected from exposure both from hostile intelligence services or even from exposure within our own government by those who would seek to retaliate against them for speaking truth to power.

This grew out of my consideration, trying to draw lessons from what has become a well-publicized example of the outing of a former CIA officer. In previous Congresses, on eight separate occasions in committees and on this floor, the then-majority voted down every effort to obtain information on this matter; and as I repeatedly noted at those times, Mr. Fitzgerald's criminal inquiry could never address some of the key questions that we sought answers to: How and why did Ms. Valerie

Plame's cover status come to be known to those with no legitimate need to know? How much damage was done to our intelligence collection efforts as a result of the outing of Ms. Plame? What measures has the Central Intelligence Agency and now the Director of National Intelligence taken to prevent similar compromises in the future?

It appears that nothing has changed. So this sort of thing could happen again. It's important that we take steps to protect, as I say, the only protection that these covert agents have if they are in dangerous positions overseas.

So that is the point of this amendment, and I seek the approval of the House.

Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I would ask unanimous consent to claim the 5 minutes in opposition to this amendment, although I will not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chairman, as I indicated, I agree with the gentleman's amendment, and I will vote for his amendment. However, I wish that as we were talking about leaks that we were discussing this in a much broader context.

The issue of leaks has been something that has been plaguing the community for an extended period of time, so we were not just talking about the leaks of personal identities. We would be talking about the leaks of programs and tactics and strategies that were being used by the intelligence community and used effectively to keep America safe.

We have had far too many leaks of highly classified information, and some of us would believe that as you take a look at some of these leaks, some would say that they perhaps have been made for political purposes.

The gentleman's focus on the identities of covert CIA officers is commendable, but should include the loss of capabilities because of other leaks as well.

□ 2330

Madam Chairman, I reserve the balance of my time.

Mr. HOLT. Madam Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of my time.

I support the gentleman's amendment. I am glad that we are able to work through this one. I am hoping that, as we move forward into the rest of this year, we will be able to develop a process that will enable us to more effectively go after all of the different kinds of leaks that the community and the country have suffered from over the last number of years.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–144.

Mr. THOMPSON of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. THOMPSON of California:

At the end of subtitle A of title IV (page 39, after line 16), add the following new section:

SEC. 414. REPORT ON PERSONNEL OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing—

(1) the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community; and

(2) a plan to maximize the number of intelligence collectors employed or contracted by the intelligence community.

(b) LIMITATION ON PERSONNEL.—

(1) LIMITATION.—Subject to paragraph (2), but notwithstanding any other provision of this Act (including the classified Schedule of Authorizations referred to in section 102(a)), the Office of the Director of National Intelligence is authorized not more than—

(A) the number of personnel employed or contracted by such Office as of May 9, 2007; and

(B) an additional 15 percent of such number of personnel employed or contracted by such Office as of May 9, 2007.

(2) TERMINATION OF LIMITATION.—The limitation on the number of personnel authorized for the Office of the Director of National Intelligence under paragraph (1) shall no longer apply on or after the date on which the report required under subsection (a) is submitted.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Madam Chairman, I yield myself as much time as I may consume.

This Congress created the Director of National Intelligence so he and a core staff could manage the activities of the different intelligence agencies. Congress did not intend to create a new bureaucracy.

Nevertheless, the office has expanded in size. Many members of the Intelligence Committee, myself included, as well as other colleagues in the House, are concerned that this growth will complicate, rather than streamline, the activities of the intelligence communities. Some Members have proposed limiting the number of people who can work for the DNI in order to stem this growth.

But I believe that such a measure, while satisfying on the surface, would have harmful consequences. It would eliminate a large number of analysts and planners, the experts who actually perform the core intelligence functions, not middle managers and bureaucrats.

The harshest impact would fall on DNI elements like the National Counterterrorism Center, which analyzes terrorism information and plans counterterrorism operations. This would happen because there are plans in play to shift personnel to this specific task. If this other amendment were to pass, it would truncate these very important efforts. These are the people who play critical roles in our efforts to combat terrorism, and our operators around the world cannot do their jobs without this critical backstopping. Preventing the DNI from adding staff to these missions would gut key counterterrorism capabilities.

The real issue, though, is not simply the number of people who appear on the DNI's balance sheet, the challenge is to have fewer people sitting behind desks in Washington and to place more intelligence officers in the field. This is a goal that I think we all share, even those with a competing amendment. They need to be in the field where they can collect needed intelligence and where they can catch terrorists.

The Intelligence Authorization Act will fund increases in the number of intelligence collectors at many agencies, but there is still not enough. To push the Intelligence Committee to get its staff out of the office and into the field, the amendment that I am offering would freeze the number of people working for the DNI at the level specified in the fiscal year 2007 Intelligence Authorization Act that was passed by this House.

The freeze wouldn't be lifted until the Director of National Intelligence provides the committee, the Intelligence Committees, one, a report on the number of analysts and collectors in each element of the Intelligence Community, and two, a plan to maximize the number of collectors across the community. This plan must be provided within 120 days of enactment.

With this information, the Intelligence Committee will be able to work with the DNI to ensure that he has the right mix of collectors, analysts, technical experts and other staff, and we will be able to press the DNI and the individual intelligence agencies to accelerate the recruitment, the training and the deployment of core collectors.

This amendment will enhance congressional oversight of intelligence activities and result in improvements to the Intelligence Community's ability to collect critical intelligence.

I am willing to work with, and we have worked with my colleague and friend from the committee on this issue. I believe that this amendment is the one that will allow us to best collect the information so we can, in fact, put together the best policy for America.

Madam Chairman, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Madam Chairman, I yield myself such time as I may consume.

I have the utmost respect for the gentleman. We have had long conversations or at least short interrupted conversations over the past several days and in committee. I thought we had a fairly spirited debate in the Intelligence Committee about this very issue.

The good thing is we agree this thing has exponentially grown, not the direction Congress intended. It was supposed to be a small, efficient organization that was coordinating and not inhibiting agencies from doing their work.

I reluctantly, as we talked earlier, oppose this amendment, because really all it does is say give me another report, and you can grow as much as you want in 2008. This is what the staggering number is here. The number itself is classified, but it is over 37 percent growth from where they are right now to 2008, in headquarters.

Now, they are not catching one spy. They are not recruiting one asset. They are not out analyzing any particular image from the sky. They are getting more in boxes. They are getting more in computers. They are getting more bureaucracies and personnel staff and all of the other things that go along with growing your headquarters. That is all happening.

When you travel around the world, the folks who are out there at the front end of this store, the analysts and the case officers, will tell you, please, enough already, because they took all of those analysts out of that community.

Remember, it takes 5 to 7 years to get somebody to where they are really effective in this community. It's very difficult work.

Mr. HASTINGS of Florida. Would my colleague yield?

Mr. ROGERS of Michigan. I would gladly yield.

Mr. HASTINGS of Florida. I thank you, and I have enormous respect for a colleague who has offered an amendment where it appears we are competing.

But I agree our amendment, after his, does, I believe, what is necessary, and that is to answer the question that a lot of us have with reference to the efficiency and effectiveness of the National Director of Intelligence.

If I could just share one brief anecdote. When the war on poverty began in the area that I live in, I was the attorney and original scrivener of the development of the program. When that program came into existence, within a year they had seven employees. They were extremely effective.

They grew in 6 years to 1,500 employees, and they became much less effective, totally disrespected and in disarray. I am fearful that the same thing will happen here.

I thank my colleague for yielding.

Mr. ROGERS of Michigan. Reclaiming my time. I don't know if I can say it any better. I hope to work with the gentleman in committee. I wish you would consider this.

One point I think it is very important to make, this does not cut one analyst. They didn't even make all the hires they requested in 2007. Then they came back and asked for a significant increase in 2008, didn't even hire all the people from 2007. So the notion that they put forward that this somehow cuts the analyst doing counterterrorism work is wrong.

It scares me more that this bureaucracy is so hell bent on protecting itself that it would make that claim. That's why I think we need to send this message, work with them to make this right sized, so we provide value added to the people risking their lives around the world.

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

Mr. THOMPSON of California. Madam Chairman, again, I just want to reiterate the fact that we all share the same goal, and that's to get these folks out from behind the desk and into the field. I have tremendous respect for my colleague and friend, Mr. ROGERS. He actually has real time in the field doing this work. He knows how important that is to have folks out in the field.

As he and my other good friend and colleague, Mr. HASTINGS, has said, we all have the same goal, it's just, how do we get there?

We believe that by putting this freeze in place, requiring this information be provided to the committee, will allow us to best analyze this, know where these folks are and force the DNI to put them in the right spots.

The only other thing I would like to add is that it's important to note that the majority of this growth consists of transferring personnel who already work or should work for the DNI on to their books for better management and oversight.

I ask for your support of this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–144.

Mr. ROGERS of Michigan. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 5, line 19, strike ''The amounts'' and insert ''Subject to section 106, the amounts''.

Page 6, line 9, strike ''With the approval'' and insert ''Subject to section 106, with the approval''.

Page 7, line 11, strike ''The elements'' and insert ''Subject to section 106, the elements''.

Page 8, line 5, strike ''In addition'' and insert ''Subject to section 106, in addition''.

At the end of title I (page 10, after line 2), add the following new section:

SEC. 106. LIMITATION ON NUMBER OF PERSONNEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Notwithstanding any other provision of this Act, the Office of the Director of National Intelligence is authorized only the number of personnel as were serving in such Office on May 1, 2007.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, I yield myself such time I may consume.

I want to thank Mr. HASTINGS for working with me on this amendment. We have watched this thing for 3 years, and we have watched it pretty closely. We all want it to succeed. There are some really dedicated and committed people really trying to make this thing work.

But one thing I have learned here in watching it in Washington, D.C., and going out to the field, where these case officers, the young ones, the middle-ranged ones and the older ones in the field, you can get a lot of insight about what happens between the difference of between there and back here.

We have seen, I thought, a very poor performance. I have had this conversation with many of my colleagues here about their briefings, about this increase, and what they really performed, and what their mission set was. There are some things that they do and do well and are value-added.

But this exponential growth, at the expense of analysts and officers in the field, I think is the wrong direction. I think it's so important that we make this statement to them that enough is enough.

They brought in, remember, everyone of those analysts came from an agency that's doing targeted work, the counterterrorism center at the CIA. They were doing real work, targeting bad guys, identifying, putting them on lists, trying to get our guys to bring them to justice.

What happened then is they disrupted some of those operations, brought those people in, and started tasking back to the people in the field. That's not value-added; it's just not.

We can live with this if we can work out the kinks. As a matter of fact, Senator MCCONNELL said, he thought the thing was getting a little bit too big. He didn't really influence this budget, 37 percent increase. We must do better

by the people in the field, 5 to 7 years to train a case analyst and an officer.

Madam Chairman, I yield to my good friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my friend from Michigan and am pleased to sponsor this amendment with him.

Madam Chairman, when Congress established the National Director of Intelligence, it fulfilled one of the 9/11 Commission recommendations to centralize and concentrate the filtering of intelligence. Since its inception, however, the Office of the Director never realized its potential, growing in size with indication of limited long-term planning. As a result, many of us who are familiar with the office question its efficiency and effectiveness.

Capping the size of the ONDI is a responsible manner by which Congress can and should go about holding the administration accountable for its decisions and actions. This is not, as some might suggest, an anti-NDI amendment.

On the contrary, my friend, Mr. ROGERS, and my amendment, is the much-needed solution for Congress to reassert its oversight authority over the Office of the Director of National Intelligence. For too long, Congress has abdicated its oversight authority and responsibility when it comes to American intelligence.

This amendment says to the administration that, while we support your efforts, we will not give you a blank check with which you could continue to grow a new bureaucracy before we know what you are doing with what you already have. A bigger bureaucracy does not make better intelligence.

I ask my colleagues for their support of the Rogers-Hastings amendment and ask them to join us in holding America's Intelligence Community accountable for its work.

Mr. ROGERS of Michigan. Reclaiming my time, I just thank the gentleman for his work and effort on this, and kind of us coming together on this conclusion over the past 3 years watching this process. Again, this is not anti-DNI. We think it serves a valuable purpose, but it is getting too big too fast.

Again, this does not cut one analyst from doing work in this country, not one. They couldn't even fill the slots we have for 2007 before they came back and said we have to get even bigger next year.

I reserve the balance of my time.

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Mr. REYES. Madam Chair, I claim the time in opposition to this amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. REYES. Madam Chair, I have tremendous respect for both of my colleagues, and they know that they have my commitment that we will continue to do aggressive oversight, because I do understand the concerns that they have about Office of the DNI and the way that it has grown and become too large. And while I support the goal of the amendment, I don't necessarily think this is the best way to proceed.

The amendment, I believe, will have unintended consequences. For example, though the intent of this amendment is to limit the layers of unnecessary bureaucracy, this cap would actually eliminate large numbers of analysts and planners, with the harshest impact falling on the National Counterterrorism Center, which analyzes terrorism information and plans counterterrorism operations. It would also have the unintended consequence that it would eliminate personnel from the National Counterproliferation Center and the Office of Privacy and Civil Liberties.

In addition, this amendment would force the DNI to fire anyone hired between May 1 and the date of the enactment of this bill, preventing the DNI from increasing capacity in priority areas.

It is important, I believe, to note that this amendment would not cap the number of billets; it would cap the total number of people. Any currently unfilled billets would have to remain unfilled. This could negatively impact the DNI's ability to perform vital functions.

Finally, I would ask my colleagues to consider that we do have, as Mr. ROGERS said, a new DNI, and he deserves an opportunity to do the kinds of things that he has articulated to our committee. He is reorganizing his office, and I believe that we need to give him the flexibility needed to make those changes, while at the same time aggressively pursuing the oversight that is the responsibility of our committee.

So, for those reasons, I reluctantly would oppose this amendment.

Mr. HASTINGS of Florida. Madam Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I know the chairman knows of my immense respect for his perspective, and I appreciate very much what you have said with regard to how you would carry forth the intent of mine and Mr. ROGERS' amendment, as well as Mr. THOMPSON's, in capping this.

What I say to you, Mr. Chairman, is I don't know in all of my experience of any bureaucrat, I respect the new DNI director, but I don't know of any bureaucrat that has ever said, I don't need no more people. And I also know for a fact that, in this particular case, in the standing up of this particular directorate what has happened is it has impacted already the infrastructure by virtue of the persons that have already moved to that agency. The now-CIA Director came from NSA to that deputy position. And I could go on and on and on without giving forth that. And that is what we are trying to stop.

What you do when you want to cut bureaucracy is you say to them, stop right where you are. Now, they will be back, and we will then do the oversight necessary in order to give them an opportunity to grow the way that they should rather than the way that they have been exponentially.

Mr. REYES. I thank my good friend and colleague. And reclaiming my time, again, we want to accomplish the same goal. We just have a difference of opinion on how we are going to do it. But it will get done, and it will get done by this committee this year. So, again, I have deep respect and admiration for both my colleagues.

Mr. ROGERS of Michigan. Madam Chair, I just want to clarify again, there is no one to be cut, with all due respect to my chairman. What they are talking about is what they have future planned, which would be pulled from the community as it stands now. It would actually allow the DNI to reprioritize the folks that he has in that shop. And many of my colleagues will remember that the number that the DNI gave was lower than the number that is even in Mr. HASTINGS' and my amendment. He thinks it is too big.

So there won't be any cuts, there won't be any jeopardizing of security, there won't be any analysts that get home once they are employed and fully engaged. They may go back to doing counterterrorism work, but they will not be sent home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGERS of Michigan. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FOSSELLA

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–144.

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FOSSELLA:

At the end of the bill, add the following new title:

TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS

SEC. 601. IDENTIFICATION OF BEST PRATICES.

(a) STUDY.—The Secretary of Homeland Security and the Director of National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigations with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating information.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The appropriate elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) involved in the sharing of counter-terrorism information.

(F) The Interagency Threat Assessment Coordination Group at the National Counterterrorism Center.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Classified information shall be handled through established methods for controlling such information.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—The Secretary, in conjunction with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the study, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b)(1); and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local governments, incorporating the best practices of the various entities studied, to facilitate communication and help prevent the unauthorized dissemination of information and criticism of decisions concerning terrorist threats.

(2) CLASSIFIED INFORMATION.—To the extent determined appropriate by the Secretary, in conjunction with the Director, the Secretary may submit a portion of the report in classified form.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008.

SEC. 602. CENTERS OF BEST PRACTICES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall make grants for the establishment and operation of 3 centers to implement the best practices, identified by the study conducted under section 601, for the processing, analysis, and dissemination of information concerning a terrorist threat (in this section, each referred to as a ''Center'').

(b) LOCATION OF CENTERS.—In carrying out subsection (a), the Secretary, in consultation with the Director, shall make grants to—

(1) the State of New York for the establishment of a Center to be located in New York City;

(2) the State of Michigan for the establishment of a Center to be located in Detroit; and

(3) the State of California for the establishment of a Center to be located in Los Angeles.

(c) PURPOSE OF CENTERS.—Each Center shall—

(1) implement the best practices, identified by the study conducted under section 601, for information sharing concerning a terrorist threat;

(2) coordinate the communication of these best practices with other metropolitan areas;

(3) coordinate with the Secretary and the Director to develop a training curriculum to implement these best practices;

(4) provide funding and technical assistance to other metropolitan areas to assist the metropolitan areas in the implementation of the curriculum developed under paragraph (3); and

(5) coordinate with the Secretary and the Director to establish a method to advertise and disseminate these best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section—

(1) $10,000,000 for fiscal year 2008 for the establishment of the Centers; and

(2) $3,000,000 for each of fiscal years 2009 through 2013 for the operation of the Centers.

(e) REPORT TO CONGRESS.—Not later than March 31, 2010, the Secretary, in consultation with the Director, shall submit to Congress a report evaluating the operations of the Centers and making recommendations for future funding.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Madam Chair, I yield myself such time as I may consume.

On October 6, 2005, New York City was once again the site of a potential terrorist attack, an apparent plot to hide bombs in baby strollers, briefcases, and packages and set them off in the city's subways. Unfortunately, New Yorkers who tuned in to the news that day for information received conflicting messages.

On one hand, local officials announced that a credible threat was aimed at the city's subway system; on the other hand, Federal officials downplayed the severity of the threat, even describing it as ''specific yet noncredible.''

The incident in New York was not isolated. Just weeks later, Federal officials responded to a bomb threat in the I–95 tunnel in the Baltimore Harbor, a threat that local officials learned about from the news media. The information was either credible or not credible, but it certainly wasn't both.

I strongly support efforts by antiterrorism forces at the Federal, State, and local levels; but it disturbed me, and I am sure others, to watch the confusion that unfolded in these situations.

Where improvement is needed is how different levels of government interact with each other when terrorist threats are elevated. Everyone needs to be on the same page and, when credible threats occur, the public needs to be informed in a coordinated manner. In short, what is needed is a 911 call center for first responders.

To achieve that, my amendment works as follows: authorizing a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the successes of terrorist threat information sharing among the different levels of government;

Recommends a formalized process for that sharing;

And authorizes centers of best practices spread throughout the country, and would allow local governments, State and others, to interact and to share that information.

Because not every city, as we know, can dedicate resources to developing advanced techniques to fight terrorism, the Centers for Best Practices would be on the front lines providing advice to every city and State in our Nation on the most effective strategies to protect their citizens from new attacks.

This amendment would ensure an enhanced level of coordination on communicating terrorist threats to the public. But while it comes to matters of national security, our government must speak with one voice, a knowledgeable voice that can provide accurate information to the American people. Government cannot send conflicting messages at such critical times.

Last year during debate of this bill, the House approved this amendment by voice vote; and I notice the gentlelady from California who is here, Ms. HARMAN, said it probably best. She said at the time, We not only need to share information better horizontally, a point we have been making in this committee and one of the reasons we set up the Director of National Intelligence, but we need to share it better vertically. Some of the best ideas are in our hometowns and some of the best people to try to keep us safe are in our hometowns.

I support the Fossella amendment. It will help us through the establishment of Centers of Excellence to develop best practices to share information horizontally and vertically, and give best information to those in our hometowns trying to protect us.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. LEE

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–144.

Ms. LEE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. LEE:

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. REPORT ON AUTHORIZATION TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENTS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report describing any authorization granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 388, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Madam Chair, first let me thank the Chair of the Intelligence Committee and my friend from my hometown of El Paso, Texas (Mr. REYES) for his support of this amendment and also for his tremendous leadership as Chair of this committee. And I know the hour is late, so I will keep this short.

Madam Chair, this amendment is simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of democratically elected governments.

We all recognize that democracy promotion is at the top of this administration's agenda; and I believe that there is no question that supporting democracy is and should be a nonpartisan issue that we all can agree on. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation.

But we must be vigilant and safeguard against any actions that would undermine or threaten our abilities to really practice what we preach, and it is clear that actions that undermine democracies also undermine our credibility in the world. Furthermore, it affects our ability to be viewed as a serious and legitimate agent of democracy.

So if the support of people seeking democratic governance and democracy is to really remain a critical pillar of our foreign policy, we must ensure that we do not interfere with democratically elected governments. Who will believe us if our actions are inconsistent with our words? And how successful will we be as a Nation in achieving our goals?

So tonight I offer this amendment to support and protect our efforts in upholding democracy and to help ensure that our actions are really consistent with our values.

Madam Chair, I want to conclude by thanking you again for your support, and I want to strongly urge all of my colleagues here today to continue to stand up for democracy and for transparency by supporting this amendment.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, while I will not oppose the amendment, I ask unanimous consent to control the 5 minutes in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chair, I yield myself such time as I may consume.

I would like to thank my colleague Ms. LEE for working over the last couple of years to get to the point where we have got an amendment that I still have a little bit of unease with, but I will not oppose the amendment, and look forward to continuing to work with her and my colleagues on the other side of the aisle as we do the oversight necessary of what goes on in the intelligence community.

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

Ms. LEE. Madam Chair, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I just want to thank the gentlelady for offering this amendment and offer my support. I think it is an important amendment.

Ms. LEE. Madam Chair, if there are no additional speakers, I close by once again thanking all of our leadership on both sides of the aisle. And I want to especially thank Congresswoman HARMAN for her past leadership and support of these efforts to make sure that we were able to get to this point today.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PRICE OF NORTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–144.

Mr. PRICE of North Carolina. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PRICE of North Carolina:

Page 33, after line 13 insert the following new subsections:

(d) USE OF CONTRACTORS FOR INTELLIGENCE ACTIVITIES.—

(1) REPORT.—Not later than April 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report on personal services activities performed by contractors under the National Intelligence Program and, at the discretion of the Director of National Intelligence, the Military Intelligence Program. Such report shall include—

(A) an inventory of the types of functions and activities performed by contractors in fulfillment of contracts for each element of the intelligence community;

(B) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (A) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) a description of the types of functions or activities that the Director of National Intelligence considers appropriate to be carried out by contractors;

(E) a description of the types of functions or activities that the Director of National Intelligence considers inappropriate to be carried out by contractors;

(F) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2); and

(G) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2).

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions.

(D) Interrogation of a person detained, imprisoned, or otherwise held in the custody or under the control of the United States Government.

(E) Support for the detention, imprisonment, or holding of a person under the custody or control of the United States Government, including activities relating to the detention, transfer, or transportation of such person across international borders.

(F) Conduct of electronic or physical surveillance or monitoring of United States citizens in the United States.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Madam Chair, I rise to offer an amendment on behalf of Ms. SCHAKOWSKY and myself that would complement the provisions already in this bill related to the use of private contractors by intelligence agencies.

I applaud Chairman REYES for his leadership in addressing many key questions associated with the use of contractors. Last year, I stood at this podium and proposed an amendment that would have required an extensive look at these questions: How extensively are contractors being used? What types of activities are appropriate for contractors? How are they held accountable? Are they achieving savings for the American people? And

what are the impacts of contracting on the intelligence workforce?

My amendment passed the House, but the other body did not act on the bill. This year, Chairman REYES has included language in his bill that addresses many of these questions, and I am grateful for his leadership.

I also want to acknowledge the efforts of the new Director of National Intelligence, Michael McConnell, who has begun an examination of the questions raised by my amendments last year. He and his staff have just completed a community-wide survey of contracting and are reportedly working on a strategic workforce plan. These efforts are important first steps.

Our amendment today focuses on additional aspects of this situation that have not yet been addressed, aspects that are absolutely critical.

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There's a legitimate debate in the Intelligence Community about how contractors should be used. Our amendment simply asks the Intelligence Community to respond to three basic questions underlying this debate.

First, what functions may contractors appropriately perform for the intelligence communities, and what tasks should be viewed as inherently governmental? For example, should they be involved in intelligence collection? Should they be involved in analysis? What about interrogation? What about covert operations? Are there some activities that are so sensitive that they should only be performed by highly trained Intelligence Community professionals?

Secondly, how should contractors be vetted and trained?

And thirdly, how can we ensure that contractors are as accountable for their actions as Federal intelligence professionals are?

Madam Chairman, service contracts, in some instances, represent an acceptable and efficient use of taxpayer dollars. But a decision to use contractors should be made deliberately based on a careful analysis of the issues raised by this amendment. This is true for any use of private contractors. But it is particularly necessary in the context of sensitive Intelligence Community activities.

I urge my colleagues to support our amendment.

Madam Chairman, I yield 2 minutes to my colleague from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me, and I thank him for his leadership on this important amendment.

After the Cold War, the use of contractors began to grow, and their use exploded after September 11, 2001. Contractors now do more than just build military equipment and satellites. They also provide security, collect and analyze intelligence, provide technical support, and even perform planning and management tasks.

Mr. PRICE's amendment requires a review of what contractors are doing and, importantly, whether contractors are performing inherently governmental functions. There are some activities so sensitive that, if and when they are done, we must determine whether or not it is appropriate to contract these activities out.

In some cases, U.S. contractors' actions have caused great controversy. The Lincoln Group's contract to plant positive news stories in Iraq raised questions about manipulation of the Iraqi media. Dave Passaro, a CIA contractor was convicted of four counts of assaulting an Afghan detainee who later died. Contractors were implicated in the detainee abuse cases at Abu Ghraib.

These activities are controversial enough on their own, and if the U.S. engages in them, we should do so while accepting full responsibility and not hide behind contractors.

The Price-Schakowsky amendment would ask the DNI to review whether it is appropriate for contractors to engage in intelligence collection, analysis, covert actions, interrogations, detentions, rendition or electronic surveillance.

This is an important amendment, and I urge its adoption.

Mr. PRICE of North Carolina. Madam Chairman, I thank my colleague for her leadership on this amendment and on this issue. For a long time now she has helped this House focus on the use of private contractors.

Madam Chairman, I reserve the balance of our time.

Mr. HOEKSTRA. Madam Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. I reluctantly rise in opposition to the amendment, recognizing that it's very similar to an amendment that we actually accepted last year. And the reason we reluctantly accepted it last year, we had a high degree of confidence that if we got into a conference, we would be able to work with the author of the amendment to take a look at it and to make sure that what was finally in a conference report in a bill that we were looking forward to sending to the President would make sure that we took care of some the redundancies and some of the burdensome elements of the amendment. And without necessarily having that same assurance this year, I reluctantly oppose the amendment.

I think that it is absolutely critical that we do measure the accountability and the performance of our contractors, but much like last year, we are concerned about the redundancy, the bureaucracy that may result if this amendment becomes law in its present form. It could add significant cost to the contractors as they serve and provide services to the Intelligence Community.

So I hope as we go through this process that we will be able to make sure that we work on a bipartisan basis, that we work with the community, that we work with the ODNI to structure this in such a way that both of the requirements are met, that we see and get the performance and, at the same time, that we don't burden contractors or the ODNI with additional bureaucracy.

With that, I'll yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, as a matter of fact, this amendment is drafted very carefully to avoid redundancy. It's crafted to deal with a separate area, a different area from those areas covered in the bill itself. And it mandates a reporting requirement, not to add work to the Executive Branch; to ensure that we get the information we need to do our job. Surely, no one would argue that Congress shouldn't be able to assess whether our approach to intelligence is effective or to conduct oversight on the way billions of dollars in taxpayer funds are expended each year. We're not establishing new regulations. We are simply requiring contractors to report on their activity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. BERKLEY

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–144.

Ms. BERKLEY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. BERKLEY:

At the end of subtitle A of title IV (page 39, after line 16), add the following new section:

SEC. 414. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) VIEWS OF DCIA.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

The CHAIRMAN. Pursuant to House Resolution 388, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Good morning, Madam Chairman.

I rise today in support of an amendment that would require the CIA to issue a report on providing retirement benefits to former employees of Air America.

From 1950 to 1976, employees of Air America faithfully served their country doing their part to help win the Cold War. Air America was a government corporation covertly owned and operated by the Central Intelligence Agency. Under the guise of a civilian airline, these pilots conducted flight operations in various countries, including China, Laos, Korea and Vietnam on behalf of the Department of Defense and the CIA.

Unfortunately, since it was a closely held secret that Air America was a government-owned corporation, these men and women have never been credited for their government service. That means they can not receive government benefits, retirement benefits for their efforts.

The amendment I am offering today would require the Director of National Intelligence to submit a report to Congress on advisability of providing Federal retirement benefits to U.S. citizens employed by Air America while it was covertly owned and operated by the CIA. These brave men and women should receive the long denied benefits they earned for their service to their country.

I urge you to support this amendment that will bring attention to the overlooked dilemma of Air America employees.

Thank you, Madam Chairman, and I thank the chairman of the Intelligence Committee, Mr. REYES.

I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I will not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Madam Chairman, I will yield myself as much time as I shall consume.

There's no doubt that the Air America's personnel deserve the recognition for the service that they provided during these critical times in our country in Southeast Asia during the Vietnam war.

But it's very interesting to me that, at this time, as we're considering other amendments, and much of the debate that I hear about contractors and our use of contractors today, contractors are getting hammered each and every day. And then we step back and say, well, you know, we ought to take a look at the contractors of 50 years ago, and we maybe now ought to provide them with government benefits.

And I just wonder whether, in 50 years, we'll look back at the service that is being provided by contractors today that in many different areas is not being very well received, and whether we will then recognize the service that they're providing. I hope that we do.

But, under this, under the terms of Air America, legally these individuals did not qualify for government benefits. We need to make sure that we deal in a way that is fair, especially to the people that are serving as contractors today. And we need to make sure that we have a consistent pattern of how we deal with contractors in this way, recognizing that their pay comes from a private sector entity, and be very careful about when and where we are going to involve the Federal Government in picking up responsibilities of private corporations.

Madam Chairman, I will reserve the balance of my time.

Ms. BERKLEY. Madam Chairman, I yield 1½ minutes to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the sponsor of this legislation.

Human resources and human intelligence are a key element to the security of this Nation. Air America employees represent the human resources aspect.

This is a thoughtful amendment that suggests that we should study the question of whether or not these individuals in the service of their country should be given these kinds of benefits.

From the perspective of the Department of Homeland Security and Homeland Security Committee, human intelligence is important. And I want to thank the Chairperson of the full committee for this very important bill that focuses on funding intelligence and also funding human intelligence.

Might I also say in closing, as I support the gentlelady's amendment, I think it would also be important that we look closely at professionals as they leave the CIA, and question whether or not tell-all books are in the best interest of this Nation, whether language such as ''slam dunk'' should be investigated. And I hope, as we pursue the idea of oversight, that we'll look into the utilization of such information in tell-all books that provide such prosperity for people who've been in the service of this country. I hope we will investigate that. But when we have good employees like those of Air America, we should support them.

Ms. BERKLEY. In closing, I'd like to once again urge adoption of this amendment, and I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chairman, just in response to my colleague, if we investigate ''slam dunk,'' I hope we investigate the term ''bugs and bunnies'' as well.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. SCHIFF

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–144.

Mr. SCHIFF. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SCHIFF:

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. REITERATION OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

(c) DEFINITIONS.—In this section:

(1) ELECTRONIC SURVEILLANCE.—The term ''electronic surveillance'' has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term ''foreign intelligence information'' has the meaning given the term in section 101(e) of such Act (50 U.S.C. 1801(e)).

The CHAIRMAN. Pursuant to House Resolution 388, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. SCHIFF. Madam Chair, I yield myself 3 minutes.

Madam Chair, today I offer an amendment with my Republican colleague JEFF FLAKE from Arizona that would respond to the President's unilateral assertion of power with regard to the electronic surveillance of Americans on U.S. soil and reassert that our existing statutes govern the operation of such surveillance.

Madam Chair, the Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

While the President possesses the inherent authority to engage in electronic surveillance of the enemy outside the country, Congress possesses the authority to regulate such surveillance within the United States.

When Congress passed the Foreign Intelligence Surveillance Act, it intended for this statute to provide the sole authority for surveillance of Americans on American soil for the purpose of gathering foreign intelligence information. Our amendment reiterates this important principle.

The President has argued that the authorization for the use of military force provided him with the authority to engage in warrantless electronic surveillance of Americans.

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It is hard to believe that any of us contemplated, when we voted to authorize the use of force to root out the terrorists who attacked us on September 11, that we were also voting to nullify FISA. Our amendment makes clear that in the absence of explicit statutory authority, FISA is the exclusive authority for the conduct of domestic electronic surveillance of Americans. While the administration appears to have finally agreed that electronic surveillance occurring as part of the Terrorist Surveillance Program, or TSP, should cease to operate without the approval of the FISA court, the administration has not conceded that it cannot conduct such electronic surveillance of Americans unilaterally outside of FISA with no judicial oversight either now or in the future.

While we have been told that surveillance in this program was limited to phone calls where one of the parties is outside of the United States, there appears to be no limiting principle to the Executive's claim of authority provided by the military force resolution. In fact, when we questioned the Attorney General on this point in the last session, he would not rule out the proposition that the Executive has the authority to wiretap purely domestic calls between two Americans without seeking a warrant.

No one in Congress would deny the need to tap certain calls under court order, but if the government can tap purely domestic phone calls between Americans without court approval, there is no limit to executive power. Congress cannot be silent in the face of this assertion of authority.

In working to meet the real national security needs of the country, we must also ensure that Congress does not abdicate its responsibility to ensure that fundamental liberties are not compromised. Absent congressional action, law-abiding U.S. citizens may continue to have reasonable fear of being the subject of extra-judicial surveillance.

Madam Chairman, I reserve the balance of my time.

Mrs. WILSON of New Mexico. Madam Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

When the President acknowledged the existence of the Terrorist Surveillance Program, he claimed the inherent authority, under article II of the Constitution, as the Commander in Chief to be able to conduct that surveillance. Now, whether you agree or don't agree with his interpretation of the Constitution, this amendment, and a bill with this amendment in it, does not change the Constitution.

I will admit to the gentleman from California I personally believe that the legal arguments that were presented in favor of the Terrorist Surveillance Program were not strong. They weren't strong at all. And that is why I demanded more rigorous oversight to the program and proposed legislation to change the Foreign Intelligence Surveillance Act so that we can listen to our enemies and protect the civil liberties of Americans.

The sad thing is that the bipartisan leadership of this body, Democrat and Republican, knew for 5 years this program was going on and did nothing to update the laws or even propose that perhaps this was wrong to do this this way. They remained silent. The failure is in the Congress.

We now know that the Foreign Intelligence Surveillance Act, as it is currently written, is not getting us critical information about our enemies and also, frankly, not protecting the civil liberties of Americans. It is broken and not working.

The Director of National Intelligence testified last week in the Senate Select Committee on Intelligence, saying that we are missing important information because this law is trapped in 1970s technology.

In January of this year, the Attorney General wrote to the Congress and said that we now have innovative orders from the Foreign Intelligence Surveillance Court. By ''innovative'' what he really meant is that we are on very fragile legal ground. I describe it as putting a twin-size sheet on a king-size bed, and everybody on the Intelligence Committee knows exactly what I mean. We have one judge, in a non-adversarial proceeding, in secret session, who has approved some innovative orders. He is way out on a legal limb. So what will the next judge do? And after this amendment passes saying, by golly, we are determined to stay in the 1970s, the Congress is happy with a 1970s law governing 1970s technology, what is the next judge going to do? And how does that compromise our national security? We have a problem.

In 1978 almost all local communications went over a wire and almost all long-haul communications went over the air. The statute sets up different regimes for what to do for over-the-wire communications that you need a warrant for to collect foreign intelligence information. Over the air the sky is the limit. We now, in the 21st century, have things completely reversed. Now almost all local calls are over the air. 230 million Americans have cell phones, and yet almost all long-distance calls are over wires. The information that we critically need is on the wires.

This law is outdated, and we are stuck with our heads in the sand in 1970s law. And your amendment insists that we stay there.

I will oppose this amendment and urge my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. SCHIFF. Madam Chairman, as my colleague from California (Ms. HARMAN) points out, FISA has been amended 12 times, and, moreover, we have proposed to amend FISA to modernize it at present, and Mr. FLAKE and I propose to amend it as well.

The argument of my colleague seems to be that FISA needs to be amended,

it hasn't been amended yet; so we should allow the President to simply ignore it. That, I submit, is not constitutional and not desirable.

Madam Chairman, I yield 1½ minutes to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Chairman, I thank Mr. SCHIFF for yielding, and I appreciate working with him on this important amendment and on this issue for a long time.

Madam Chairman, this amendment would reiterate that FISA is the exclusive means by which domestic electronic surveillance can be conducted for the purpose of gathering foreign intelligence information.

As has been stated before, we have, on the Judiciary Committee, for years been asking the administration what can we not do within FISA, do we need to change FISA in order to be able to conduct surveillance we need within FISA. We have never been given compelling information or evidence why we can't do what we need to do within FISA. As Mr. SCHIFF mentioned, if we do need to change FISA to update it again, as it has been changed and updated multiple times, then we should do it. However, we simply can't say FISA is insufficient; so go around it, and we don't want to know what goes on outside of it. Go ahead with the Terrorist Surveillance Program. We will have no congressional oversight. That is simply unacceptable. If we do need to change FISA, if we do need to modernize it, let's modernize it again, again, and again. But let's make sure that Congress maintains its prerogative to regulate the surveillance that goes on to make sure that it is done with civil liberties in mind. That is what this amendment seeks to do, and I am pleased to work with Mr. SCHIFF on it.

The CHAIRMAN. The gentleman from California's time has expired.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself the balance of my time.

The Foreign Intelligence Surveillance Act has been amended since 1978 several times. But what has not changed is the basic structure of the law, that it treats wire communications differently than it treats over-the-air communications.

You do not need a warrant to gather foreign intelligence information that is flowing through the air by radio waves or cell tower or microwave or anything else. We do it. You do need it over a wire. The law needs to be technology neutral and it is not. What you are doing by your amendment is reaffirming that this House tonight is determined to stay with the 1970s law and 1970s technology. And this House also rejected an amendment that would have updated these statutes.

My colleague from Arizona says do we need to change FISA? We really don't know.

We have a written submission from the Director of National Intelligence telling us the changes that need to be made.

I urge my colleagues to look to the 21st-century technology to protect this country and reject the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. WILSON of New Mexico. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOEKSTRA of Michigan.

Amendment No. 5 by Mr. ROGERS of Michigan.

Amendment No. 10 by Mr. SCHIFF of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 230, not voting 22, as follows:

[Roll No. 337]

AYES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton

Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—22

Bordallo
Brady (PA)
Carson
Christensen
Cleaver
Conyers
Cuellar
Davis, Jo Ann
Doolittle
Dreier
Engel
Fattah
Fortuño
Grijalva
Hinojosa
Jefferson
Mahoney (FL)
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain on this vote.

□ 0046

Mrs. LOWEY and Messrs. ELLSWORTH, SHULER and JOHNSON of Illinois changed their vote from ''aye'' to ''no.''

Mr. McHENRY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DREIER. Madam Chairman, on rollcall No. 337 I was inadvertently detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 122, not voting 18, as follows:

[Roll No. 338]

AYES—297

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Emerson
English (PA)
Everett
Faleomavaega
Fallin
Farr
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Sali
Sarbanes
Saxton
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Space
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—122

Abercrombie
Allen
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (NY)
Boswell
Boyda (KS)
Capps
Capuano
Cardoza
Chandler
Cooper
Courtney
Cramer
Davis (CA)
DeGette
DeLauro
Dicks
Doggett
Donnelly
Doyle
Ellsworth
Emanuel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Gene
Hall (NY)
Harman
Higgins
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Kagen
Kanjorski
Kaptur
Kennedy
Kind
Kirk
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McIntyre
McNulty
Meehan
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Murphy (CT)
Murphy, Patrick
Murtha
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schwartz
Sestak
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Tauscher
Thompson (CA)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Waters
Waxman
Welch (VT)
Woolsey
Young (AK)

NOT VOTING—18

Bordallo
Brady (PA)
Christensen
Cleaver
Davis (IL)
Davis, Jo Ann
Engel
Fattah
Fortuño
Gutierrez
Hinojosa
McKeon
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

□ 0050

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SCHIFF

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 178, not voting 14, as follows:

[Roll No. 339]

AYES—245

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David

DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Flake
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bordallo
Brady (PA)
Christensen
Cleaver
Davis, Jo Ann
Engel
Fattah
Fortuño
Hinojosa
McMorris Rodgers
Norton
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on this vote.

□ 0055

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. TAUSCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 388, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. In its present form, I am.

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

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill, H.R. 2082, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 25, strike ''$39,000,000'' and insert ''$16,000,000''.

Page 9, after line 20 insert the following new subsection:

(f) HUMAN INTELLIGENCE ACTIVITIES OF THE CIA.—In addition to amounts authorized to be appropriated for the human intelligence activities of the Central Intelligence Agency under this Act (including those specified in the classified Schedule of Authorizations referred to in section 102(a)), there is also authorized to be appropriated for the human intelligence activities of the Central Intelligence Agency $23,000,000.

At the end of subtitle A of title V (page 48, after line 5), add the following new section:

SEC. 503. AUDIT OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) AUDIT.—The Inspector General of the Department of Justice shall conduct an audit of the effectiveness and role of the National Drug Intelligence Center, including any problems with duplication of effort and lack of coordination with other intelligence providers and consumers.

(b) REQUIREMENTS.—The audit conducted under subsection (a) shall include—

(1) an examination of whether the National Drug Intelligence Center duplicates functions carried out by the Drug Enforcement Administration, the El Paso Intelligence Center, the Federal Bureau of Investigation, or other components of the Department of Justice;

(2) an examination of the overall effectiveness of the National Drug Intelligence Center;

(3) an examination of whether current activities of the National Drug Intelligence Center dealing with international drug intelligence are consistent with the provisions of the General Counterdrug Intelligence Plan designating it as the principal center for strategic domestic counterdrug intelligence; and

(4) an examination of whether the document exploitation functions of the National Drug Intelligence Center could effectively be transferred to a component of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) or the Department of Justice.

(c) SUBMISSION DATE.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary a report containing the results of the audit conducted under subsection (a).

Mr. ROGERS of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit

be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan is recognized for 5 minutes in support of his motion to recommit.

Mr. ROGERS of Michigan. Mr. Speaker, I know the hour is late, but this is such an important issue. There are some good things in this bill, and my colleagues have rightly said this is the biggest expenditure we have ever seen in a very long time, as a matter of fact, ever, in our intelligence bill. But bigger isn't always better, because the priorities in the bill are what is important.

The folks who are on the front lines, our analysts, our case officers, our soldiers who are being protected by the feed of information that flows to them, are incredibly important. And make no doubt about it, my friends, this is a huge shift philosophically from where we have been in the past.

Nothing in here, nothing in here fixes the problem that we have today in not being able to listen to certain phone calls that might lead to an attack on the United States of America. Nothing. That lack of urgency should scare us all.

The fact that we cut human intelligence programs in this bill, they will get less money this year, some of them very sensitive, very classified, specifically cut out of this bill, jeopardizes soldiers in the field in not getting the proper assistance and information that they need.

We also take a political bent. There are also some disturbing things, things that we all sometimes don't like about the House that we serve in. Sometimes it was said because we did things that way for a long time, we should continue to do it. Those are the things that we can change tonight. Those are the things that we can at least tell the American people with this motion to recommit we believe in getting that information, we believe in human intelligence. Certainly the 9/11 Commission did. We believe in regular order and the rules, so that when earmarks go into very sensitive bills like this, and we have seen what happens when we don't follow the rules, it can cause trouble.

Think about what we are talking about. Right before Afghanistan, we dropped seven CIA officers in very remote places in a very difficult neighborhood, and on their own they committed to get around with this Northern Alliance that was together, but not really. They had tribal problems. They had cultural problems among themselves. And their duty, these seven CIA officers, was to pull things together. Human intelligence got us where we needed to be.

□ 0100

Many would say it saved thousands and thousands of lives of U.S. soldiers because of their brave actions in the mountains of Afghanistan in very difficult territory because we had human-on-human contact that gave us the information and the operations that we needed to be successful.

And in this bill, in this bill, they take away precious resources for those kind of human collection activities. When we have soldiers in the field, that is a philosophical departure from where we have been in the past.

We can't stand for that. We can't stand for the fact that we may lose our ears on terrorist activities being planned today. And we also can't take wasteful programming in something that is this important.

You know, for a time of war, the priorities of this bill are completely misplaced in critical areas. The motion to recommit would readjust those priorities by increasing human intelligence funding for the Central Intelligence Agency by $23 million. That money would come from an earmark funding for the National Drug Intelligence Center which a formal oversight report of the House Committee said: ''An expensive and duplicative use of scarce Federal drug enforcement resources.'' And the U.S. News & World Report called it a ''boondoggle.''

The motion to recommit would also direct the Department of Justice Inspector General to conduct an audit of the National Drug Intelligence Center to determine if this center was wasteful and duplicative.

For all of the talk about reform, the majority has blocked an audit by a party-line vote in committee with no substantive explanation. My amendment requiring the audit also was blocked by the Rules Committee. It shouldn't be controversial that these funds could be put to far better use in human intelligence. In numerous important respects, this bill fails to provide adequate support to the Intelligence Community's activities on the forefront of its ability to protect our national security.

In a classified annex, the majority cuts human intelligence programs, counter to the recommendations of the 9/11 Commission; and significantly cuts certain specific initiatives related to American efforts to counter radical jihadists and to support our Nation's objectives in Iraq.

A review of just this center, and why this $23 million is so important, it is going to human collection. A review of the NDIC, U.S. News & World Report in 2005 concluded: ''It is a boondoggle,'' and ''rocked by scandal and subject to persistent criticism that it should never have been created at all.''

You know, sometimes, and God love us all, we get pretty myopic on our districts. This is the time that we need to look outward to the rest of the country. We are United States Members of Congress. What is good for our backyard may not be good for the rest of the country.

There is a Marine right now that is counting on human intelligence to tell us if there is an IED on the road, if al Qaeda is around the corner. If we don't want to stand up for this motion to recommit, we will endorse the boondoggles of the past at the expense of our soldiers in the field. I would urge support of the motion to recommit.

Mr. REYES. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I oppose this motion to recommit because it would cut a program that makes valuable contributions to the war on drugs and to homeland security, first and foremost.

This motion is also misleading because the underlying bill provides our intelligence officers everything they need. It adds funds to the CIA and Defense Department for human intelligence training so that our operators can be more effective. It invests in language training for case officers so they can operate effectively overseas.

My colleague talks about following the rules. One of the premier rules that we have is we never mention a number in classified programs; $23 million telegraphs our enemies what we are doing.

The motion to recommit asks for a study. This program has been studied before. I just want to quote the White House drug czar. When the White House drug czar toured the NDIC in 2003, he said: ''The National Drug Intelligence Center provides us with vital information we need to disrupt the market for illegal drugs in America.''

Also, a White House press release asserted that the drug czar's office uses NDIC-produced intelligence to help guide its ongoing counterdrug policy agenda as outlined in the President's national drug control strategy. NDIC information bulletins every day warn law enforcement officers around our country and intelligence agencies around the world of emerging threats in drug trafficking and trends in use.

But the motion to recommit would silence this added and vital voice, a voice that the minority was more than happy to fund when they were in charge of this body. The Republican-led Congress appropriated more than $160 million for NDIC over the past 4 years. It funded the National Drug Intelligence Center with $39 million in fiscal years 2005, 2006 and 2007, and more than $44 million in 2004.

If it was such a good idea then, if it was such a good idea back when you were in charge, why in the heck is it such a bad idea now when we see the trends we are seeing around the country?

Mr. Speaker, I urge all of my colleagues to defeat this motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passing of the bill.

The vote was taken by electronic device, and there were—ayes 181, noes 241, not voting 10, as follows:

[Roll No. 340]

AYES—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—241

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Brady (PA)
Cleaver
Davis, Jo Ann
Engel
Fattah
Hinojosa
McMorris Rodgers
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 0123

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 10, as follows:

[Roll No. 341]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Payne
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Cleaver
Davis, Jo Ann
Engel
Fattah
Hinojosa
McMorris Rodgers
Peterson (PA)
Radanovich
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 0130

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, MAY 14, 2007

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. WEINER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Would this be considered the dead of night?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. PRICE of Georgia. I thank the Speaker.

PERMISSION TO TAKE SPECIAL ORDER

Mr. GOHMERT. Mr. Speaker, I ask unanimous consent to take a 1-hour special order tonight for the Republicans.

The SPEAKER pro tempore. The Chair cannot entertain that request.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, MAY 9, 2007 AT PAGE H 4734

CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision. I have sent to the Federal Register for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expand in scope in Executive Order 13399 of April 25, 2006, authorizing the blocking of property of certain persons and prohibiting the exportation and reexportation of certain goods to Syria, is to continue in effect beyond May 11, 2007.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 8, 2007*.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PETERSON of Pennsylvania (at the request of Mr. BOEHNER) for today after 8:00 p.m. on account of a family medical situation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ELLISON) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

Ms. MCCOLLUM of Minnesota, for 5 minutes, today.

ADJOURNMENT

Mr. SCOTT of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes a.m.), under its previous order, the House adjourned until Monday, May 14, 2007, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1637. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a Report

on Activities and Programs for Countering Proliferation and NBC Terrorism, pursuant to Public Law 107-314, section 1208; to the Committee on Armed Services.

1638. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1639. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1640. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1641. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1680. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1681. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1682. A letter from the Assistant Administrator for Human Capital Mgt., National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1683. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-32] received April 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1684. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and Regulations. (Rev. Proc. 2007-31) received April 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1685. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — LMSB TIER II ISSUE — FIELD DIRECTIVE ON THE EXAMINATION OF IRC SECTION 165 CASUALTY LOSSES #1 — received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1686. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Concise General Statement Concerning 2007 Census Count [Notice 2007-] received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1687. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Simplified Service Cost Method and the Simplified Production Method [TD 9318] (RIN: 1545-BE57) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1688. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 1256.-Contracts Marked to Market (Rev. Rul. 2007-26) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1689. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation Additional Guidance [Notice 2007-36] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1690. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — United States Dollar Approximate Separate Transactions Method [TD 9320] (RIN: 1545-BF67) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1691. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Renewable Diesel [Notice 2007-37] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1692. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Like-Kind Exchanges Involving Federal Communications Commission Licenses (RIN: UIL: 1031.02-00) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1693. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Statute of Limitations and Exchange of Information Concerning Certain Individuals Filing Income Tax Returns with the U.S. Virgin Islands [Notice 2007-31] received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1694. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories. (Rev. Rul. 2007-27) received April 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1695. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Application of Section 409A to Split-Dollar Life Insurance Arrangements [Notice 2007-34] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1696. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — IRC 1503(d) Mirror Legislation and the United Kingdom (RIN: UIL: 1503.06-00) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1697. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Anti-avoidance and anti-loss reimportation rules applicable following a loss on disposition of stock of consolidated subsidiaries [TD 9322] (RIN: 1545-BG26) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1698. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2007-28) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1699. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 280F Automobile Inflation Adjustment (Rev. Proc. 2007-30) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1700. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revisions to Regulations Relating to Repeal of Tax on Interest of Nonresident Alien Individuals and Foreign Corporations received from Certain Portfolio Debt Investments. [TD 9323] (RIN: 1545-BF64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1701. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2008: Annual Payment Rate Updates, and Policy Changes; and Hospital Direct and Indirect Graduate Medical Education Policy Changes. [CMS-1529-F] (RIN: 0938-A030) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1702. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2007 (RY 2008) [CMS-1479-N] (RIN: 0938-A040) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1036. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation (Rept. 110–145). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself and Mr. MCDERMOTT):

H.R. 2260. A bill to prohibit misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of certain health care providers; to the Committee on Energy and Commerce.

By Mr. LUCAS:

H.R. 2261. A bill to increase the diversity and independence of the United States energy supply by providing encouragement of energy sources from rural America, including biofuels and wind energy, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself and Mr. COSTA):

H.R. 2262. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Natural Resources.

By Mr. MICHAUD (for himself and Mr. ALLEN):

H.R. 2263. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. CHABOT, and Ms. ZOE LOFGREN of California):

H.R. 2264. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Ms. SCHAKOWSKY, and Mr. SHAYS):

H.R. 2265. A bill to provide special immigrant status for certain Iraqis, to assist Iraqi refugees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. SHAYS, Mr. PAYNE, Mr. REICHERT, Mr. BLUMENAUER, Mr. CROWLEY, Mr. ELLISON, Mr. GRIJALVA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr.

MCDERMOTT, Mr. MCGOVERN, Mr. OLVER, Mr. SNYDER, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2266. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 2267. A bill to expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; to the Committee on Armed Services.

By Mrs. CAPITO (for herself, Mr. CAMP of Michigan, Mr. BRADY of Texas, Mr. KUHL of New York, Mrs. MUSGRAVE, Ms. ROS-LEHTINEN, Mr. BURGESS, Mr. BISHOP of Utah, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. GINGREY, Mr. BOSWELL, Mr. BILIRAKIS, Mr. TURNER, Ms. PRYCE of Ohio, Mrs. BACHMANN, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. CRENSHAW, Mr. WOLF, Mr. GRIJALVA, Mr. BLUNT, Mr. MCHENRY, Mr. COBLE, Mr. FORBES, Mr. CANTOR, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mrs. BOYDA of Kansas, Mr. ROTHMAN, Mr. BARTON of Texas, Mr. FERGUSON, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Ms. MATSUI, Mr. FOSSELLA, Mr. MCGOVERN, Ms. FALLIN, Ms. CARSON, Mr. MORAN of Virginia, Mr. CLEAVER, Mr. SESSIONS, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mrs. SCHMIDT, Mr. GARY G. MILLER of California, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, Mr. LAHOOD, Mrs. WILSON of New Mexico, Mr. KINGSTON, Mr. WALBERG, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. UDALL of Colorado, Mr. PRICE of Georgia, Mr. GILLMOR, Mr. PETERSON of Pennsylvania, Mrs. BLACKBURN, Mr. THORNBERRY, Mr. COSTA, Mr. WAMP, Mr. ALEXANDER, Mr. JINDAL, Mr. GOODE, Mr. CARTER, Mrs. EMERSON, and Mr. RAHALL):

H.R. 2268. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Financial Services.

By Mr. CAPUANO:

H.R. 2269. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. CAPUANO (for himself, Mrs. CAPITO, Mr. COURTNEY, Mr. PLATTS, Mr. GILLMOR, Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, and Mr. RENZI):

H.R. 2270. A bill to amend the Public Health Service Act to extend Federal Tort Claims Act coverage to all federally qualified community health centers; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 2271. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens and to reimburse State and local governments for costs associated with serving illegal aliens; to the Committee on the Judiciary, and in addition to the Committees on Agriculture, Oversight and Government Reform, Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. HALL of Texas, Mr. WU, Mr. EHLERS, Mr. BAIRD, Mrs. BIGGERT, Mr. LIPINSKI, and Mr. GINGREY):

H.R. 2272. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States; to the Committee on Science and Technology.

By Mr. HINCHEY (for himself, Mr. STUPAK, and Mr. GRIJALVA):

H.R. 2273. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the deposit in the general fund of the Treasury of fees that are collected from manufacturers of drugs and devices under chapter VII of such Act, to terminate the authority of the Food and Drug Administration to negotiate with the manufacturers on particular uses of the fees, to establish a Center for Postmarket Drug Safety and Effectiveness, to establish additional authorities to ensure the safe and effective use of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself and Ms. BEAN):

H.R. 2274. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a pilot program to determine the feasibility and desirability of equipping turbojet aircraft in the Civil Reserve Air Fleet with a missile defense system; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 2275. A bill to restore the Free Speech and First Amendment rights of churches and exempt organizations by repealing the 1954 Johnson Amendment; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2276. A bill to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself and Mr. TANCREDO):

H.R. 2277. A bill to authorize the Secretary of the Interior to conduct a feasibility study relating to long-term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 2278. A bill to restore the authority of the Federal Trade Commission to issue regulations on marketing and advertising to children; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. WESTMORELAND, Mr. BUYER, Mrs. DRAKE, Mr. GOODLATTE, Mr. ENGLISH of Pennsylvania, Mr. CONAWAY, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, and Mr. SOUDER):

H.R. 2279. A bill to expedite the construction of new refining capacity on closed military installations in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. KIND, and Mr. DAVIS of Alabama):

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2281. A bill to amend title 18, United States Code, to provide Federal penalties for attempting to kill, conspiring to kill, or killing police officers, firefighters, and other federally funded public safety officers; to the Committee on the Judiciary.

By Mrs. SCHMIDT (for herself, Mr. SPACE, and Mr. WILSON of Ohio):

H.R. 2282. A bill to prohibit the use of Global Nuclear Energy Partnership funds for certain nuclear waste storage; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. LARSON of Connecticut, Mr. ACKERMAN, Mr. HINCHEY, Mr. GRIJALVA, Mr. DEFAZIO, Mr. CLEAVER, Mr. SPACE, and Mr. SHAYS):

H.R. 2283. A bill to prohibit anticompetitive provisions in gasoline dealer franchise agreements that dictate the wholesale source of gasoline; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. ABERCROMBIE, Mr. RENZI, Mr. MORAN of Virginia, Mr. MICHAUD, Mr. GRIJALVA, Ms. HERSETH SANDLIN, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. WU, and Mr. MOORE of Kansas):

H.R. 2284. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians; to the Committee on Small Business.

By Mr. WELDON of Florida:

H.R. 2285. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. KELLER, Mr. SENSENBRENNER, Ms. CASTOR, Mr. POE, Mr. LARSON of Connecticut, and Mr. WALBERG):

H.R. 2286. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. DAVIS of Alabama, Mr. MARSHALL, Mr. PRICE of North Carolina, Mrs. CAPITO, Mr. KUHL of New York, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. BUCHANAN, Mr. MOORE of Kansas, Mr. MILLER of Florida, Mr. REGULA, and Mr. YOUNG of Alaska):

H.R. 2287. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. LIPINSKI):

H.R. 2288. A bill to amend title 49, United States Code, to establish a civil penalty for failure of certain employers to collect or make reasonable efforts to collect an airport security badge from an employee on the date of termination of employment, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina (for himself, Ms. BORDALLO, Mr. INGLIS of South Carolina, and Mr. LAMPSON):

H. Con. Res. 147. Concurrent resolution recognizing 200 years of research, service to the people of the United States, and stewardship of the marine environment by the National

Oceanic and Atmospheric Administration and its predecessor agencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, 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. LAMBORN:

H. Res. 392. A resolution urging Americans and people of all nationalities to visit the American Cemeteries, Memorials and Markers; to the Committee on Veterans' Affairs.

By Mr. HALL of New York:

H. Res. 394. A resolution recognizing the city of Port Jervis, New York, on its centennial; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. DEGETTE, Mr. SALAZAR, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. UDALL of Colorado, Mr. PERLMUTTER, Mr. FILNER, Mrs. GILLIBRAND, and Mr. STUPAK):

H. Res. 395. A resolution supporting the ideals and values of the Olympic movement; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself and Mr. RAHALL):

H. Res. 396. A resolution congratulating Qatar on the occasion of Qatari-American Friendship Day; to the Committee on Foreign Affairs.

By Mr. SHIMKUS (for himself, Mrs. BONO, Mr. CAMP of Michigan, Mr. NEAL of Massachusetts, Mr. FEENEY, Mr. COSTA, Mr. GALLEGLY, Mr. HOLDEN, Mr. KILDEE, Mr. KING of Iowa, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. PASCRELL, Mr. ROGERS of Michigan, Mr. PITTS, Mr. SMITH of New Jersey, Mr. STUPAK, Mr. UPTON, Mr. SHUSTER, and Mr. COSTELLO):

H. Res. 397. A resolution condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. REICHERT.
H.R. 65: Ms. CASTOR.
H.R. 67: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCGOVERN.
H.R. 111: Mr. KENNEDY, Ms. CARSON, and Mr. MICA.
H.R. 171: Mr. MEEKS of New York.
H.R. 174: Mr. HIGGINS.
H.R. 176: Mr. MEEKS of New York, Mr. SIRES, Mr. FALEOMAVAEGA, Ms. WATSON, Ms. WOOLSEY, Mr. FORTUÑO, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 178: Mr. NADLER.
H.R. 180: Mr. MCCOTTER.
H.R. 260: Ms. MCCOLLUM of Minnesota and Mr. UDALL of Colorado.
H.R. 321: Mr. TIM MURPHY of Pennsylvania.
H.R. 333: Ms. CARSON, Mr. RODRIGUEZ, Mr. WALZ of Minnesota, and Mr. HONDA.
H.R. 371: Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. KIND, Mr. MCNULTY, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mr. TOWNS, and Mr. MCNERNEY.
H.R. 468: Mr. BERMAN and Mr. PAYNE.
H.R. 549: Mr. ROSKAM, Mr. ENGEL, and Mrs. CAPPS.
H.R. 718: Mr. PRICE of North Carolina and Mr. GERLACH.
H.R. 743: Mr. GARY G. MILLER of California.
H.R. 750: Ms. CORRINE BROWN of Florida.
H.R. 821: Mr. PLATTS, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, and Mr. INSLEE.
H.R. 840: Mr. KAGEN and Ms. MCCOLLUM of Minnesota.
H.R. 869: Mr. BUTTERFIELD and Mr. PERLMUTTER.
H.R. 871: Ms. JACKSON-LEE of Texas.
H.R. 923: Mr. DELAHUNT.
H.R. 943: Mr. ALLEN.
H.R. 947: Mr. WELCH of Vermont.
H.R. 964: Mr. FOSSELLA.
H.R. 969: Mr. HONDA, Mr. INSLEE and Ms. KILPATRICK.
H.R. 970: Mr. LATHAM.
H.R. 980: Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. MATSUI, Mr. LEWIS of Kentucky, Mr. BUCHANAN, and Mr. SHERMAN.
H.R. 997: Mr. DREIER.
H.R. 1004: Mr. TOWNS, Mr. LAMPSON, Mrs. CHRISTENSEN, Mr. PRICE of North Carolina, and Mr. DAVIS of Illinois.
H.R. 1017: Mr. CARDOZA.
H.R. 1023: Mr. SIRES, Mr. WHITFIELD, Mr. WICKER, Mr. REICHERT, Mr. HENSARLING, Mrs. MCMORRIS RODGERS, Mrs. CUBIN, Ms. HIRONO, Mr. HOLDEN, Mr. DOYLE, Mr. WAMP, Mr. KILDEE, Mr. ALLEN, Mrs. BONO, and Mr. GILLMOR.
H.R. 1062: Mrs. CAPITO.
H.R. 1065: Mr. HIGGINS.
H.R. 1072: Mr. MEEKS of New York and Ms. DEGETTE.
H.R. 1078: Mr. PAYNE, Mr. GENE GREEN of Texas, and Mr. ABERCROMBIE.
H.R. 1092: Mr. WAXMAN.
H.R. 1107: Mr. BUTTERFIELD.
H.R. 1125: Mr. PITTS and Mr. MCNERNEY.
H.R. 1139: Mr. ISSA.
H.R. 1147: Mr. MCDERMOTT.
H.R. 1157: Ms. MATSUI, Mr. COSTA, Mr. WATT, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCCOTTER, Mr. MELANCON, Mr. BAKER, Mr. SAXTON, Mr. BACA,
Mr. UDALL of New Mexico, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Ms. SUTTON, Mr. RYAN of Ohio, Mr. BUCHANAN, Mr. CARNAHAN, Mr. ROTHMAN, Mr. LOEBSACK, Mr. CUELLAR, Ms. CORRINE BROWN of Florida, and Ms. ROYBAL-ALLARD.
H.R. 1177: Mr. MICHAUD.
H.R. 1187: Mrs. TAUSCHER, Ms. HARMAN, Mrs. CHRISTENSEN, and Mr. MCGOVERN.
H.R. 1190: Mr. SULLIVAN, Mr. BROWN of South Carolina, Mr. WICKER, Mr. ROTHMAN, Mr. BISHOP of New York, Mr. ALLEN, Ms. SCHWARTZ, Mr. ADERHOLT, Mr. WEXLER, Mr. MCHUGH, and Mr. WALSH of New York.
H.R. 1230: Mr. JACKSON of Illinois.
H.R. 1244: Mr. JEFFERSON and Mr. HARE.
H.R. 1283: Mr. TERRY, Mr. PAYNE, Mr. RYAN of Ohio, Mr. HONDA, and Mr. WAMP.
H.R. 1293: Mr. HOBSON, Mr. ALEXANDER, Mr. CONAWAY, and Mr. BURGESS.
H.R. 1304: Mr. WATT and Mr. WALSH of New York.
H.R. 1308: Mr. GRIJALVA.
H.R. 1324: Ms. BERKLEY.
H.R. 1344: Mr. HONDA and Mr. PLATTS.
H.R. 1363: Mr. PRICE of North Carolina.
H.R. 1366: Mr. LAMBORN and Mr. SOUDER.
H.R. 1396: Ms. HIRONO and Ms. SCHAKOWSKY.
H.R. 1399: Mr. SMITH of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. AKIN, Mr. BRADY of Texas, and Mr. COLE of Oklahoma.
H.R. 1419: Mrs. Schmidt, Ms. BERKLEY, Mr. MCCOTTER, Mrs. MYRICK, Mr. PITTS, Mr. HOBSON, Mr. UPTON, and Ms. KAPTUR.
H.R. 1424: Mr. MILLER of North Carolina.
H.R. 1430: Mr. BILIRAKIS.
H.R. 1435: Mr. HARE, Mr. COSTA, and Mrs. MCCARTHY of New York.
H.R. 1439: Mr. TIM MURPHY of Pennsylvania.
H.R. 1459: Mr. LYNCH, Mr. CHANDLER, Ms. ROS-LEHTINEN, Mr. ALLEN, Mr. MITCHELL, Mr. PRICE of North Carolina, and Mr. CUELLAR.
H.R. 1464: Mr. SHAYS, Mr. PALLONE, Ms. LINDA T. SÁNCHEZ of California, Mr. MCNERNEY, Mr. SAXTON, Mr. SERRANO, and Mr. MORAN of Virginia.
H.R. 1481: Mr. KAGEN and Mr. BOOZMAN.
H.R. 1483: Mr. LATOURETTE.
H.R. 1498: Mr. MARSHALL.
H.R. 1508: Mr. HERGER and Mr. GOODLATTE.
H.R. 1514: Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. HOEKSTRA.
H.R. 1521: Mr. BARROW, Mr. BOSWELL, Mr. SHULER, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. PAYNE, and Mr. MAHONEY of Florida.
H.R. 1524: Mr. ELLISON and Mr. PLATTS.
H.R. 1535: Mr. CLAY, Mr. ABERCROMBIE, Ms. WASSERMAN SCHULTZ, and Mr. ROTHMAN.
H.R. 1537: Mr. WALBERG and Mr. FILNER.
H.R. 1576: Ms. DELAURO, Mr. ROSKAM, and Mr. SALAZAR.
H.R. 1584: Mr. YOUNG of Alaska, Mr. HERGER, Mr. BOOZMAN, Mr. WALBERG, Mr. COBLE, Mr. SIMPSON, Mr. BARTLETT of Maryland, and Mr. ETHERIDGE.
H.R. 1586: Mr. HOEKSTRA.
H.R. 1610: Mr. SCOTT of Georgia, Mr. LARSON of Connecticut, Mr. BOUSTANY, Mr. BUYER, Mr. BRADY of Texas, Mr. CRENSHAW, Mr. FOSSELLA, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, Mrs. MUSGRAVE, Mr. LINDER, Mr. HINOJOSA, Mr. CONAWAY, Mr. HOLT, Mr. MILLER of Florida, Ms. MATSUI, Mr. ROHRABACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. TERRY, Mr. REHBERG, Mr. FEENEY, Mr. BACHUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CANTOR, and Mr. WELLER.
H.R. 1636: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1645: Mr. CLAY, Mr. WYNN, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. MEEKS of New York, and Mr. MEEHAN.
H.R. 1655: Mr. BILBRAY, Mrs. JONES of Ohio, Mr. SCOTT of Virginia, and Mr. CLAY.
H.R. 1673: Mrs. CAPITO.
H.R. 1688: Ms. NORTON, Mr. WALZ of Minnesota, and Mr. CUMMINGS.
H.R. 1700: Mr. HODES.
H.R. 1713: Mr. MOORE of Kansas and Mr. NADLER.
H.R. 1717: Mr. MILLER of North Carolina.
H.R. 1732: Ms. NORTON.
H.R. 1733: Mr. LAMBORN.
H.R. 1735: Mr. AKIN, Mr. CHABOT, Mr. FEENEY, Mr. CARTER, Mr. WELDON of Florida, Mr. CAMPBELL of California, Mr. GOODE, Mr. CULBERSON, Mr. WESTMORELAND, Mr. PITTS, and Mr. SAM JOHNSON of Texas.
H.R. 1740: Mr. ARCURI.
H.R. 1747: Mr. COSTA.
H.R. 1754: Mr. SPACE.
H.R. 1772: Mr. ABERCROMBIE, Mr. FATTAH, Mr. DEFAZIO, Mr. MICHAUD, and Mr. VAN HOLLEN.
H.R. 1773: Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. ROSS, Ms. SUTTON, Mr. BERRY, Mr. JOHNSON of Georgia, and Mr. ROSKAM.
H.R. 1778: Mr. PENCE, Mr. SESSIONS, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Mr. LEWIS of Georgia.
H.R. 1781: Mr. KIND, Mr. CLAY, Mr. MCGOVERN, Mr. GRIJALVA, Mr. PRICE of North Carolina, Mr. MCHUGH, and Mr. ROTHMAN.
H.R. 1813: Mr. DAVIS of Alabama, Mr. GERLACH, and Mr. CLAY.
H.R. 1818: Mr. INSLEE.
H.R. 1845: Mr. MICHAUD, Mr. REGULA, Mr. KANJORSKI, Mr. GRAVES, and Mr. DAVIS of Illinois.
H.R. 1878: Mr. JEFFERSON, Mr. ABERCROMBIE, and Mr. PASTOR.
H.R. 1907: Mr. MCINTYRE, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California.
H.R. 1913: Mr. SAXTON.
H.R. 1929: Mrs. MUSGRAVE and Mr. SIMPSON.
H.R. 1930: Mr. CANTOR.
H.R. 1947: Mr. BERMAN and Mr. BUCHANAN.
H.R. 1964: Ms. ESHOO.

H.R. 1971: Mr. MCDERMOTT.
H.R. 1975: Mr. MCNERNEY.
H.R. 1992: Mr. HASTINGS of Florida and Mr. WEXLER.
H.R. 2005: Ms. BERKLEY.
H.R. 2017: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2032: Mr. MCHUGH, Mr. KLEIN of Florida, and Mr. MCINTYRE.
H.R. 2034: Mr. FILNER.
H.R. 2036: Mrs. NAPOLITANO and Mr. HINCHEY.
H.R. 2039: Mr. CARNAHAN.
H.R. 2061: Mr. HASTINGS of Florida.
H.R. 2065: Mr. SCOTT of Virginia.
H.R. 2066: Mr. ROTHMAN.
H.R. 2091: Mr. DOYLE.
H.R. 2108: Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Mr. MILLER of North Carolina.
H.R. 2111: Mr. BAIRD.
H.R. 2114: Mr. RUSH.
H.R. 2131: Mr. ADERHOLT and Mr. SMITH of New Jersey.
H.R. 2134: Mr. RENZI, Mr. MACK, Mr. HAYES, Mr. FRANKS of Arizona, Mr. PAUL, Mr. CHABOT, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, and Mr. FEENEY.
H.R. 2137: Mr. MCGOVERN.
H.R. 2138: Mr. HIGGINS and Mr. ETHERIDGE.
H.R. 2140: Mr. SCHIFF and Mr. CARNAHAN.
H.R. 2144: Mr. NEAL of Massachusetts.
H.R. 2154: Mr. DONNELLY.
H.R. 2167: Mr. DAVIS of Alabama.
H.R. 2169: Mr. OLVER.
H.R. 2179: Ms. MCCOLLUM of Minnesota.
H.R. 2185: Mr. PAYNE, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. GRIJALVA, and Mr. GILCHREST.
H.R. 2189: Mr. KAGEN.
H.R. 2192: Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. MATHESON, Ms. KAPTUR, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. SHULER, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, and Mr. BUTTERFIELD.
H.R. 2199: Mr. MILLER of Florida.
H.R. 2201: Mr. ETHERIDGE.
H.R. 2221: Mr. BAIRD.
H.R. 2232: Mr. CAPUANO.
H.R. 2234: Ms. WATSON, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. SCHIFF, Ms. SOLIS, Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. CARDOZA, Ms. WOOLSEY, Ms. LEE, Ms. ESHOO, Mrs. CAPPS, and Mr. BECERRA.
H. Con. Res. 21: Mr. BARROW and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 80: Mr. TERRY and Mr. MILLER of North Carolina.
H. Con. Res. 85: Mr. MCCOTTER and Mr. BURGESS.
H. Con. Res. 87: Ms. HIRONO.
H. Con. Res. 104: Ms. LINDA T. SÁNCHEZ of California, Mr. BLUMENAUER, and Mr. PAYNE.
H. Con. Res. 122: Mr. HONDA and Mr. BURTON of Indiana.
H. Con. Res. 125: Mr. MCDERMOTT and Mr. SMITH of Washington.
H. Con. Res. 129: Ms. BERKLEY, Mr. STARK, and Mr. BURTON of Indiana.
H. Con. Res. 130: Mrs. BONO, Ms. MATSUI, Mr. PAYNE, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 133: Mrs. CAPPS and Mr. BUYER.
H. Con. Res. 137: Mr. TANCREDO.
H. Con. Res. 142: Mr. SMITH of New Jersey.
H. Con. Res. 144: Ms. BORDALLO and Ms. MATSUI.
H. Res. 25: Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. PASCRELL, Mr. WEINER, Mr. MICHAUD, Mrs. MALONEY of New York, Mr. WAXMAN, Mr. MCNULTY, Mr. MILLER of North Carolina, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mr. JEFFERSON, Mr. TOWNS, Mr. SPRATT, Mr. FOSSELLA, Mr. SCHIFF, Ms. CARSON, Mr. WYNN, Mr. LEWIS of Georgia, Mr. WU, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Ms. HOOLEY, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. PAYNE, Ms. SCHWARTZ, Mr. ELLISON, Mr. ABERCROMBIE, Mr. PALLONE, Mr. BISHOP of New York, Mr. ANDREWS, Mr. FILNER, Mrs. JONES of Ohio, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mr. BECERRA, and Mr. DAVIS of Alabama.
H. Res. 111: Mr. GORDON and Mr. YOUNG of Florida.
H. Res. 121: Mr. OLVER, Mr. PALLONE, Mr. COSTA, Mr. DELAHUNT, and Mr. GONZALEZ.
H. Res. 146: Ms. LEE.
H. Res. 216: Mr. WICKER, Mr. WILSON of South Carolina, Mr. SMITH of Nebraska, Mr. ISSA, Mr. MCCARTHY of California, Mrs. CAPITO, Mr. SULLIVAN, Mr. KINGSTON, Mr. MCCOTTER, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 268: Mr. DONNELLY.
H. Res. 296: Mr. WOLF, Mr. LEVIN, Mr. PLATTS, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. MURPHY of Connecticut, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. COURTNEY, Mr. MILLER of North Carolina, and MR. COHEN.
H. Res. 329: Mr. TOWNS, Mr. RUSH, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. WYNN, Mr. ROTHMAN, Mr. GUTIERREZ, Mr. CARNAHAN, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. COURTNEY, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. WEINER, Mr. OLVER, Mr. HODES, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. ETHERIDGE.
H. Res. 333: Mr. WYNN.
H. Res. 353: Mr. MCINTYRE and Mr. MCGOVERN.
H. Res. 356: Mr. SARBANES.
H. Res. 361: Ms. SOLIS, Mrs. CAPPS, Mr. SHERMAN, Mr. THOMPSON of California, Mrs. BONO, and Mr. BECERRA.
H. Res. 369: Mrs. MCCARTHY of New York and Mr. GRIJALVA.

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. 1419: Mr. HINOJOSA, Mr. CONAWAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BACHUS, Mr. HOLT, Ms. MATSUI, Mr. ROHRABACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. REHBERG, and Mr. FEENEY.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007.

The House passed H.R. 2207, making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007.

Senate

Chamber Action

Routine Proceedings, pages S5881–S6002

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 1350–1367, and S. Res. 192–193. **Pages S5928–29**

Measures Passed:

Negro Baseball Leagues: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 29, encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S6000–01**

Whitehouse (for Bunning) Amendment No. 1082, to amend the preamble. **Page S6000**

North American Occupational Safety and Health Week: Senate agreed to S. Res. 193, designating the week of May 6 through May 12, 2007, as ''North American Occupational Safety and Health Week'' and May 9, 2007 as ''Occupational Safety and Health Professional Day''. **Page S6001**

Honoring Gian Carlo Menotti: Senate agreed to H. Con. Res. 68, honoring the life and accomplishments of Gian Carlo Menotti and recognizing the success of the Spoleto Festival USA in Charleston, South Carolina, which he founded. **Page S6001**

Idaho Potato Month: Committee on the Judiciary was discharged from further consideration of S. Res. 180, recognizing the 70th anniversary of the Idaho Potato Commission and designating May 2007 as ''Idaho Potato Month'', and the resolution was then agreed to. **Pages S6001–02**

Measures Considered:

Water Resources Development Act: Senate began consideration of the motion to proceed to consideration of H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. **Pages S5883–S5908**

During consideration of this measure today, Senate also took the following action:

By 89 yeas to 7 nays (Vote No. 162), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S5896**

Nominations Received: Senate received the following nominations:

Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2013.

Ravic Rolf Huso, of Hawaii, to be Ambassador to the Lao People's Democratic Republic.

Ned L. Siegel, of Florida, to be Ambassador to the Commonwealth of The Bahamas.

Lezlee J. Westine, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Howard Radzely, of Maryland, to be Deputy Secretary of Labor.

2 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Page S6002

Messages from the House: Page S5927

Measures Referred: Page S5927

Measures Placed on the Calendar: Pages S5882, S5927

Executive Communications: Pages S5927–28

Additional Cosponsors: Pages S5929–30

Statements on Introduced Bills/Resolutions: Pages S5930–50

Additional Statements: Pages S5926–27

Amendments Submitted: Pages S5950–99

Authorities for Committees to Meet: Pages S5999–S6000

Privileges of the Floor: Page S6000

Record Votes: One record vote was taken today. (Total—162) Page S5896

Adjournment: Senate convened at 9:30 a.m., and adjourned at 4:26 p.m., until 9:30 a.m. on Friday, May 12, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6002.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF STATE AND FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Department of State and foreign operations, after receiving testimony from Condoleezza Rice, Secretary of State.

APPROPRIATIONS: FEDERAL AVIATION ADMINISTRATION

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Federal Aviation Administration, after receiving testimony from Marion C. Blakely, Administrator, Federal Aviation Administration, and Calvin L. Scovel III, Inspector General, both of the Department of Transportation.

NOMINATIONS:

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, who was introduced by Senator Casey and Representative Holden, David George Nason, of Rhode Island, and Nguyen Van Hanh, of California, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE AND OCEAN ACIDIFICATION

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the effects of climate change and ocean acidification on living marine resources, after receiving testimony from Richard A. Feely, Supervisory Chemical Oceanographer, Pacific Environmental Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce; Scott C. Doney, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; David O. Conover, Stony Brook University Marine Sciences Research Center, Stony Brook, New York; Lara J. Hansen, World Wildlife Fund, and Admiral James D. Watkins, (Ret.) U.S. Navy, United States Commission on Ocean Policy, both of Washington, D.C.; and Gordon H. Kruse, University of Alaska Fairbanks School of Fisheries and Ocean Sciences, Juneau.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife, who was introduced by Senators Allard and Salazar, after each nominee testified and answered questions in their own behalf.

ECONOMIC ISSUES FOR AMERICA'S WORKING FAMILIES

Committee on Finance: Committee concluded a hearing to examine economic issues for America's working families and middle class, after receiving testimony from Gary Burtless, Brookings Institution, and Scott

A. Hodge, Tax Foundation, both of Washington, D.C.; Elizabeth Warren, Harvard Law School, Cambridge, Massachusetts; and Sarah Blackburn, Billings Clinic, Billings, Montana.

MANAGING THE DEPARTMENT OF HOMELAND SECURITY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, concluded a hearing to examine a status report on reform efforts by the Under Secretary of Homeland Security for Management, after receiving testimony from Paul A. Schneider, Under Secretary of Homeland Security; and David M. Walker, Comptroller General of the United States, Government Accountability Office.

VIOLENT EXTREMISM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine government efforts to defeat violent Islamist extremism, after receiving testimony from Jeremy F. Curtin, Coordinator, Bureau of International Information Programs, Department of State; Chip Poncy, Director, Office of Strategic Policy, Terrorist Financing and Financial Crimes, Department of the Treasury; John J. Miller, Assistant Director, Office of Public Affairs, Federal Bureau of Investigation, Department of Justice; and Jeffrey J. Grieco, Acting Assistant Administrator for Legislative and Public Affairs, United States Agency for International Development.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following items:

S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act;

S. 310, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity;

H.R. 835, to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; and

S.J. Res. 4, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, who was introduced by Senators Cochran and Lott, Janet T. Neff, to be United States District Judge for the Western District of Michigan, who was introduced by Senators Levin and Stabenow, and Liam O'Grady, to be United States District Judge for the Eastern District of Virginia, who was introduced by Senator Warner, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 2260–2288; and 7 resolutions, H. Con. Res. 147; and H. Res. 392–397 were introduced. **Pages H4912–14**

Additional Cosponsors: **Pages H4914–15**

Report Filed: A report was filed today as follows:

H.R. 1036, to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation (H. Rept. 110–145). **Page H4912**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Ronald L. Calkins, Mary, Queen of Peace Catholic Church, Mandeville, Louisiana. **Page H4755**

Recess: The House recessed at 9:06 a.m. and reconvened at 10:23 p.m. **Page H4755**

Reception in the House Chamber to Receive Former Members of Congress: The House recessed to receive the United States Association of Former Members of Congress in the House Chamber. Later, agreed to the Yarmuth motion that the proceedings had during the recess be printed in the Record. **Pages H4755–63**

Congratulating the City of Chicago for being chosen to represent the United States in the

international competition to host the 2016 Olympic and Paralympic Games: The House agreed by unanimous consent to discharge from the Committee on Foreign Affairs and pass S. Con. Res. 28, congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games. **Page H4766**

Small Business Fairness in Contracting Act: The House passed H.R. 1873, to reauthorize the programs and activities of the Small Business Administration relating to procurement, by a recorded vote of 409 ayes to 13 noes, Roll No. 323. Consideration of the bill began on Wednesday, May 9th.

Pages H4766–72

Rejected the English (PA) motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 209 ayes to 216 noes, Roll No. 322. **Pages H4770–71**

Agreed to:

Sestak modified amendment (No. 4 printed in H. Rept. 110–137) that closes a loophole in the current bill that allows agencies to avoid doing small business impact studies by designating contracts as ''transformed'' and lowers the new dollar threshold to ensure a greater portion of contracts are reviewed for their impact on small business as well as taxpayer savings (by a recorded vote of 423 ayes with none voting ''no'', Roll No. 319); **Pages H4767–68**

Shuler amendment (No. 2 printed in H. Rept. 110–137) that extends small business contracting goals to overseas contracts (by a recorded vote of 398 ayes to 29 noes, Roll No. 320); and **Page H4768**

Bean amendment (No. 3 printed in H. Rept. 110–137) that raises the government-wide small business procurement goal from 25 percent to 30 percent (by a recorded vote of 371 ayes to 55 noes, Roll No. 321). **Pages H4768–69**

H. Res. 383, the rule providing for consideration of the bill, was agreed to on Wednesday, May 9th.

Motion to resolve into Secret Session: The House rejected the Flake motion that the House resolve itself into secret session, that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider certain communications, by a recorded vote of 207 ayes to 217 noes, Roll No. 328.

Pages H4795–96

Providing for the redeployment of United States Armed Forces and defense contractors from Iraq: The House failed to pass H.R. 2237, to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, by a recorded vote of 171 ayes to 255 noes, Roll No. 330.

Pages H4772–79, H4794–H4807

Rejected the Saxton motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 210 yeas to 218 nays, Roll No. 329. **Page H4805**

H. Res. 387, the rule providing for consideration of the bills H.R. 2237, H.R. 2206, and H.R. 2207 was agreed to by a yea-and-nay vote of 219 yeas to 199 nays, Roll No. 327, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 201 nays, Roll No. 326. **Pages H4794–95**

Motion to resolve into Secret Session: The House rejected the Issa motion that the House resolve itself into secret session, that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider certain communications, by a yea-and-nay vote of 198 yeas to 216 nays, Roll No. 331. **Page H4808**

Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2007: The House passed H.R. 2206, amended, to make emergency supplemental appropriations for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 221 yeas to 205 nays, Roll No. 333.

Pages H4808–67

Rejected the Lewis (CA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 195 yeas to 229 nays, Roll No. 332.

Pages H4865–66

Pursuant to the rule, the amendment printed in part A of H. Rept. 110–143 shall be considered as adopted. **Page H4831**

H. Res. 387, the rule providing for consideration of the bills H.R. 2237, H.R. 2206, and H.R. 2207 was agreed to by a yea-and-nay vote of 219 yeas to 199 nays, Roll No. 327, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 201 nays, Roll No. 326. **Pages H4794–95**

Motion to resolve into Secret Session: Representative Issa moved that the House resolve itself into secret session and that the House be cleared of all persons except the Members, Delegates, Resident Commissioner, and officers of the House to consider certain communications. The House agreed to table the Issa motion by a recorded vote of 219 ayes to 199 noes, Roll No. 334. **Pages H4867–68**

Committee Elections: The House agreed to H. Res. 393, electing the following Members to serve on certain standing committees of the House of Representatives: Committee on Appropriations: Representative

Calvert. Committee on Armed Services: Representative Shuster, to rank after Representative Franks (AZ). Committee on Financial Services: Representative McCotter. Committee on Foreign Affairs: Representative Bilirakis. Committee on Natural Resources: Representative Fallin and Representative McCarthy (CA). Committee on Oversight and Government Reform: Representative Jordan. **Page H4868**

Making Supplemental Appropriations for Agricultural and Other Emergency Assistance for the Fiscal Year Ending September 30, 2007: The House passed H.R. 2207, amended, to make supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, by a yea-and-nay vote of 302 yeas to 120 nays, Roll No. 336. **Pages H4868–80**

Rejected the Lewis (CA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 184 yeas to 233 nays, Roll No. 335. **Pages H4878–79**

Pursuant to the rule, the amendment printed in part B of H. Rept. 110–143 shall be considered as adopted. **Page H4870**

H. Res. 387, the rule providing for consideration of the bills H.R. 2237, H.R. 2206, and H.R. 2207 was agreed to by a yea-and-nay vote of 219 yeas to 199 nays, Roll No. 327, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 201 nays, Roll No. 326. **Pages H4794–95**

Intelligence Authorization Act for Fiscal Year 2008: The House passed H.R. 2082, amended, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a recorded vote of 225 ayes to 197 noes, Roll No. 341. **Pages H4779–86, H4787–94, H4881–H4910**

Rejected the Rogers (MI) motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 181 ayes to 241 noes, Roll No. 340. **Pages H4907–09**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H4889**

Agreed to:

Holt amendment (No. 3 printed in H. Rept. 110–144) that amends the reporting requirement in the Intelligence Identities Protection Act (codified in Sec. 603 of the National Security Act) to include a requirement that the President, based on information from the Director of National Intelligence, provide Congress with an assessment of the need for any modification to existing law to improve legal protection for covert agents; **Pages H4896–97**

Thompson (CA) amendment (No. 4 printed in H. Rept. 110–144) that requires that the Office of the Director of National Intelligence submit a report to the Congressional Intelligence committees, no later than 120 days after enactment, that provides: (1) the number of collectors and analysts, by agency, and (2) a plan to maximize the number of collectors and decrease the number of personnel authorized to the Office of the Director of National Intelligence; **Pages H4897–98**

Fossella amendment (No. 6 printed in H. Rept. 110–144) that authorizes $5 million for a study conducted by DHS and the Director of National Intelligence to identify the best practices for sharing terrorist-threat information between the Federal, State, and local levels of government and authorizes $10 million to establish centers of best practices based on the study with $3 million authorized for the following five years to cover operational expenses of the centers; **Pages H4899–H4900**

Lee amendment (No. 7 printed in H. Rept. 110–144) that requires a report to House and Senate Intelligence committees describing any authorization granted during the past 10 years to engage in intelligence activities related to the overthrow of a democratically elected government; **Page H4901**

Price (NC) amendment (No. 8 printed in H. Rept. 110–144) that requires the Director of National Intelligence to submit a report on the uses of contractors for personal services activities; **Pages H4901–02**

Berkley amendment (No. 9 printed in H. Rept. 110–144) that requires the Director of National Intelligence to submit to Congress a report on the advisability of providing Federal retirement benefits to employees of Air America; **Pages H4902–03**

Rogers (MI) amendment (No. 5 printed in H. Rept. 110–144) that places a limit on the number of personnel in the Office of the Director of National Intelligence (ODNI) (by a recorded vote of 297 ayes to 122 noes, Roll No. 338); and **Pages H4898–99, H4906**

Schiff amendment (No. 10 printed in H. Rept. 110–144) that states that the Foreign Intelligence Surveillance Act of 1978 (FISA) shall be the exclusive means by which domestic electronic surveillance for the purpose of gathering foreign intelligence information may be conducted, and makes clear that this applies until specific statutory authorization for electronic surveillance, other than as an amendment

to FISA, is enacted (by a recorded vote of 245 ayes to 178 noes, Roll No. 339). **Pages H4903–05, H4906–07**

Rejected:

Hoekstra amendment (No. 2 printed in H. Rept. 110–144) that sought to strike section 407, which requires that a National Intelligence Estimate on global climate change be submitted to Congress (by a recorded vote of 185 ayes to 230 noes, Roll No. 337). **Pages H4895–96, H4905–06**

H. Res. 388, the rule providing for consideration of the bill, was agreed to by a recorded vote of 226 ayes to 198 noes, Roll No. 325, after agreeing to order the previous question by a yea-and-nay vote of 223 yeas to 199 nays, Roll No. 324. **Pages H4788–94**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, May 14th for Morning Hour debate. **Page H4910**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, May 16th. **Page H4910**

Senate Message: Message received from the Senate today appears on page H4763.

Senate Referral: S. 1082 was held at the desk. **Page H4763**

Quorum Calls—Votes: Fourteen yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H4767–68, H4768, H4768–69, H4770–71, H4771–72, H4792–93, H4793–94, H4794, H4794–95, H4795–96, H4806–07, H4807, H4808, H4866, H4866–67, H4867–68, H4879, H4879–80, H4905–06, H4906, H4906–07, H4909 and H4909–10. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 1:33 a.m. on Friday, May 11th.

Committee Meetings

AGRICULTURAL RESEARCH PROGRAMS

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review agricultural research programs. Testimony was heard from Gale Buchanan, Under Secretary, Research, Education and Economics, USDA; and public witnesses.

FOOD AID/AGRICULTURE TRADE PROGRAMS

Committee on Agriculture: Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture held a hearing to review food aid and agriculture trade programs operated by the USDA and the U.S. Agency for International Development. Testimony was heard from Representatives McGovern and Emerson; Michael Yost, Administrator, Foreign Agriculture Service, USDA; William Hammink, Director, Office of Food for Peace, U.S. Agency for International Development, Department of State; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Marketing and Regulatory Programs. Testimony was heard from the following officials of the USDA: Bruce Knight, Under Secretary, Marketing and Regulatory Programs; Kenneth C. Clayton, Associate Administrator, Agricultural Marketing Service; W. Ron DeHaven, Administrator, Animal and Plant Health Inspection Service; James E. Link, Administrator, Grain Inspection, Packers and Stockyards Administration; and W. Scott Steele, Budget Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Contracting Out. Testimony was heard from John P. Hutton, Director, Acquisition and Sourcing Management, GAO; Joseph T. McDermott, Assistant Inspector General, Audits, and Special Inspector General, Iraq Reconstruction, and public witnesses.

OVERSIGHT—EDUCATION DEPARTMENT STUDENT LOAN AND THE READING FIRST PROGRAM

Committee on Education and Labor: Held a hearing on Accountability for the Department of Education's Oversight of Student Loans and the Reading First Program. Testimony was heard from Margaret Spellings, Secretary of Education.

FIGHT CHILDHOOD OBESITY SCHOOL PROGRAMS

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing on Using School Wellness Plans To Help Fight Childhood Obesity. Testimony was heard from Representative Woolsey; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 964, Securely Protect Yourself Against Cyber Trespass Act; and H.R. 948, Social Security Number Protection Act of 2007.

FUTURE OF VIDEO

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet continued hearings entitled ''Digital Future of the United States: Part V: The Future of Video.'' Testimony was heard from public witnesses.

FINANCIAL CRIMES LAW ENFORCEMENT

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Suspicious Activity and Currency Transaction Reports: Balancing Law Enforcement Utility and Regulatory Requirements.'' Testimony was heard from William F. Baity, Deputy Director, Financial Crimes Enforcement Network (FinCEN, Department of the Treasury; Salvador Hernandez, Deputy Assistant Director, Criminal Investigative Division, FBI, Department of Justice; and public witnesses.

NUCLEAR WEAPONS NONPROLIFERATION

Committee on Foreign Affairs: Held a hearing on Every State a Superpower? Stopping the Spread of Nuclear Weapons in the 21st Century. Testimony was heard from former Senator Sam Nunn of Georgia; and public witnesses.

GUINEA AND ETHIOPIA HUMAN RIGHTS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight, and the Subcommittee on Africa and Global Health held a joint hearing on Is There a Human Rights Double Standard? U.S. Policy Toward Equatorial Guinea and Ethiopia Testimony was heard from public witnesses.

HOMELAND SECURITY INFORMATION SHARING

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled ''Fixing the Homeland Security Information Network: Finding the Way Forward for Better Information Sharing.'' Testimony was heard from Wayne Parent, Deputy Director, Office of Operations Coordination, Department of Homeland Security; David Powner, Director, Information Technology Management Issues, GAO; Barry S. Lindquist, Inspector, Office of Statewide Intelligence, Department of Law Enforcement, State of Florida; and public witnesses.

OVERSIGHT—JUSTICE DEPARTMENT

Committee on the Judiciary: Held an oversight hearing on the U.S. Department of Justice. Testimony was heard from Alberto Gonzales, The Attorney General, Department of Justice.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 523, Douglas County, Washington PUD Conveyance Act; and H.R. 1011, Virginia Ridge and Valley Act of 2007. Testimony was heard from Representatives Boucher and Hastings of Washington; Mike Ferguson, Assistant Director, Business and Fiscal Resources, Bureau of Land Management, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

GUN PURCHASE LAWS LOOPHOLES

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Lethal Loopholes: Deficiencies in State and Federal Gun Purchase Laws.'' Testimony was heard from the following officials of the Department of Justice: Rachel L. Brand, Assistant Attorney General, Office of Legal Policy; and Stephen R. Rubenstein, Chief Counsel, Bureau of Alcohol, Tobacco, Firearms and Explosives; John Feinblatt, Criminal Justice Coordinator, City of New York; and public witnesses.

DIVERSITY IN GOVERNMENT MANAGEMENT

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing entitled ''The Lack of Diversity in the Top Levels of the Federal Government.'' Testimony was heard from George H. Stalcup, Director, Strategic Issues, GAO; Nancy Kichak, Associate Director, Strategic Human Resources Policy Division, OPM; Carlton Hadden, Director, Office of Federal Operations, EEOC; Gail Lovelace, Chief Human Capital Officer, GSA; Vickers Meadows, Chief Administrative Officer, U.S. Patent and Trademark Office, Department of Commerce; Reginald Wells, Deputy Commissioner, SSA; Susan LaChance, Vice President, Employee Development and Diversity, U.S. Postal Service; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Subcommittee on Energy and Environment approved for full Committee action the following bills: H.R. 364, amended, To provide for the establishment of the Advanced Research Projects Agency-Energy; and H.R. 632, H-Prize Act of 2007.

GREEN TRANSPORTATION INFRASTRUCTURE

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Green Transportation Infrastructure: Challenges to Access

and Implementation. Testimony was heard from Gloria Shepherd, Associate Administrator, Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation; Benjamin Grumbles, Assistant Administrator, Office of Water, EPA; and public witnesses.

IMMIGRATION POLICIES SMALL BUSINESS IMPACTS

Committee on Small Business: Held a hearing on Immigration Policies and their Impact on Small Businesses. Testimony was heard from Representative Gutierrez; and public witnesses.

GSA CAPITAL INVESTMENT AND LEASING PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on General Services Administration's Fiscal Year 2008 Capital Investment and Leasing Program. Testimony was heard from David L. Winstead, Commissioner, Public Building Service, GSA.

KATRINA RECOVERY PROBLEMS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Legislative Fixes for Lingering Problems that Hinder Katrina Recovery.'' Testimony was heard from Representatives Taylor, Pickering, Baker, Boustany, Jefferson, Melancon and Jindal.

FEDERAL TRANSIT PROJECTS PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on FTA Implementation of the New Starts and Small Starts Programs. Testimony was heard from James S. Simpson, Administrator, Federal Transit Administration, Department of Transportation; Katherine A. Siggerud, Director, Physical Infrastructure, GAO; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Health approved for full Committee action the following bills: H.R. 2199, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries; and H.R. 1470, Chiropractic Care Available to All Veterans Act.

MEDICARE PHYSICIAN QUALITY

Committee on Ways and Means: Subcommittee on Health held a hearing on Options To Improve Quality and Efficiency Among Medicare physicians. Testimony was heard from A. Bruce Steinwald, Director, Health Care, GAO; Herb Kuhn, Acting Deputy Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Glen M. Hackbarth, Chairman, Medicare Payment Advisory Commission; and public witnesses.

Joint Meetings

CONGRESSIONAL BUDGET RESOLUTION

Conferees met to resolve the differences between the Senate and House versions of S. Con. Res. 21, setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, but did not complete action thereon, and recessed subject to the call.

COMMITTEE MEETINGS FOR FRIDAY, MAY 11, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Education and Labor, hearing on ESEA Reauthorization: Boosting Quality in the Teaching Profession, 9:30 a.m., 2175 Rayburn.

Committee on Transportation and Infrastructure, hearing on Administration Proposals on Climate Change and Energy Independence, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, May 11

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, May 14

House Chamber

Program for Monday: To be announced.

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